ant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1972.

IN THE NAVY

Navy nominations beginning John Abbott, to be captain, and ending Joanne Marie Wilke, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1972.

Navy nominations beginning Emile W. Achee, to be captain, and ending Jacob V. Eskenazi, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1972.

IN THE MARINE CORPS

Marine Corps nominations beginning Mary E. Bane, to be colonel, and ending Kathleen Wright, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1972.

HOUSE OF REPRESENTATIVES—*Friday, October 13, 1972*

The House met at 12 o'clock noon.

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

The Lord will give strength unto His people; the Lord will bless His people with peace, Psalms 29: 11.

Eternal God, our Father, we thank Thee for the deep and abiding faith which through all the trials and tribulations of these troubled times holds us close to Thee. We are grateful for the star of hope shining forever in our sky, illumining our way leading us to nobler endeavors, and for the spirit of good will which binds us together and which can unite us as a nation seeking justice with freedom for all.

As we wait upon Thee, grant unto us light to guide us, strength to sustain us, and wisdom to help us; that we may be true servants of Thine and faithful in our devotion to our country. Keep us as individuals and as a nation on the march to a better day for all people on this planet.

We pray in the spirit of Christ. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on October 12, 1972, the President approved and signed bills of the House of the following titles:

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins; and

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

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. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes;

H.R. 15280. An act to amend the act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder;

H.R. 16444. An act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes;

H.R. 16987. An act to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce; and

H. Con. Res. 721. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 3507.

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

H.R. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes;

H.R. 15641. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, 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 House to the bill (S. 3507) entitled "An act 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 message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727) entitled "An act to regulate the dumping of material in the oceans, coastal, and other waters, 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 Senate to the bill (H.R. 8395) entitled "An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16754) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, 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 Senate to the bill (H.R. 16593) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17034) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. COTTON, Mr. CASE, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2087) entitled "An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ERVIN, Mr. HART, Mr. HRUSKA, and Mr. SCOTT to be the conferees on the part of the Senate.

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

S. 1973. An act to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes;

S. 2411. An act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes;

S. 2454. An act to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes;

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico;

S.J. Res. 251. Joint resolution to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

14989) entitled "An act 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 message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 9 to the foregoing bill.

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

H.R. 10880. An act to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery;

H.R. 12828. An act to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes;

H.J. Res. 748. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel.

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

S. 3070. An act to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I; and

S. 3326. An act for the relief of the Appalachian Regional Hospitals, Inc.

DAN ROSTENKOWSKI HONORED BY NATIONAL RECREATION AND PARK ASSOCIATION

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

Mr. ASPINALL. Mr. Speaker, I have learned that my esteemed colleague and good friend, Mr. DAN ROSTENKOWSKI of Chicago, has been honored by the National Recreation and Park Association for his leadership in this House on a subject of importance to every citizen of this Nation—the recognition of the importance of decent park and recreation opportunities to the quality of our lives.

Mr. ROSTENKOWSKI received the organization's coveted Congressional Award, which I gather is not bestowed lightly, as it has been given only twice in the history of the organization. As a Member who is sincerely interested in such programs, I would like to congratulate the Congressman from Chicago, and I also think it fitting to include the remarks of Mr. Daniel Shannon, president of the Chicago Park District, in presentation the award at the National Recreation and Park Association's annual Congress in Anaheim, Calif.

The National Congressional Award is presented when a member of the United States Senate or House of Representatives has by his leadership and action, enhanced the park and recreation movement.

The National Recreation and Park Association is happy to have this privilege of honoring just such an outstanding Congressman tonight. This man has dedicated his efforts over many years to improve park and recreation services nationwide. His contributions in behalf of better legislation and funding for parks and recreation, have been truly significant. The nation's cities have benefited from his tireless efforts to increase appropriations for the summer Recreation Support Program. His speech before the House this past February entitled, "Recreation: A Redefinition," truly stimulated major interest and focus on the recreation and park movement.

It is indeed an honor for me on behalf of the National Recreation and Park Association to present the 1972 National Congressional Award to a Member of the House of Representatives from the 8th District of the State of Illinois, the Honorable Daniel T. Rostenkowski.

APPOINTMENT OF CONFEREES ON H.R. 17034, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, EVINS of Tennessee, OBEY, FLOOD, CASEY of Texas, SIKES, MCFALL, STEED, BOW, JONAS, CEDERBERG, MICHEL, CONTE, and ROBISON of New York.

PARLIAMENTARY INQUIRY

Mr. REUSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. REUSS. There are still on the calendar 14 unanimous-consent bills from the Committee on Ways and Means, many of them putting new loopholes into the tax system. Because Members desire to be present when those are called, I inquire when the Chair intends to recognize the chairman of the Committee on Ways and Means for these unanimous-consent bills.

The SPEAKER. The Chair has not had any communication from the chairman of the Committee on Ways and Means on this subject. I am sure that the gentleman from Arkansas will advise the Chair when he intends to do that.

Mr. REUSS. Mr. Speaker, a further parliamentary inquiry. Can the Speaker inform me of the order of business for today, listing those items which will be recognized for action prior to any requests on the unanimous-consent Ways and Means Committee bills?

The SPEAKER. This is a question which the majority leader can answer. Will the gentleman address his question to the majority leader.

LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, will the gentleman from Wisconsin repeat his question?

Mr. REUSS. Mr. Speaker, my question is: Can the majority leader inform me of the order of business today, listing those measures which will be brought up for action prior to the putative unanimous-consent requests of the chairman of the great House Committee on Ways and Means with respect to the 14 Ways and Means unanimous-consent bills?

Mr. BOGGS. Mr. Speaker, aside from some requests which I understand are the printing requests and are pro forma, we have scheduled two resolutions from the Rules Committee, one of which I might say to the distinguished gentleman will demonstrate the electronic voting device that has been installed above the press gallery. Shortly before that resolution is called up I will have a quorum call because I would like to have as many Members as possible here to witness the demonstration.

I will have to confer with the chairman of the Committee on Ways and Means to give the gentleman a definite answer, but the answer is if they come up today at all they will not come up for some time.

Mr. REUSS. As a very distinguished alumnus of the great House Committee on Ways and Means, would the gentleman use his best effort to ascertain from that committee its intentions on the matter and announce it to Members on both sides of the aisle as early as possible, so that we may make our plans to be here?

Mr. BOGGS. I see one of the members of the distinguished committee. Can he give any information?

Mr. BURKE of Massachusetts. Mr. Speaker, if the gentleman will yield, I assure the gentleman the committee is working as expeditiously as possible. We are dealing with a very complex question.

Mr. BOGGS. I know the gentleman is helpful but that is not the question the gentleman is asking.

Mr. REUSS. When will the gentleman's committee bring up those unanimous-consent bills?

Mr. BOGGS. Only the chairman can answer that question, I would inform the gentleman.

In reply to the gentleman's request, during the period of the quorum call, which will come very soon so that the Members can see the new voting system, I will inquire specifically of the chairman and I will inform the gentleman.

Mr. REUSS. I thank the distinguished

majority leader. I hope—and I know—he will inform not just the gentleman from Wisconsin, but also all the Members, because we want to know.

Mr. BOGGS. In further reply to the gentleman, I announced the list specifically and had it printed in the RECORD as far as the leadership is concerned. There is certainly no intention on the part of Chairman MILLS or the leadership to have these bills called up surreptitiously.

Mr. REUSS. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished gentleman from Louisiana, the majority leader, clarify the program? As far as I understand it, we will have a printing resolution and then the two resolutions from the Committee on Rules. When do the suspensions that are on the list come up?

Mr. BOGGS. The Speaker has said on several occasions that we will work the suspensions in as we go along. As long as we have conference reports that have to be disposed of, we will put them in advance of the suspensions.

I might say to the gentleman in further reply that we will be in session tomorrow. We hope to adjourn this Congress tomorrow night, and we are going to work as hard as we know how.

I want to direct the question to the distinguished chairman of the Committee on Ways and Means. Mr. Chairman, I have been requested by the gentleman from Wisconsin to answer a question which only the gentleman from Arkansas can answer.

I will ask the gentleman from Wisconsin to restate his question.

Mr. REUSS. I ask the distinguished chairman of the House Committee on Ways and Means when he intends to bring up under unanimous consent the 14 Ways and Means Committee bills.

Mr. MILLS of Arkansas. Will the distinguished majority leader yield?

Mr. BOGGS. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. First of all, they do not all deal with taxation by any means. Some of them have to do with the continued suspension of duties that have been in suspension for some years on items that are not available in the United States through domestic production. One of them has to do with the matter of the determination for tax purposes of vacation pay, which we feel must pass. In all probability, I will ask unanimous consent that that bill be brought up under suspension of the rules.

I am going to talk to the Chairman of the Committee on Banking and Currency about another one which he thinks should be under the jurisdiction of the Committee on Banking and Currency. If we can get together on that, I would want that to come up under suspension of the rules. It has to do with the establishment of a Federal bank which would do most of the borrowing for all of the various agencies of Government that are not excluded under the bill.

There are one or two others, I feel should come up under suspension of the rules. We will give those bills that should come up that way to the majority leader some time today. In all probability the schedule of the House is such that we would wait until tomorrow to call the others up.

Mr. BOGGS. I might add to what the distinguished chairman of the Committee on Ways and Means has said, that at no time has there been any intention on the part of the chairman of the committee or on the part of the leadership to bring these bills up without due notice.

Mr. MILLS of Arkansas. Absolutely not. That is why we give them to the majority leader, so that all Members may know when they are coming up.

Mr. REUSS. I appreciate the help that I am getting from all quarters.

I asked the majority leader this question once, and I put this further question to the chairman of the Committee on Ways and Means: Could the gentleman from Arkansas (Mr. MILLS) indicate when tomorrow the 14 items—less the two or possibly more than two coming up on suspensions—will be brought up under unanimous consent?

Mr. MILLS of Arkansas. There will be more than two called up under suspensions. I cannot tell you that.

Mr. REUSS. However many more than two there are, subtracting those from the 14, my question is: When will the remainder of the 14 be brought up?

Mr. MILLS of Arkansas. My good friend from Wisconsin knows that I cannot come up and present bills until I am recognized by the Speaker. I have to talk to the Speaker to find out when he will recognize me.

Mr. REUSS. After that conversation has taken place, will the gentleman, either directly or through the majority leader, notify Members in good time so that they may be here?

Mr. MILLS of Arkansas. Yes. I would like to have 435 Members on the floor. We may even have a quorum call to call them up. I want my friends to have every opportunity to move along with me.

THE NATIONAL SECURITY AFFAIRS FORUM

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

Mr. SIKES. Mr. Speaker, for the second year, the Capitol Hill Chapter of the Reserve Officers Association is conducting the monthly National Security Affairs Forum series. This is a unique endeavor which is worthy of support. It has attracted the attention of a number of distinguished citizens as members or as program speakers.

When the Capitol Hill Chapter of ROA was formed, composed of key assistants to Senators and Members of Congress, it was decided to forgo the usual lobbying effort and to concentrate instead on providing its personnel with insight into the current national security program. The operation has been a successful one and under the leadership of its president, Marvin A. Leibstone, major, U.S.A.R., the Hill ROA Chapter will continue the monthly series.

It will be of interest that speakers have ranged from Senator STROM THURMOND to Lt. Gen. William Depuy, to Professor John Henessian of George Washington University, to the Honorable Kenneth Balieu, Under-Secretary of the Army, and to Mr. John Maury, general counsel, Central Intelligence Agency.

Each session features a question-and-answer period and there are many who can testify from firsthand experience that these are spirited and stimulating meetings.

I strongly urge my colleagues in the Congress to alert their key staff members of these meetings and suggest they attend as many as possible. The Capitol Hill Chapter of ROA sends out fliers announcing the meetings and the speakers help close the communications gap which so often exists between staff people on the Hill and those who make or shape our Nation's policies. I feel that a valuable service is being provided by this organization through its forum for dissemination of nonpartisan information on the security position in the world.

It is fitting that those of us in the Congress who take an interest in such things commend this fine organization for its effort and wish them every success as they begin their second year of National Security Affairs Forum programs.

TRIBUTE TO CLEVELAND TUCKER, OFFICIAL REPORTER OF DEBATES, U.S. HOUSE OF REPRESENTATIVES

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

Mr. FLOWERS. Mr. Speaker, I take this time, at the end of this Congress to commemorate the retirement of one of our familiar faces. I am speaking of Mr. Cleveland Tucker, one of the official reporters of debates.

Cleveland entered into the service of this House as administrative assistant to one of my distinguished predecessors from the Fifth District of Alabama, the Honorable Edward de Graffenreid.

Many of you will remember Ed de Graffenreid. He is a treasured friend of mine, as he has been to many of you.

Cleve began his career of public service as a court reporter for the Sixth Judicial Circuit of Alabama.

For 4 years beginning in 1949, he was administrative aide to Congresman De Graffenreid. Then he became, under appointment of Speaker Rayburn, an official committee reporter. And in 1961 he was appointed one of the Official Reporters of Debates. He is now completing 24 years of valuable service to this House and to the American people.

He was born and raised in the hometown we share, Tuscaloosa, Ala. Cleve is retiring and going back home to Tuscaloosa, where we will shortly be neighbors.

During his years in Washington, he has made many friends while performing his duties in the highest traditions of public service.

I want to express the appreciation, I know, of all the Members of this body over a long number of years, when we say "thank you" to Cleveland Tucker for many, many jobs well done for this

House and for his patriotic service rendered to our country.

Let me also take this opportunity to welcome him back home to Tuscaloosa, where I hope to continue to see him often in the years to come.

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

Mr. FLOWERS. I yield to the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding. I join my distinguished colleague from Alabama in paying tribute to Mr. Cleveland Tucker, who retires at the end of this year. Cleveland Tucker has been a friend to all of us during his many years of service as a Reporter of Debates. One of the most able and hard-working House employees, he will be greatly missed by all of us who have known him through the years.

I do want to say that the House has never had a better servant than Mr. Tucker. He has worked conscientiously not only doing his own job but also to uphold the high traditions of the Reporters of Debates of this House. He has been one of the best in that job that I have ever seen anywhere, one of the finest men I have ever known. He has not only served the House with distinction and he has not only done his job well, but I am happy to say that he is my friend. I wish him well in his retirement as he returns to his native State of Alabama.

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

Mr. FLOWERS. I yield to the distinguished majority leader.

Mr. BOGGS. I shall take only a few seconds simply to reiterate the words of commendation made by the distinguished gentleman from Alabama and the distinguished Speaker. Mr. Tucker has served the leadership particularly well under difficult circumstances, but his service has not been limited to the leadership. He has served all the Members of this body. I wish him well in his retirement.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise today to pay tribute to Cleveland Tucker, Official Reporter of Debates in the U.S. House of Representatives. He will be retiring on December 31 after 24 years of distinguished service to this body and to our Nation.

Cleveland Tucker came to the Nation's Capital in January of 1949 as an administrative assistant, after serving for 8 years as the official court reporter for the Sixth Judicial Circuit of Alabama. In 1953, he became an official committee reporter under an appointment from the late Speaker Sam Rayburn. In 1961, he assumed his present high position in the U.S. House of Representatives.

Accuracy, dependability, and productiveness have been constant characteristics of Cleveland Tucker's work in the House. We will miss him here in the House. We will miss his excellent work, and his friendly smile, and his great attitude. He has been my friend for the last 8 years.

I wish him well as he returns to his native Tuscaloosa, Ala.

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

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

Mr. GRIFFIN. I should like to join in paying tribute to Cleve Tucker. I have known him for more than 20 years. We were fellow secretaries together when he was with Ed de Graffenreid. He has been a loyal and dedicated employee of the House. I wish him the very best in the future.

Mr. FLOWERS. I thank the gentleman for his remarks.

Mr. MAHON. Mr. Speaker, I wish to say a word in regard to one of the stalwart employees of the House of Representatives, Cleveland Tucker, who is leaving his position with the House at the end of this session. Cleveland Tucker, who has done an outstanding job as an Official Reporter of Debates through the years, was at one time on the staff of the official reporters to House committees. During this period Cleve spent a large part of his time reporting the hearings of the Defense Appropriations Subcommittee of which I was and am chairman. Due to the fact that the hearings were always so lengthy, complex, and technical, only the highest caliber reporters were called upon to report them. The highest security clearance available was always necessary for this reporting. Cleve Tucker rendered an outstanding performance in these Defense Appropriations hearings and in other hearings which he reported for the Appropriations Committee.

Let me take advantage of this occasion to join with others in honoring this top-flight American, who has served so faithfully and well through the years the institutions of our country and who has been loyal to the traditions of our land. We will miss his excellent service here, his friendly nod, and his infectious good humor. We will wish him good health and happiness in the coming days.

Mr. JONES of Alabama. Mr. Speaker, I join with his many friends who today are paying tribute to Mr. Cleveland Tucker who is retiring as one of the Official Reporter of Debates for the House of Representatives.

Cleveland has faithfully and diligently served as an official reporter in the House for more than a decade. Prior to that, he served Members of the Congress in various capacities. In one way or another, he has been associated with the House for approximately 30 years.

As an Alabamian, he has been well known to the many residents of our State who live in the National Capital area through his membership and work in the Alabama State Society.

As he takes his leave of his duties in the House, I want to wish Cleveland and Mrs. Tucker the very best in the way of happiness and good health.

GENERAL LEAVE

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the retirement of Cleveland Tucker.

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

There was no objection.

THE FAMILY UNIT—IN GRAVE DANGER

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

Mr. SCHEUER. Mr. Speaker, the ever-increasing rate of technological change is subjecting our society to severe stress and strain. As a consequence, the basic unit of our society—the family—is in grave danger, and young people are increasingly resorting to various kinds of self-abuse, as a result of their frustration, confusion, alienation, and profound self-doubt.

Increased mobility, changing mores, rapid worldwide communications, and increased leisure brought about by an economy larger than any ever known, have all combined with other factors to put great pressure upon today's nuclear family.

As a consequence, the divorce rate is accelerating. One of every two marriages in California ends in divorce.

Juvenile delinquency rates are increasing. A most substantial portion of today's violent personal crime is carried out by youngsters in their teens. Indeed, the highest incidence of criminal activity is during the 16th year; the 15th year is next highest.

Venereal disease, in the words of a recent report on the New York schools, has reached "epidemic" proportions. Thousands of girls—14, 15, and 16 years old, are forced to leave the normal school environment because of teenage pregnancy.

I am today introducing a bill—the Family Life, Venereal Disease Prevention, and Sex Education Act of 1972—which I hope will help us develop educational programs that will enable us to begin to deal with some of the problems now faced by today's family.

The goal of the programs established by the bill is to develop methods of teacher training and educational reform which will replace inadequate lectures, embarrassing personal conferences, and piecemeal health courses with methods that will enable the students to develop their own successful response to the very real personal and social problems that confront them in today's world.

The bill attempts to accomplish this goal by providing for Government funding of locally developed and run educational programs in the schools and in the community.

Mr. Speaker, today's world changes rapidly. Information imparted today is obsolete tomorrow. We cannot expect, therefore, to educate today's child by merely imparting information which will be of no use to him by the time he graduates.

Rather, we must teach him a process—a process which will enable him to develop his own techniques of coping with the new problems that confront him. In addition, we must teach him to respect him-

self, to have enough self-esteem to prevent him from abusing himself through drugs, alcohol, or sexual promiscuity, or from psychologically or physically abusing others.

Only through this type of process which my bill will help us to develop, can we hope to teach today's child to become tomorrow's proud, mature, and responsible adult.

THE TALE OF A DOG

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

Mr. CARTER. Mr. Speaker, the Members of this august body are growing weary. Many of us are faced by attempts, termed by some as "well-meaning people," by others "reprehensible reprobates," to wrest from us the positions which we now hold. During this session we have fought a valiant fight and we have almost finished our course, and we want to go home.

However, Mr. Speaker, the Members of the other body continue in their long filibusters and horrendous harangues. It brings to mind an incident which once occurred in eastern Kentucky.

I often went hunting with Col. Otley Gilpin of Coburg, Ky. He had a wonderful bird dog, whose name was "Old Congressman." This dog was a superb pointer and retriever.

One year, when I was invited back for another hunt with Colonel Gilpin and his famous pointer, I asked Otley about his dog. He told me he had shot him. "Why did you shoot that wonderful dog?" I asked.

He said:

You know, some city slickers came out here and took my dog hunting. They renamed him "Old Senator." And after that, every time I took that dog out, all he would do was to sit on his hiney and howl. And, by gum, I shot him!

I do hope, Mr. Speaker, that our verbose and loquacious friends in the other body will put a brake on their propensity to speak and settle down to business, so that each and every one of us may return to our homes and hunt for the votes which we so badly need.

TRIBUTE TO ROY P. CROCKER

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

Mr. ROUSSELOT. Mr. Speaker, Roy P. Crocker of South Pasadena has given his entire life in unselfish service to others. Roy is a highly successful free enterprise advocate who has built a savings and loan business from very humble beginnings into a substantial financial institution. In this free enterprise activity his prime emphasis has always been complete and total service to his customer. Even though this achievement by itself is substantial in a vast way, his active service to his community, southern California, the State of California, and his Nation appears almost infinite. In Roy's quiet, positive, and constructive manner, he has gone about all the tasks, whether assigned to him or volunteered by his own initiative, in a way that is so respected by all that I cannot recall an occasion where even those who are in disagreement with him have had anything but praise for his high standards and great moral character.

As an extremely devoted father and family man, as a director and chairman of the board of the Salvation Army, as an active trustee of Claremont Men's College, as a member of the board of counselors at the University of Southern California's School of Business, as a strong campaigner for solid constitutional government, as an early and vigorous supporter of many Presidents of the United States, U.S. Senators, U.S. Congressmen, Governors, State senators, and State assemblymen, he is surpassed by no one in quality and noble deeds.

Acknowledgment of his excellence has been appropriately shown in awards such as the Distinguished Service Award from the Los Angeles Young Men's Christian Association in 1969. In addition to a deservedly long list of achievements, he is known as a genuinely warm friend, as all who have touched his life in one way or another will fully testify. Roy Crocker is esteemed by all who know him for he fulfills the very meaning of a friend. The poet, Kahlil Gibran, describes him this way:

Your friend is your needs answered.
He is your field which you sow with love and reap with thanksgiving.
He is your board and your fireside.
For you come to him with your hunger and you seek him for peace.

REPRINTING OF HOUSE REPORT ENTITLED "SECURITIES INDUSTRY STUDY"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1594) on the concurrent resolution (H. Con. Res. 718) providing for the reprinting of additional copies of House Report 92–1519, entitled "Securities Industry Study," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

H. CON. RES. 718

Resolved by the House of Representatives (the Senate concurring), That there shall be reprinted for the use of the House Committee on Interstate and Foreign Commerce four thousand copies of House Report 92–1519, entitled "Securities Industry Study".

PRINTING OF "SEPARATION OF POWERS AND THE NATIONAL LABOR RELATIONS BOARD: SELECTED READINGS" AS A SENATE DOCUMENT

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1595) on the Senate concurrent resolution (S. Con. Res. 98) authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document, and ask for immediate consideration of the concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), That the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings", prepared for the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary by Doctor James R. Wason of the University of Maryland, formerly specialist in labor economics and relations, Economics Division, Legislative Reference Service, the Library of Congress; and the Congressional Research Service and the Library of Congress, in cooperation with the staff of the Subcommittee on Separation of Powers, be printed as a Senate document.

SEC. 2. There shall be printed for the use of the Senate Committee on the Judiciary one thousand additional copies of the document authorized by section 1 of this concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR PERIOD JULY 1, 1971, TO JUNE 30, 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I am transmitting herewith the Annual Report of the National Corporation for Housing Partnerships for the period July 1, 1971 to June 30, 1972.

I commend this Report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1972.*

ECONOMIC STABILIZATION PROGRAM FOURTH QUARTERLY REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

Through the Economic Stabilization Program, which was introduced as part of the New Economic Policy of August 15, 1971, we have taken forceful steps to curb the spiraling inflation that was eroding the buying power of the American wage earner—and that program is working. This fourth quarterly report of the Economic Stabilization Program describes the solid gains which have been made in revitalizing our economy and stemming the erosion of the value of the dollar.

I invite your special attention to the rise of more than 4 percent in real weekly spendable earnings which the American worker has enjoyed over the past year. This is three times the average rate of increase from 1960 to 1968.

To the average production worker, this gain represents an annual growth in purchasing power of more than $200—the equivalent of two extra weekly paychecks. Clearly, the treadmill of inflation is being transformed into wheels of economic progress.

Each American can take pride in the encouraging achievements which we have realized in the past year, for they have been made possible only through the determined efforts and the voluntary cooperation of all our people.

As this report points out, problems remain—but if our stabilization program continues to receive the wide public support it has received over its first year, and which it enjoys today, they will be solved.

This Administration will continue to exercise strong leadership in furthering that progress—we are determined to control inflation. Ultimately, however, it will be only through the determination, resourcefulness and patriotic cooperation of the American people that the victory of a full new prosperity will be won.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1972.*

ELECTRONIC VOTING IN THE HOUSE OF REPRESENTATIVES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1123 and ask for its immediate consideration.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 438]

Abourezk	Diggs	Jarman
Anderson, Tenn.	Donohue	Jonas
Annunzio	Dow	Kemp
Badillo	Dowdy	Kuykendall
Baring	Dwyer	Link
Bell	Edmondson	Lloyd
Blanton	Esch	Long, La.
Boland	Evans, Colo.	McCloskey
Bolling	Fish	McClure
Broomfield	Flood	McCormack
Burke, Fla.	Ford, William D.	McDonald, Mich.
Byrne, Pa.	Fuqua	McMillan
Cabell	Galifianakis	Macdonald, Mass.
Caffery	Gallagher	Martin
Carey, N.Y.	Gettys	Matsunaga
Celler	Giaimo	Mollohan
Chappell	Gibbons	Monagan
Clancy	Goldwater	Murphy, N.Y.
Clark	Grasso	Nichols
Clausen, Don H.	Green, Oreg.	O'Hara
Clay	Gross	Pelly
Conyers	Haley	Pepper
Corman	Hanna	Peyser
Cotter	Hansen, Wash.	Price, Tex.
Crane	Harrington	Pryor, Ark.
Davis, S.C.	Hastings	Pucinski
Devine	Hébert	Purcell
Dickinson	Heinz	Rarick
Reid	Hungate	Stanton, J. William
Rhodes	Stanton, James V.	Thompson, N.J.
Roncalio	Steiger, Ariz.	Thone
Rooney, N.Y.	Stokes	Van Deerlin
Scherle	Symington	Vander Jagt
Scheuer	Talcott	Whitehurst
Schmitz	Teague, Tex.	Widnall
Scott	Thompson, Ga.	Wilson, Charles H.
Snyder	Yatron	Wydler
Springer		

The SPEAKER. On this rollcall 319 Members have answered to their names, a quorum.

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

ELECTRONIC VOTING IN THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 1123

Resolved, That (a) clause 5 of Rule I of the Rules of the House of Representatives is amended to read as follows:

"5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: 'As many as are in favor (as the question may be), say "Aye".'; and after the affirmative voice is expressed, 'As many as are opposed, say "No".'; if he doubts or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one or more from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. However, if any Member requests a recorded vote and that request is supported by at least one-fifth of a quorum, such vote shall be taken by electronic device, unless the Speaker in his discretion orders clerks to tell the names of those voting on each side of the question, and such names shall be recorded by electronic device or by clerks, as the case may be, and shall be entered in the Journal, together with the names of those not voting. Members shall have not less than fifteen minutes to be counted from the ordering of the recorded vote or the ordering of clerks to tell the vote.".

(b) Clause 2 of Rule VIII of the Rules of the House of Representatives is amended to read as follows:

"2. Pairs shall be announced by the Clerk immediately before the announcement by the Chair of the result of the vote, from a written list furnished him, and signed by the Member making the statement to the Clerk, which list shall be published in the Record as a part of the proceedings, immediately following the names of those not voting. However, pairs shall be announced but once during the same legislative day.".

(c) Rule XV of the Rules of the House of Representatives is amended to read as follows:

"RULE XV.

"ON CALLS OF THE ROLL AND HOUSE

"1. Subject to clause 5 of this Rule, upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called, and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting. Members appearing after the second call, but before the result is announced, may vote or announce a pair.

"2. (a) In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

"(b) Subject to clause 5 of this Rule, when a call of the House in the absence of a quorum is ordered, the Speaker shall name one or more clerks to tell the Members who are present. The names of those present shall be recorded by such clerks, and shall be entered in the Journal and the absentees noted, but the doors shall not be closed except when so ordered by the Speaker. Members shall have not less than fifteen minutes from the ordering of a call of the House to have their presence recorded.

"3. On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

"4. Subject to clause 5 of this Rule, whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members; and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this clause shall be vacated.

"5. Unless, in his discretion, the Speaker orders the calling of the names of Members in the manner provided for under the preceding provisions of this rule, upon any roll call or quorum call the names of such Members voting or present shall be recorded by electronic device. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of the names of those Members recorded as voting in the affirmative, of those Members recorded as voting in the negative, and of those Members answering present, as the case may be, as if their names had been called in the manner provided for under such preceding provisions. Members shall have not less than fifteen members from the ordering of the roll call or quorum call to have their vote or presence recorded.".

(d) Clause 2 of Rule XXIII of the Rules of

the House of Representatives is amended to read as follows:

"2. Whenever a Committee of the Whole finds itself without a quorum, which shall consist of one hundred Members, the Chairman shall invoke the procedure for the call of the roll under clause 5 of Rule XV, unless, in his discretion, he orders a call of the committee to be taken by the procedure set forth in clause 2(b) of Rule XV; and thereupon the Committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the Committee shall thereupon resume its sitting without further order of the House.".

Mr. SISK (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself 1 minute, at the conclusion of which I am going to yield to the distinguished chairman of the Committee on House Administration, the gentleman from Ohio (Mr. HAYS).

Mr. Speaker, the principal purpose, of course, of House Resolution 1123 is to provide orderly procedures for the use of the electronic voting machinery now installed in the Chamber of the House. We will, in a few moments, be offering an amendment which will make the act effective just before noon on January 3.

At this time, Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. HAYS) for a brief demonstration.

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

I want to briefly try to explain what this is about. In the first place, let me say this was not a decision on my part or on the part of the committee; this was a mandate from the House of Representatives to proceed with the installation of this system. The system is just in. It is not completed. It has not been checked out.

There will be a console right at the end of that table where the distinguished gentleman from Illinois (Mr. GRAY) is sitting, and one in the equivalent position on the minority side, at which the majority and minority leaders can call up any section of that, or any group of names, and find out how they voted.

So they can keep the tally down at the desk, as well as the tally that is kept at the board.

If the Members will notice the tallies on either side of the Chamber, it can be noticed the time is ticking away. When the votes start, where it says "time," it will be 15 minutes, and it keeps ticking down to zero. When it reaches zero, the Chair will announce that all the voting is over, and unless there is a Member in the Chamber who has not voted, then he will be permitted to vote, and the Chair will be able to lock the vote in, and that will be it, and it will tell instantaneously what the vote is, the "yeas" and "nays."

In addition to that, there will be a printout available for the members of the press out in the lobby almost immediately after the vote is over, telling exactly how each and every Member voted.

Mr. Speaker, the voting will be done by a little plastic card which is punched on either end identically, so you can put it in upside down or backwards. No matter how you put it in, it is supposed to work, and it will key only your name.

If the Members will note during this demonstration, under my name we just have one card made up as a sample at the moment. Every Member will get one. There is a red light at the left of my name. That means I have inserted the card and voted "no." If I decide to change my vote, I will put the card back in one of the slots and press the "yea."

Mr. Speaker, I will now press the "yea" button, and hopefully the red light will change to a green light.

Mr. Speaker, just to show the Members what a riverboat gambler I am, I will try my luck again and see if I can vote "present."

Well, at least I am happy to say to the Members that it works better now than it did the first time we checked it out.

Mr. Speaker, this is a very complicated electronic device. The scanner scans every station. There are 49 stations. I think it scans them once every 5 seconds.

Mr. Speaker, I have been informed that I am in error; it scans every station once every second. So that there are 49 of these stations scattered around the Chamber, and as long as the little blue light that says "open" is on, that means that voting station is available to put a card in and vote.

Mr. Speaker, if the Members have any questions—I know this has been very brief—if there are any questions by the Members, in the amount of time I have left I will be glad to answer them.

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

Mr. HAYS. Yes; I will be glad to yield to the majority leader.

Mr. BOGGS. Mr. Speaker, first let me say to the gentleman that I think he and his committee have done a splendid job.

This system is very unobtrusive. It does not do any harm to the body or to the decor of the House of Representatives. It took a great deal of research to bring this about.

Mr. Speaker, I would just like to ask the gentleman this question: On the time clock over here, does the board automatically go off when the time limit has expired?

Mr. HAYS. No, it does not. It does not go off until it is locked out up at the Speaker's desk.

Mr. BOGGS. So that means we now have 1 or, rather, 1½ minutes to vote. May I ask, when it becomes zero, then how long is it open there at the desk?

Mr. HAYS. When it comes to zero, the Speaker will bang down his gavel and will say, "All time has expired," or "Are there any Members in the Chamber who desire to vote?" It is just like we do it now on a teller vote. If there are any who desire to vote, he will give them a minute or two more to do so, and then he will lock the machine out, and that is the end of it.

If a Member has misplaced a card, then he can go to the desk, and there will be an arrangement where he can fill out a card, an arrangement where he can sign a red or green or amber ballot, just like we do now for a teller vote. Then the Clerk up there will put a master card in and vote for the Member, and it will show up as on the teller votes.

There are one or two other things I would like to say——

The SPEAKER. The time of the gentleman has expired.

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

Mr. HAYS. Mr. Speaker, somebody has asked how much the system cost to contract. It is for the amount of $1,065,000. They have not been paid, and they will not be yet because it requires my signature, and until such time as I am satisfied it works they will not be paid.

Mr. Speaker, I do want to say this to the Members, though: It does sound like a lot of money, but again we were mandated to do it. If this system had been in effect during the first session of this Congress, I have been informed that it would have saved 15 minutes per rollcall or a total savings of 91 hours, which would have accrued to each Member: 91 hours per Member or a total of 39,585 hours would be saved during the first session of Congress. If you figure that out at the number of times the Member's salary that would be, 40 hours a week, and at the hourly rate, the thing would pay for itself in about one Congress. Of course, if you figured at $1.60, the minimum wage, it will take longer.

I have one further thing to announce, that is, in addition to this. We will have the bill retrieval system hopefully ready by the 1st of January by which you can call a central station and get a printout of any bill that has been introduced and find out where it stands and what action has been taken on it and whether it has been heard or whether it has been reported out of the committee and so on.

At the moment we have six committees on the line on what they call a Linotron in which committee calendars are composed in a machine up here in the committee office, and that goes by wire to the Government Printing Office and the type is set by a computer and the committee calendar is printed. It is done much faster and at a considerable saving. We estimate that will save in the first year $200,000 for all of the committees—about $200,000 a year in addition to being much more accurate and much faster.

I just say this to you, while we have a viable computer staff, they are not sitting over there doing nothing. They have this program in operation, and they have the other two partly in operation.

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

I will be very, very brief.

First let me congratulate the gentleman from Ohio on the fact that the system did work. We do appreciate the demonstration and the opportunity to see how it will work starting with the 93d Congress.

Let me say that an amendment will shortly be offered which will make the effective date just before noon on January 3 of next year.

I would briefly like to comment in

connection with the fallback or fail-safe position with regard to the voting and other matters contained in the resolution.

In brief we propose that machinery be used in all appropriate voting situations, that is, whenever names of Members are to be recorded. We also propose to put in the rules substitution of present procedures as a backup in case the machinery becomes unavailable for whatever the reason may be. We also propose that we use the backup procedures at the discretion of the Chairman of the Committee of the Whole.

We also are suggesting two additional changes in the backup procedure. The first occurs in the procedure for tellers with clerks or what is called the recorded teller vote.

I want to emphasize that the amendments we offer do not in any way alter the basic substance of that procedure. What we are trying to do is to simplify the process.

I might add what we propose is substantially the way the Democratic caucus asked for during the past year. As the rules now stand a Member must make two separate requests to get a recorded teller vote, and we know the procedures.

We propose that that two-step procedure be dropped and that a single-step procedure be substituted therefor. A Member will simply request a recorded teller vote, and that will take care of any situation.

We further propose doing away with the time-consuming process of making Members act as tellers in the recording of the teller votes. There is no reason why Members must be found to stand at the head of the aisle to record the vote. Clerks will simply be required to do that in the future in the event that there are teller votes.

Mr. Speaker, we are also proposing a new method for recording Members during quorum calls. At the present time, as you know, the Clerk calls the roll twice and recognizes Members in the House in a time-consuming process. Again we have a recommendation from the caucus in connection with this matter. In effect this method would have the Clerks tell the Members just as they do in a recorded teller vote, for instance, in recording the presence of the Members.

Instead of calling the roll, the Clerks would merely record the names of the Members as they came up the aisle in the Chamber, or in any other fashion that the Speaker made known.

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

Mr. SISK. I will be glad to yield to the gentleman from Ohio.

Mr. HAYS. You could use the electronic system for a quorum call.

Mr. SISK. Certainly. In almost all cases I think the electronic system will be used. What I am explaining is the so-called backup procedure in the event that we did not desire to use the electronic system.

Mrs. HECKLER of Massachusetts. Mr. Speaker, with the gentleman yield?

Mr. SISK. I will be glad to yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentleman from California for yielding to me.

I must confess, Mr. Speaker, that I am quite impressed with this proposed system, and I am especially hopeful that the time savings that have been indicated will actually occur. However, I am somewhat concerned about the fact that there are two HECKLERS in the Congress, one from Massachusetts and one from West Virginia, and there is a very close spelling in the two names. I am wondering whether this could produce a situation in which precise voting would not be recorded for each of these individuals. I am wondering actually whether there is such a potential for confusion for having a mistake occur in the RECORD, and whether or not we should add the names of the States after the names.

Mr. SISK. Let me say to the gentlewoman from Massachusetts that I appreciate her remarks, and certainly there may have to be some variations that would have to be made, it would seem to me, for proper identification so as to make a distinction in a number of cases where you have Members with the same names from different States.

Take the State of Massachusetts, for example, that could be added after the name of the gentlewoman from Massachusetts, and West Virginia could be added after the name of the gentleman from West Virginia, Mr. HECHLER.

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

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

Mr. HAYS. Mr. Speaker, I might state to the Members that this is one of the oversights that has not been taken care of, and that will be done so that there will be further identification after the name of any individual where there are duplicate names in the Chamber.

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

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

Mr. BROOKS. Mr. Speaker, I have worked for the last 10 years on computers for the Government, for the Congress, in the executive branch as well as the administrative branch, and I wish to say that I believe that the Committee on House Administration under the leadership of the gentleman from Ohio, WAYNE HAYS, has done an exceptionally fine job in trying to implement that which most of us in the House of Representatives thought would be a step forward.

I might add that we have had computer voting in the Texas Legislature for 30 years, and I believe that it is high time that we in the Congress of the United States try to implement the program. As in the case with the State of Texas, it may not be absolutely perfect, and there may be some necessary changes to be made in the system if it does not work out; and if it does not it certainly can be corrected.

Mr. Speaker, again I want to say that this Congress owes a debt of gratitude to the gentleman from Ohio, WAYNE HAYS, for his courage in taking this matter on despite the jibes and the comments of people who are really not too well informed on this matter, and I personally want to congratulate the gentleman from Ohio (Mr. HAYS).

Mr. HALL. Mr. Speaker, I desire to join in the tributes paid to our colleague, H. ALLEN SMITH, for his service in the House of Representatives. During our association together in this body I have come to admire Representative SMITH for his keenly analytical mind, his dynamic dedication to his duty as a legislator, his mature and judicious judgment, and his articulate advocacy of his positions, all of which has been made more effective by his pleasing personality.

For the record, I should like to report briefly on Representative SMITH's contribution to legislation which has been a high mark in my own career in the House of Representatives, namely the Legislative Reorganization Act of 1970.

Mr. Speaker, as one of the original members of the Joint Committee on the Organization of Congress created in March of 1965, I labored many long hours in the cause of congressional reorganization and was fortunate enough to see our work enacted into law in October of 1970 as the first major legislative reform since the Legislative Reorganization Act of 1946.

As a result of the study of the Joint Committee on the Organization of Congress, a bill, S. 355 passed the Senate March 7, 1967 by a vote of 75 to 9. In the House it was referred to the Rules Committee and after one-half day of hearings, no further action was taken in the 90th Congress.

Notwithstanding the absence of overt action I want my colleagues to know that Representative H. ALLEN SMITH devoted many hours to a study of the provisions of S. 355 and the objections to its provisions by various Members of the House. With the aid of the former Counsel of the Joint Committee on the Organization of Congress, our former colleague, George Meader of Michigan, Mr. SMITH worked out a revised version of S. 355 which I inserted in the CONGRESSIONAL RECORD together with other material relating to congressional reform on October 11, 1968.

In the 91st Congress Mr. SMITH as ranking minority Member of the Rules Committee and the Subcommittee on Legislative Reorganization worked diligently and effectively in hammering out a bill which eventually became the Legislative Reorganization Act of 1970.

Mr. Speaker, this act does not bear Mr. SMITH's name but I am sure that in his review of his legislative career one of his most satisfying achievements will be the part he played in the passage of this act so important to the Congress and to the cause of representative self-government.

I wish my friend AL SMITH the best of success and happiness in future years, as we both conclude our service in the U.S. House of Representatives.

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

Mr. SISK. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, as the Members know, I cannot vote in this Chamber, and I would like to, and I am

very anxious to do so some day. But I would ask, under this proposed system, what would prevent someone who is as anxious as I am to vote, of someone handing me their card, and punching the card for them?

Mr. SISK. Let me make a brief comment here. Actually, the Members of the Congress work on their own honor, as we are today. As you will recall, there was an incident in the last Congress in which accusations were made. I do not think anything deliberate had been done, but there were mistakes, apparently, by the clerks. But again it gets down to a matter of the integrity of each Member.

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

Mr. SISK. I will be glad to yield to the gentleman from Ohio for any further comments he would care to make on that subject.

Mr. HAYS. Mr. Speaker, I think that the gentleman from California (Mr. SISK) has summed it up very well, and if I may say so, knowing the high moral principles of the gentleman who is the Delegate from the District of Columbia, I believe, of course, that that would prevent the gentleman from doing anything like that.

But I can tell you that there are some national legislatures in which it is perfectly all right for them if they desire to do so, to do that. One of the most recent incidences of this occurring took place in the French National Assembly on a very close vote, where there were only 17 members on the floor, but the vote was something like 321 to 319.

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

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. SISK. Mr. Speaker, I would like to reserve the balance of my time, and I yield to my colleague, the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Resolution 1123 is to make the changes in the House rules which will be required in order to use the electronic voting equipment installed in the House Chamber. Changes are made at four different points in the rules.

The first change in rule I, clause 5, which deals with how votes may be taken in the House. House Resolution 1123 adds language, which provides that a recorded vote may be taken by electronic device. The procedure would be as follows: A Member may request a recorded vote at any time after the question has been put by the Speaker. The intent is that a request for a recorded vote shall be in order before or after a voice vote, a division vote or a teller vote. If a Member requests a recorded vote and is supported by one-fifth of a quorum, the vote will be taken by electronic device. A Member may no longer demand a vote by tellers with clerks. However, once a recorded vote is ordered, the Speaker in his discretion may order a recorded vote with clerks. This would be similar to the present vote by tellers with clerks, except that the Speaker will appoint clerks to count, rather than Members. A Member shall have not less than 15 minutes to be counted. The time begins to run from the ordering of the recorded vote or the ordering of clerks to tell the vote.

The second change in the rules affects rule VIII, clause 2, which deals with the announcing of pairs. The present rule provides in relevant part, that—

> Pairs shall be announced by the Clerk, after the completion of the second rollcall.

The new language provides that—

> Pairs shall be announced by the Clerk immediately before the announcement by the Chair of the result of the vote.

This is a technical change to reflect the fact that there will no longer necessarily be a rollcall preceding the announcement of pairs, because of the use of the electronic device.

The third change in the rules affects rule XV which deals with calls of the roll and House. House Resolution 1123 adds language which provides that any rollcall or quorum call may be taken by electronic device. This new language is in clause 5 of rule XV. However, the Speaker in his discretion, may order that the names be called in the traditional manner. The first four clauses of rule XV, which describe the traditional system for taking rollcalls and quorum calls, are left intact for the most part, but are made subject to clause 5, which provides for the use of the electronic device.

As in the case of a vote, Members have not less than 15 minutes from the ordering of a call of the House to have their presence recorded by the electronic device.

In addition to changes in wording necessary to provide for rollcalls or quorum calls by electronic device, there is one part of the present rule XV which is dropped under this resolution. The present clause 2(b) of rule XV allows the Speaker discretion to order the use of tally sheets to record a quorum; once a quorum is recorded, it is in order to dispense with the rest of the call, allowing Members 30 minutes to record their presence on the tally sheet. This procedure was put into the rules as an amendment to the Legislative Reorganization Act of 1970. However, the procedure has never been used, and is removed from the rules by House Resolution 1123.

The fourth change in the rules affects rule XXIII, clause 2, which deals with the Committee of the Whole House. The language changes permit the use of the electronic device to record the presence of a quorum in the Committee of the Whole.

In summary, the major effect of House Resolution 1123 will be to provide for the use of the electronic device, while giving the Speaker the discretion to return to the traditional system as a backup.

Mr. Speaker, the change takes effect on January 3, 1973. I urge its adoption.

Mr. Speaker, I will say to the gentleman from California (Mr. SISK) that I have four requests for time. Does my colleague have any requests for time?

Mr. SISK. Mr. Speaker, I have only one or two requests, and if the gentleman wishes, he can yield time on his side.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield to me for a question?

Mr. SMITH of California. I am happy to yield to the gentleman.

Mr. ANDERSON of Illinois. In listening to the explanation of the electronic voting system, there is one question that I had and perhaps it would be more properly addressed to the chairman of the Committee on House Administration.

Is there any system connected with the electric voting system itself which would provide for a printed read-out or a breakup, for example, by States so that you can very quickly determine, once the electronic calculator had reflected the totals here on the wall, how a particular State delegation voted—whether it was 19 to 7 or anything of that kind of form of printed breakdown?

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

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

Mr. HAYS. We have not included that in the system at the moment. It can be done. It would involve some more money.

Members of the press have told me that they would like very much to have a print-out for their convenience because one of them told me that it takes him 15 minutes to make a breakdown by himself. Of course, I do not know just how far I would go to spend the taxpayers' money for the convenience of somebody else.

What we are trying to do, I will say to the gentleman, is to get a minimal simple system so that we can have a print-out alphabetically and operative so that the House of Representatives can take another look, and then if the House wants that done, we can do it. It can be done.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MCCLORY).

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

Mr. Speaker, first of all I want to commend the Committee on House Administration for producing this elaborate and sophisticated and apparently effective system of electronic voting.

As author of the broad amendment to the Reorganization Act 2 years ago, which authorized the action which we are taking today I certainly want to compliment the committee on the effective way in which they have carried out what the House directed or requested at that time.

I want also to pay tribute to my colleague, the gentleman from California (Mr. LEGGETT) who participated very actively on the authorizing legislation at that time. However, this was not a new idea. I would like to point out that ever since 1914, there have been recommendations of one kind or another for some kind of automatic voting here in the House.

Mr. Speaker, I recall the earlier extended debates when the amendment to the rules which I offered in 1970 was presented and ultimately adopted. As I recall, it was reported that some 6 months of time was spent by this House over an 8-year period simply answering

quorum calls and rollcalls. While the accurate recording of votes is vital to this body, it is most unfortunate that we have waited this long to install modern electronic equipment to more accurately and more expeditiously record our attendance and our votes.

Mr. Speaker, I am happy indeed to have contributed to the result which we are witnessing today—and look forward with some pride to the new system of electronic voting which will soon become routine in this Chamber.

Mr. Speaker, at this time I am pleased to give my wholehearted support to House Resolution 1123. I welcome the change which this provides and the historic step forward which we are taking today.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ZWACH).

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

I want to say that this is, indeed, an historic day, and an historic bill.

As this body knows, I am the one who has to suffer through the longest wait to vote in this Chamber. I am aware of the fact that we waste a great many minutes that could be saved.

It was my rare privilege to help install this type of a system in the Minnesota House of Representatives in the 1930's, in the Minnesota State Senate in the 1940's, and I am particularly pleased to be able to participate in this installation here today. It will take us out of the 18th century and put us into the 20th century.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Speaker, I want to commend the chairman of House Administration and the members of his committee for bringing what many of us are confident is going to be a fine, modern, and efficient voting system.

Mr. Speaker, I think we would be remiss today, however, if we did not pay tribute to the work that was done by the former chairman of the Subcommittee on Electrical and Mechanical Equipment, the gentleman from Louisiana (Mr. WAGGONNER).

I had the privilege, Mr. Speaker, of serving with him on that subcommittee some 2 years. I confess that I did not get to each one of the day-after-day, week-after-week meetings that the gentleman from Louisiana (Mr. WAGGONNER) had, with a very able staff of consultants that were put together to work this system out.

I will say to my colleague from Minnesota, that as Mr. WAGGONNER just pointed out, it is true that this is the first electronic system. We have had electrical-mechanical systems, but this is a completely electronic system.

I think we owe a great deal to the gentleman from Louisiana for his leadership that made it possible to bring this to fruition today.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman for yielding to me and giving me this time to speak briefly.

I want to join in the accolades due our chairman, Mr. HAYS, and say to this House that as a member of that committee and the subcommittee that worked on this from the beginning, the chairman and the staff have been very cooperative, very helpful, very thorough, and they did everything to make possible the installation at this early date. This is not an easy thing to do in this House.

I, too, want to pay tribute to others, and one in particular, Mr. WAGGONNER, whose name has already been mentioned, with whom I served on the committee before he chose to go to another committee. He laid the groundwork—and I think the chairman will agree with this very well—for this legislation. I commend him, and I say to him it was a pleasure to work with him to initiate this program.

I would like also to point out that there are others besides myself who have long looked forward to this day, this historic day, for this opportunity to save money; and, most importantly, to make this House more effective and more responsive to the country's needs.

I predict also what we are doing here will put the pressure on the other body and somehow they will find some way to economize and become more effective over there as a result of the fine example we are setting, and as a result of the additional pressures that have come with time, because of the fact that this will facilitate our work.

Also great tribute must go to a man who has written about this ever since he has been here, especially I think since 1965 he has promoted this idea for this House, and that is the gentleman from Missouri, Dr. HALL.

Mr. Speaker, in the magnificent book entitled "We Propose: A Modern Congress," the chapter on electric voting in the House, by DURWARD HALL, is a fine argument for this equipment. He says:

On Bloody Monday, September 13, 1965, the U.S. House of Representatives set a record by remaining in session for 12 hours and 31 minutes. Nine of those hours were consumed just answering rollcalls, 22 of them, each lasting an average of 24.5 minutes.

And he further says:

From January 4 through October 23, 1965, the House was in session for a total of 798 hours and 25 minutes. Its Members answered 201 rollcalls and an additional 182 quorum calls. The average rollcall takes 25 to 30 minutes; a quorum call, on the average, takes 20 to 23 minutes. Reckoning with the lowest figures in each category, Members of the House last year spent 83 to 84 hours answering rollcalls and another 60 hours responding to quorum calls. The two combined accounted for roughly one-fifth of the total time that the House was in session. (Of course, all the time is not wasted by the individual after he answers or votes, to wit, the famous floor and/or lobby conferences.)

So, Mr. Speaker, we are going to save a lot of time. The time saved will present us with opportunities to do much more important work than waiting for our names to be called on rollcalls.

Mr. Speaker, this is a day I have looked forward to since I came to Congress, having served in the Iowa Legislature, where we had electrical voting machines. I learned the advantage of this equipment, and have thought many times since that time, what a shame that the most important legislative body in the world did not avail itself of the opportunity to install an electrical system like the one we are approving today.

Again, I commend the leadership that made this possible. I commend the Members of Congress who supported the idea, and say that together we can look forward to a more effective and efficient Congress, and one that will be more responsive to the country's needs.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CONABLE).

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

I have a modest question for someone familiar with the operation of this system and that is, is any record kept if a person changes his vote using this system?

Mr. HAYS. Mr. Speaker, if the gentleman will yield, I would say there is a basic record kept of all actions in the system, but if a Member comes here of course and votes before the final tally has been announced and changes his vote electronically, it will not be in the print out. Only the result will show.

Mr. CONABLE. I thank the gentleman for his answer.

Under the present system, if a person changes his vote we keep a record of it, and it has had the effect of discouraging the changing of votes. I wonder if there is not a possibility that we will have a great deal of strategic maneuvering using this system when there is a close vote and the leadership does not wish the other side to know exactly where the votes are at any given time? We ought to discourage a vote lightly cast, or one changed for strategic reasons or reasons of floor pressure.

Mr. HAYS. Let me say to the gentleman that is the handle perhaps for some further additional system, a simple additional matter, the gentleman tells me, of some further programing so that an additional record can be made. Also there can be a system where after nearly everyone has finished and the time has run out, then the time will be in the control of the Speaker and we can have the people come down and announce their changes orally in the well and it can be recorded at the desk. That can be handled orally or by a change in the rule.

Mr. Speaker, someone facetiously asked me a minute ago if we would have a system for retrieval of Members who voted and rushed out of the Chamber before the respective leadership on either side can latch onto them. I can say to the gentleman there is no plan for such a retrieval system.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, before I came to this Chamber I was in the printing and publishing business, and in that work I was always impressed with the value of using large and small letters that is, in printer's parlance, upper and lower case, for ease in reading. I raise the question if the committee did look into the possibility of using large and small letters so that there can be an easier reading of the names. The use of large

and small letters does give a distinctive conformation to a word and I think makes it easier from a distance to read. All capitals, as now shown, tend to blur into a single bar. If this has not been explored, I simply make that suggestion. It might have the further value of shortening the length of some names so that a State designation could be more readily added.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding. The chairman has already answered my question. I was the one who asked him about this problem of devising an instant retrieval system for Members.

In a less serious vein, I think what is going to happen is that we are going to see the passage of one of the most time-honored traditions around this House. That is the system of putting pressure on Members to change their votes in the well. I think we have to be aware of the fact that a Member can vote and instantly leave the Chamber. I just asked the gentleman from Ohio whether something can be done to equip the leadership with the proper tools, maybe a tracking and retrieval system.

Mr. HAYS. That is really a leadership problem. It will be possible for Members to come into the back of the room and vote and go on their way.

Mr. ASHBROOK. That might help our processes.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. HALL), and that is all the requests I have for time.

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

Mr. Speaker, I thank the gentleman from Ohio that the day has come before this lame-duck by self-decision departs, that when we can see this excellent demonstration. I think as the author of the chapter on "electronics" in the book "We Propose" that came out of the Joint Commission on the Reorganization of the Congress between 1965 and 1970 with the help of the Committee on Rules, I can say that this is truly a "red letter" day.

I am happy to hear the additional word, not only about the voting process, about the shortened time, and particularly about the data retrieval and long-line information for the committees and the RECORD—but, I would hope that the committee, in its wisdom, would go one step further and request the electronic taking down of the spoken words of the Members, simply as a backup to our overworked stenographers. I know the "steep" of tradition, the fears, and the resistance of patronage, but I also recognize the rapidity of Members' technical jargon and human error.

In this day and age there is no excuse for less than total accuracy in transcription.

Mr. SISK. Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I certainly commend the chairman of the committee, the distinguished gentleman from Ohio, and his committee for a magnificent achievement.

I would like to ask a single question. As the result of the alphabetic placement of the names of the Members, some of us find ourselves at the extreme left or extreme right, as the case may be, alphabetically. Since the House is divided traditionally into the majority and the minority sides of the House, I am wondering if it would be feasible, from the standpoint of being better able to see one's own name, if one happens to have his name on the opposite side of the board, to have the Republican Members' names on their side and the Democratic Members' names on their side, instead of completely alphabetical.

Mr. SISK. Let me say that this question, I understand, has been raised by several people here who ask if these names can be changed. There is no question but what the system is built in such a way that it can be. Of course, come January of 1973, there are going to be substantial changes. So, there is no question but what, if it is decided to in the best to do that, I am sure that can be done.

I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. The gentleman is exactly right. The names are on a plate which simply slides in and out of a slot, so there is no great problem to rearrange the names.

Again, that is a question for the Committee on Rules to decide and for the House to decide. We were told to put the names alphabetically, so that is what we did. It would be a matter of hours to change the style.

Mr. SISK. Mr. Speaker, I yield to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. HAYS) two questions.

Presently, when someone in the House suggests the absence of a quorum, the Chairman or the Speaker counts those present under the present rules. Under the proposed rules, does the gentleman from Ohio believe the Chair or Speaker could ask the Members to register without record in order to determine whether or not a quorum exists at that time?

Mr. HAYS. That would be possible, but I suspect that there would be no great amount of time saved.

Mr. WHITE. Will the committee entertain such a suggestion?

Mr. HAYS. Again, that would be a matter for the Committee on Rules, I think.

Mr. WHITE. On a division of votes under the proposed rules as we will have them before us today, could the Chairman call for a registration by the membership in order to determine the vote on a division vote, without record?

Mr. HAYS. Again, that is up to the Committee on Rules. I would think that if anyone wanted a recorded division, he could simply do it as everyone does it now by demanding tellers, recorded tellers, and that would do it.

Mr. WHITE. I am asking about unrecorded.

Mr. HAYS. If anyone is dissatisfied with the division now, he asks for recorded tellers. They can do the same.

Again, I think it would get into a matter which would take a long time when you do it the other way. You have to set a time to allow the Members to register their votes.

Mr. LEGGETT. Mr. Speaker, I want to sincerely compliment my colleague, WAYNE HAYS of Ohio, for effecting the installation of the electronic voting system in the House of Representatives. The reference has been made that the House mandated this installation. Actually this statement is not correct.

Back on July 27, 1970 when we had the Sisk congressional reorganization bill before the Congress, the gentleman from Illinois, BOB MCCLORY, offered the amendment to allow the installation of a modern electronic voting procedure. I offered subsequently an amendment to mandate the installation of a 15-minute system by the opening of the current Congress.

Upon the assurance of the distinguished subcommittee chairman, JOE WAGGONER of Louisiana, that his committee would move ahead forthwith to award a contract on the study and construction of this system, I withdrew my amendment. All of the House Administration Committee are to be congratulated on implementation of the McClory-Waggonner electronic voting system. A portion of the 1970 colloquy follows:

AMENDMENT OFFERED BY MR. MCCLORY

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

The Clerk read as follows:

Amendment offered by Mr. MCCLORY: On page 39, immediately below line 4, insert the following:

"RECORDING OF ROLLCALLS AND QUORUM CALLS THROUGH ELECTRONIC EQUIPMENT

"SEC. 119. (a) Rule XV of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"5. In lieu of the calling of the names of Members in the manner provided for under the preceding provisions of this rule, upon any roll call or quorum call, the names of such Members voting or present may be recorded through the use of appropriate electronic equipment. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of the names of those Members recorded as voting in the affirmative and those Members recorded as voting in the negative, or a list of the names of those Members voting present, as the case may be, as if their names had been called in the manner provided for under such preceding provisions.'

"(b) The contingent fund of the House of Representatives shall be available to provide the electronic equipment necessary to carry out the purposes of the amendment made by subsection (a)."

(By unanimous consent, Mr. MCCLORY was allowed to proceed for an additional 5 minutes.)

Mr. MCCLORY. Mr. Chairman, in the course of the debate on the last amendment, we had a great deal of discussion of the subject of electronic voting and the recording of votes by the use of electronic equipment.

What my amendment would do is to merely make it permissive for the House to adopt an electronic system for recording rollcall and quorum call votes. The amendment would recognize on the part of the House that we can utilize electronic equipment effectively in connection with such rollcall votes and quorum calls. It does not require any particular system or device. It makes the electronic method permissive. It provides an alternate system by which we can record these votes and hopefully save a great deal of time of the House in connection with these

time-consuming oral rollcalls and quorum calls as required now under rule XV.

This is not a new suggestion by any means. It was recommended to the House in 1914, and has been the recommendation of a number of committees. I might say that in 1914 it was rejected because it was reported that the House did not need to save time. It was pointed out in the minority views at that time that there was no need for the House to save time, because the House was completing its work before the Senate, and also it was felt that the use of any such electronic equipment was incompatible with legislative work.

I am sure we recognize now that to adopt a modern system, a modern method, of recording our votes, will enable us to save time for our multitudinous other legislative duties. Such a change is consistent with the entire purpose of the Reorganization Act.

I cannot help but feel that this amendment would be a signal to the American people that we are determined to modernize our methods and procedures to the end that we can perform our jobs in a more efficient and less time-consuming manner.

I should like to point out that a report on this subject was made by a member of the original Reorganization Committee, the gentleman from Missouri (Mr. HALL). It is also the subject of legislation at this session introduced by the gentleman from Florida (Mr. BENNETT), and the gentleman from Wisconsin (Mr. DAVIS).

I know that the Committee on House Administration has already undertaken studies. I know that the Clerk has made recommendations to the Committee on House Administration, and I feel that this amendment is an expression of support of the House for the work of the Committee on House Administration and perhaps to emphasize the need to bring their recommendations to the floor of the House in the form of a more specific and detailed change at the earliest possible time. It does not specify a particular system.

Mr. Chairman, may I say that there are some fears that somehow we are going to spoil the appearance of this Chamber. This is something I certainly do not want to do. I would like to point out that there are methods now by which you can have a clear, frosted glass panel with no names appearing on it, but upon which the names will appear electronically only at the times that the rollcall vote or the quorum call is occurring.

The question also has been raised as to whether or not we will have to assign seats. We do not have to have assigned seats in order to locate activating buttons or devices for indicating our votes. We can have stations or tables at which the activating buttons may be placed. There are a great many details that can be worked out, but first of all we have to grant the authority for such an alternate system. That is the entire purpose of the amendment I am offering. It is an alternate method of voting on rollcalls and quorum calls other than the laborious system required under rule XV of the present rules.

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

Mr. MCCLORY. I am glad to yield to the gentleman from West Virginia

Mr. HECHLER of West Virginia. Mr. Chairman, I very strongly support the amendment offered by the gentleman from Illinois. It seems to me that the Congress ought to be at least as up to date as many State legislatures which have already installed electronic voting and thereby brought their procedures up to date. We waste so much time on this floor by rollcalls and quorum calls. I think we can logically extend what we have done through the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL) to provide for electronic voting on the floor. I commend the gentleman from Illinois and all of his associates who are supporting this amendment.

AMENDMENT OFFERED BY MR. LEGGETT TO THE AMENDMENT OFFERED BY MR. M'CLORY

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT to the amendment offered by Mr. MCCLORY.

After the word "rollcall" on line 4 strike "or".

After the word "present" strike the word "may" and insert the word "shall".

After the words "electronic equipment" insert the following: "commencing with the opening of the second session of the 92d Congress.

"The automatic voting procedures shall be established by the Clerk with the advice and counsel of the House Administration Committee which will meet the following minimum criteria:

"All foregoing votes shall be—

"(a) Recorded within a maximum 15 minute period of time, and

"(b) Supervised, such that the integrity of the voting system will be preserved".

Thereafter strike the words "In any such case,".

Mr. LEGGETT. Mr. Chairman, my amendment to the amendment offered by my colleague from Illinois (Mr. MCCLORY) is very simple, and will bring this body under approriate safeguards 18 months to come into the 20th century with appropriate modern machinery.

The amendment would require and authorize the Clerk of the House, with the advice and counsel of the House Administration Committee—particularly the Waggonner subcommittee—to install a system that would be as secure or more secure than the pending system and that would allow the completion of a rollcall or quorum call in a maximum of 15 minutes.

Gentlemen, I think we are all too busy to spend 25 percent of our total floor time in the recording of our vote or presence under the very cumbersome procedure now in effect.

In one of the flyers I sent around to every Member of the House, I said that my amendment could save you 2 hours a week. This amendment could do better than that.

Let us look at the record of the past three sessions of this House. How much time was in session? How much time was required for rollcalls and quorums, but not including standing and teller votes?

An analysis of the time spent follows:

1967

Time House Convened: 868 hours, 16 minutes.

Time Calling Roll (including both Roll Calls and Quorum Calls): 201 hours, 9 minutes, equaling 22.3%.

Average time for Roll Call was 27 minutes.

1968

Time House Convened: 726 hours, 36 minutes.

Time Calling Roll (including both Roll Calls and Quorum Calls): 198 hours, 32 minutes, equaling 27.8%.

Average time for Roll Call was 27.8 minutes.

1969

Time House Convened: 747 hours, 21 minutes.

Time Calling Roll (including both Roll Calls and Quorum Calls): 172 hours, 11 minutes, equaling 23%.

Average time for Roll Call was 29.3 minutes.

Source: Annual report of House Reading Clerks to the Clerk of the House.

The enactment of the pending amendment could change all this. A maximum time of 15 minutes would be provided for each voting procedure. The Clerk would be mandated with appropriate advice and counsel of the House Administration Committee to create and deploy a system—a system whereby each Member could perhaps individually pick up his electronic card—like a charge plate or bank card or thumbprint—and could vote yes or no and visually observe on an electric panel or sedate screen his vote. This he cannot do under the present system.

He could visualize his colleagues' vote before he voted if he so desired. This he cannot do under the present system. The leadership could visually observe the whole board were they interested in effecting a voting change during the 15-minute period.

We would effectively get rid of dead time—that time after the bells ring when we continue to sit in our office until after the second bells ring to move to the floor.

Mr. Chairman, do you realize that on every rollcall the Clerk calls out 1,000 names—1,000 chances for human error—2 times 435 plus recognition of 200 Members many times in the well of the House.

Consider the value of the time lost—the average time for a rollcall is 30 minutes, of late 45 minutes—we could save half of this time.

If this rule had been in effect last year, every Member of the House could have saved 100 hours to do people's business or anything else. At $20 per hour, that would equal $2 million of productive work saved for the people.

We would be creating more democracy on the floor—more time might mean more votes on important issues and more time to express the will of this House.

Mr. HECHLER of West Virginia. I support what the gentleman from California is saying. I think the only way that this can be attained is to do it and to mandate it. I, therefore, plan to support the Leggett amendment. I have been officially informed that 37 out of the 50 State legislatures now have electronic voting. I repeat, can we not in Congress be at least as up to date as 37 out of the 50 State legislatures? I think we can do it. I hope the Leggett amendment is supported and adopted.

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

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

Mr. GUDE. I merely wish to support the comments of the gentleman from California on the Leggett amendment. The gentleman spoke of the members of the committee having gone to California to study the equipment there, I point out that we have electronic voting in Annapolis and it works perfectly. I hope the amendment will be adopted.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Arizona. I thank the gentleman. Is it the gentleman's understanding that the 18-month time prescribed by the Leggett amendment to the McClory amendment would preclude an earlier installation than 18 months? Is there a technological barrier?

Mr. REES. I believe the Leggett amendment states "shall be installed" by X date, and X date would be the beginning of the second session of the next Congress.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, I believe that anyone who has been round here for awhile will realize that what the gentleman who just preceded me says we can do cannot be done, or else we would not have this proposed reform package of rules here today under the circumstances that we do.

Let us get one thing in proper perspective. Nobody has been studying, except in the

91st Congress, anything having to do with an electronic voting device.

Let us get some other things in proper perspective. All the voting devices which exist in every one of the State legislatures are either electrical or mechanical. None of them are electronic. The Committee has been working just in the 91st Congress.

What we have just done in the previous amendment was to adopt an amendment which provides a record vote, utilizing either of two alternative methods in recording teller votes in the Committee of the Whole. What we are talking about now has nothing whatever to do with the functions of the House in the Committee of the Whole. What we are talking about now has to do with the operation of the House and the recording of votes when we are in the Whole House out of Committee.

Let us devise something that can work in both places. Let us meld the two. Let us have a little bit of opportunity to provide something that will work in the Committee of the Whole and in the Whole House. Do not be swayed by the fallacious argument that you can go to the Rules Committee and bring back a rules change almost the same day. You know it cannot be done. It never has been done and it never will be done. The Committee on House Administration has been working just in this Congress. The Committee on House Administration is going to bring back some proposals, some recommendations to this Congress.

I want to tell you what we found out, I did not go, but some of the committee went to California and to Washington State. They told me that the legislators out there told them that there was more hanky-panky with the voting devices out there than we have with our system. There are two criticisms of what we are doing: We use too much time, and sometimes there is some hanky-panky. You cannot eliminate either problem but you can reduce them to a minimum.

We have to be practical. We have to think about a system that will work. We must be realistic.

How many Democrats are in the House of Representatives today? It was 244, I believe—before we lost our esteemed colleague from Ohio, tragically enough, last night.

How many seats are there on this side of the aisle? There are 224. And there are 224 over there.

What sort of system will we use? We do not have assigned seats so we cannot have individual stations. We will develop one that will work, after we give it proper study? We have a mandate from the Congress, I believe, to provide a recommendation. We can proceed to do it under the language of the McClory amendment. We can dovetail that with what was proposed and adopted here today in the O'Neill of Massachusetts-Gubser amendment.

If the Members want something that will work, and will be better for this Congress just give us an opportunity to put it all together. I suggest it would be far better for us today to reject the Leggett substitute for the McClory amendment and to go ahead with the McClory amendment, and let us proceed, in due time and with haste.

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

Mr. WAGGONNER. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. I thank the gentleman for yielding. The proposer of the amendment stated that it would give 15 minutes' time, and it would take 2 or 3 minutes to get the total. That is 18 minutes.

Mr. WAGGONNER. Let me say that there is nothing in the amendment which has to do with time.

Mr. ROBERTS. It takes 27 minutes now. That means at the most it would save 9 minutes. On 100 votes, saving 9 minutes for each, that is 900 minutes a year, at a cost of $200 million. I believe we could wait until we can get a machine to do the job.

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

Mr. WAGGONNER. I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding and for his expression of support. It seems to me that the gentleman's argument is very valid.

Is it not true that if we adopt an electronic method of recording votes on rollcall votes and quorum calls, we will need detailed changes in the rules in order to accommodate ourselves to this alternative system that would be developed?

Mr. WAGGONNER. There is no question about it. Everything we are doing here today is going to project some other rules changes.

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

Mr. WAGGONNER. I am happy to yield to the gentleman from California.

Mr. LEGGETT. I compliment the gentleman for the good work he is doing with the Mechanical Data Processing Subcommittee. I presume the reason why we have not gotten through the electronic rollcall recommendations is that the gentleman has been spending so much time with the data processing procedures up to now during the 91st Congress.

I am pleased to have the assurance of the gentleman that this committee, and the subcommittee of which he is chairman, will make recommendations during this Congress. With that in mind, I believe I will take his assurance. I know he is doing good work He has several subcontracts out now for data processing.

I rely on that, and I am willing to withdraw my amendment to the McClory amendment at this time.

Mr. PRICE of Illinois. Mr. Speaker, today, by adopting House Resolution 1123, providing for electronic voting, this body took a giant stride toward greater efficiency and enlarged confidence in the work of the House of Representatives.

Few people appreciate the tremendous amount of just plain hard work that is necessary before such a step as this can be taken confidently, but all of us realize that behind all real accomplishments there is leadership, and in this case we owe a debt of gratitude to Chairman WAYNE HAYS and his colleagues on the Committee on House Administration. Though others also deserve credit, WAYNE HAYS was the catalyst that brought all of the various contributions together into this single accomplishment.

Over 4 years ago, the Honorable Speaker John McCormack called upon the Committee on Standards of Official Conduct to investigate alleged irregularities in vote recording procedures. The committee, which I am honored to chair, concluded, after an in-depth examination, that the entire system was in serious need of overhaul and recommended modernization. This has now come about, and I am confident that the results will be worth the considerable effort that WAYNE HAYS and the Committee on House Administration have devoted to it.

Mr. Speaker, I support the installation of electronic voting in the House. Unquestionably, there is a need for improving our present voting procedure, which is both cumbersome and time consuming. Too much time is wasted on rollcalls and quorum calls when the Members of the House could be deliberating more important matters. The installation of this electronic system will allow us to devote more time for the business of the House.

However, I must caution my colleagues that the installation of this system opens other doors, which are not necessarily desirable. There is always the possibility the new system could be abused or misused. For example, it could lead to the practice of "ghost voting," such as happened recently in the State government of Pennsylvania where votes were cast for members of the general assembly who were not on the floor or, in one instance, even in the country.

I urge my colleagues to support this improvement in House procedure, but emphasize we must guard against any misuse of the new system which could tend to destroy the credibility of Congress in the eyes of the public.

AMENDMENT OFFERED BY MR. SISK

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

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 6, immediately below line 19, insert the following:

SEC. 2. The amendments made by the first section of this resolution shall become effective immediately before noon on January 3, 1973.

Mr. SISK. Mr. Speaker, the reading of the amendment makes it very clear that this will simply make this system effective as of January 3, 1973, immediately before noon, which, of course, will be for the 93d Congress.

I ask for a vote on the amendment.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the resolution.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZED STRENGTH OF NAVAL RESERVE, JUDGE ADVOCATE GENERAL'S CORPS, GRADE OF REAR ADMIRAL

Mr. NEDZI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3310) to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (3) of section 5457(a) of title 10, United States Code, is amended to read as follows:

"(3) Supply Corps—7.".

(b) Section 5457(a) of such title is further amended by redesignating clause (6) as clause (7) and adding after clause (5) a new clause (6) as follows:

"(6) Judge Advocate General's Corps—1.".

Mr. NEDZI. Mr. Speaker, S. 3310 is a bill to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes.

The Judge Advocate General's Corps was established as a staff corps of the Navy in 1967. Officers of both the regular Navy and the Naval Reserve who, before creation of the new corps, were law specialists in the line of the Navy became members of the Judge Advocate General's Corps by operation of the new law. Before establishing the Navy Judge Advocate General's Corps as a staff corps, Reserve law specialists could aspire to flag rank as line officers. This 1967 law, however, removed from Naval Reserve judge advocates the possibility of promotion to flag rank. Only one Reserve law specialist was ever promoted to rear admiral under the line officer opportunity.

Section 5457(a) of title 10, United States Code, provides an authorized strength in the Naval Reserve in officers in an active status in the grade of rear admiral at 48, distributed among the line and staff corps as follows:

(1) Line, 28.
(2) Medical Corps, 7.
(3) Supply Corps, 8.
(4) Chaplain Corps, 1.
(5) Civil Engineers Corps, 2.
(6) Dental Corps, 2.

But when thse law created the Judge Advocate General's Corps as a staff corps of the Navy, it did not change section 5457(a) of the Code and no provision was made for authorizing flag officer strength for Reserve officers in the Judge Advocate General's Corps.

By this bill, we reduce the number of authorized rear admiral strength of the supply corps by one—from 8 to 7—and authorize in its place a rear admiral strength of one in the Judge Advocate General's Corps of the Navy. The effect of this is to provide a billet for one rear admiral in the Judge Advocate General's Corps in the Naval Reserve without altering the current total authorized rear admiral strength of the Navy Reserve. In reality, this would correct an inequity in the present law and would result in no additional cost to the Government.

I urge each of you to support this bill.

Mr. BRAY. Mr. Speaker, I rise in support of S. 3310.

When we created the Judge Advocate General's Corps, we really should have amended section 25457(a) of title 10, United States Code, which distributes the rear admiral strength in the Naval Reserve at 48 and assigned at least one of the billets to the Judge Advocate General's Corps. However, because of an oversight, this we did not do.

The legislation before you today really corrects that oversight.

It would not add any additional admirals. It will not add any additional cost. It merely redistributes the rear admiral positions, taking away one from the Supply Corps and assigning it to the Judge Advocate General's Corps.

This is a fair bill and I urge the support of every Member of this body.

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.

NONGERMANE SENATE AMENDMENTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1153 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1153

Resolved, That (a) the last two sentences of clause 1 of Rule XX of the Rules of the House of Representatives are amended to read as follows: "Any motion to agree, or agree with amendment, to any House or Senate bill or resolution or amendment thereto (other than a motion to agree to a conference report) shall require for adoption, or demand of any Member, a separate vote on each such amendment (including a separate vote on any nongermane part of an amendment in the nature of a substitute), if, originating in the House, such amendment would be subject to a point of order on a question of germaneness under clause 7 of Rule XVI. Before such separate vote is taken, it shall be in order to debate such amendment or part for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such amendment or part.".

(b) Clause 3 of Rule XX of the Rules of the House of Representatives is repealed.

(c) Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"4. (a) With respect to any report of a committee of conference called up before the House containing any matter which would be in violation of the provisions of clause 7 of Rule XVI if such matter had been offered as an amendment in the House, and which—

"(1) is contained in any Senate amendment to that measure (including a Senate amendment in the nature of a substitute for the text of that measure as passed by the House) accepted by the House conferees or agreed to by the conference committee with modification; or

"(2) is contained in any substitute agreed to by the conference committee;

it shall be in order, at any time after the reading of the report has been completed or dispensed with and before the reading of the statement, to make a point of order that such nongermane matter, as described above, which shall be specified in the point of order, is contained in the report.

"(b) If such point of order is sustained, it then shall be in order for the Chair to entertain a motion, which is of high privilege, that the House reject the nongermane matter covered by the point of order. It shall be in order to debate such motion for forty minutes, one-half of such time to be given to debate in favor of, and one-half in opposition to, the motion.

"(c) Notwithstanding the final disposition of any point of order made under paragraph (a), or of any motion to reject made pursuant to a point of order under paragraph (b), of this clause, it shall be in order to make further points of order on the ground stated in such paragraph (a), and motions to reject pursuant thereto under such paragraph (b), with respect to other nongermane matter in the report of the committee of conference not covered by any previous point of order which has been sustained.

"(d) If any such motion to reject has been adopted, after final disposition of all points of order and motions to reject under the preceding provisions of this clause, the conference report shall be considered as rejected, and the question then pending before the House shall be whether to recede and concur with an amendment which shall consist of that portion of the conference report not rejected. If all such motions to reject are defeated, then, after the allocation of time for debate on the conference report as provided in clause 2(a) of this Rule, it shall be in order to move the previous question on the adoption of the conference report.".

SEC. 2. (a) The first sentence of clause 2 of Rule XXVIII of the Rules of the House of Representatives is amended to read as follows: "It shall not be in order to consider the report of a committee of conference until the third calendar day (excluding any Saturday, Sunday, or legal holiday) after such report and the accompanying statement shall have been filed in the House, and such consideration then shall be in order only if such report and accompanying statement shall have been printed in the daily edition of the Congressional Record for the day on which such report and statement shall have been filed; but the preceding provisions of this sentence do not apply during the last six days of the session.".

(b) Clause 2 of Rule XXVIII of the Rules of the House of Representatives is amended—

(1) by inserting "(a)" immediately after "2."; and

(2) by adding at the end thereof the following new paragraph:

"(b) It shall not be in order to consider any amendment (including an amendment in the nature of a substitute proposed by the Senate to any measure reported in disagreement between the two Houses, by a report of a committee of conference that the committee have been unable to agree, until the third calendar day (excluding any Saturday, Sunday, or legal holiday) after such report and accompanying statement shall have been filed in the House, and such consideration then shall be in order only if such report and accompanying statement shall have been printed in the daily edition of the Congressional Record for the day on which such report and statement shall have been filed; but the preceding provisions of this sentence do not apply during the last six days of the session. Nor shall it be in order to consider any such amendment unless copies of the report and accompanying statement, together with the text of such amendment, are then available on the floor. The time allotted for debate on any such amendment shall be equally divided between the majority party and the minority party.".

(c) The first sentence of clause 27(d)(4) of Rule XI of the Rules of the House of Representatives is amended to read as follows: "A measure or matter reported by any committee (except the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct) shall not be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays) on which the report of that committee upon that measure or matter has been available to the Members of the House.".

SEC. 3. (a) Clause 3 of Rule III of the Rules of the House of Representatives is amended—

(1) by striking out ", the Delegate from the District of Columbia," at the first, second, and fifth places occurring therein and inserting in lieu thereof ", Delegates,"; and

(2) by striking out ", the Delegate from the District of Columbia," at the third and fourth places occurring therein and inserting in lieu thereof ", Delegate,".

(b) Clause 1 of Rule IV of the Rules of the House of Representatives is amended by striking out "keep the accounts for the pay and mileage of Members, the Delegate from the District of Columbia," and inserting in lieu thereof "and keep the accounts for the pay and mileage of Members, Delegates,".

(c) Rule VI of the Rules of the House of Representatives is amended by striking out ", the Delegate from the District of Columbia," and inserting in lieu thereof ", Delegates,".

(d) Clause 1 of Rule XXXII of the Rules of the House of Representatives is amended by striking out ", the Delegate from the District of Columbia," and inserting in lieu thereof ", each Delegate to the House,".

(c) The second paragraph of clause 8 of Rule XLIII of the Rules of the House of Representatives is amended by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "each Delegate to the House".

(f) The last paragraph of part B of Rule XLIV of the Rules of the House of Representatives is amended by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "each Delegate to the House".

SEC. 4. (a) Clause 3 of Rule X of the Rules of the House of Representatives is amended by striking out "be" and inserting in lieu thereof "is".

(b) Clause 26(e) of Rule XI of the House of Representatives is amended by striking out "clause 3" and inserting in lieu thereof "clause 4".

(c) Clause 27(a) of Rule XI of the Rules of the House of Representatives is amended by striking out "Committees" in the second sentence and inserting in lieu thereof "Each committee".

SEC. 5. Clause I of Rule XXXII of the Rules of the House of Representatives is amended by inserting immediately after "any bill pending before Congress," the following: "elected officers and elected minority employees of the House (other than Members), the Parliamentarian and former Parliamentarians of the House, former elected officers and former elected minority employees of the House (other than ex-Members) who are not interested in any claim or directly in any bill pending before Congress,".

Mr. SISK (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minuates to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

This resolution, House Resolution 1153 covers several other topics: nongermane Senate amendments to House-passed bills; the 3-day rules on conference reports and committee reports; procedure when House conferees report they have been unable to come to an agreement with Senate conferees; the rights and privileges of the delegates from Guam and the Virgin Islands, who will be with us in the next Congress; extending the privilege of the floor to former officers of the House; and a few technical amendments to correct bad grammar and incorrect cross-references in the rules.

Most of these are explained in detail in the report on the resolution, House Report 92-1451, which I hope Members have read very carefully. My own remarks will be limited to describing the problems that prompted us to suggest these rules changes.

Mr. Speaker, the first section of the resolution grapples with this thorny problem of Senate nongermane amendments. Frankly, I thought we had settled that matter through section 126 of the Legislative Reorganization Act of 1970. But our experiences under the rules changes brought about by that act make it pretty clear that our rules do not yet adequately deal with the situation.

I think we all understood the basic purpose of section 126. It was to give the House an opportunity to have separate debate and a separate vote on Senate nongermane provisions attached to House-passed measures. Unfortunately, the way in which that section was written did not take into account the special parliamentary problems raised by amendments in the nature of a substitute. Our present rules permit us to debate and vote on the whole of nongermane Senate amendments, but not on the specific nongermane parts of Senate amendments. This means that when we are dealing with a Senate amendment in the nature of a substitute, under the present rules and precedents we are limited to a single vote on the whole amendment—all up, or all down. We cannot separate out the nongermane parts of that amendment in the nature of a substitute for individual consideration.

Mr. Speaker, the Committee on Rules literally spent months trying to find a way out of this dilemma. We finally settled on the approach that appears in the first section of this resolution.

I will not go into the details of the proposed procedure; most of them are laid out in the report. But I do want to point out to the House that this approach will introduce three new parliamentary devices into the practices of the House.

First, it will permit us to have separate votes on the nongermane parts of conference reports, where now we may not have such separate votes.

Second, it will permit the House to debate and vote separately on all nongermane parts of a conference report, even after the House has rejected any one of them.

Third, and this is a modification of what we originally reported—we retain the present concept that when any part of the conference report has been rejected, the whole report is automatically rejected. But, we provide that if any part is rejected, the pending question will then be to recede and concur with an amendment, and that amendment shall consist of all of the conference report except the rejected parts. With this device we will give the Senate an opportunity to accept our version, to ask for another conference, or to deal with the measure in some other suitable way.

Section 2 of House Resolution 1153 does two things.

First, it changes the wording of the 3-day rule on conference reports and the 3-day rule on committee reports to make it clear that what we mean is 3 days and not 4. As the rules are presently interpreted, a conference report filed on a Monday is not eligible for floor consideration until Friday. We think this is unreasonable. So we suggest changing the language of the rule to make sure that a conference report filed on Monday could be considered on Thursday. Surely, this should give Members enough time to study the report.

Mr. Speaker, there was some dissatisfaction with the language we originally proposed to deal with this problem. It was suggested that our original language would not have insured the printing of conference reports and accompanying statements in the CONGRESSIONAL RECORD 3 days before consideration. We have amended the resolution to accomplish that very thing.

Some concern was also expressed about the language we originally suggested to amend the 3-day rule on committee reports, where we face the same problem. Here again, we have changed the resolution to make it clear that a measure may be considered on the third calendar day on which it has actually and physically been available to Members. If a report becomes available on Tuesday, the measure to which it applies will be eligible for floor consideration on Thursday.

Section 2 of the resolution also takes care of a problem that arose recently concerning situations in which House conferees report they cannot come to an agreement with the Senate. The Chair has ruled that in situations of this kind, the normal rules on conference reports do not apply. The report of the conferees need not be available for 3 days before consideration; the report need not be available on the floor; and the debate time does not have to be equally divided for and against.

The Committee on Rules believes that all reports of conferees should be subject to these conditions, even when the conferees have not come to an agreement. House Resolution 1153 will accomplish this goal.

The remainder of the resolution, Mr. Speaker, makes some adjustments in the rules to accommodate the presence of delegates from Guam and the Virgin Islands, who will be among us next year. The resolution also extends the privilege of the floor to former officers of the House, former elected minority officers—by which we mean the minority Clerk, Sergeant at Arms, Doorkeeper, and Postmaster—and former Parliamentarians. We believe this is a reasonable courtesy we should extend to officials who have given the House such loyal and devoted service.

COMPARISON OF DIFFERENCES BETWEEN H. RES. 1138 AND H. RES. 1153

1. DISPOSITION OF CONFERENCE REPORTS

H. Res. 1138

If any motion to reject a portion of a conference report has been agreed to, the question recurs on agreeing to that portion not rejected.

Rejected portions only are thereupon automatically recommitted to conference.

H. Res. 1153

If any motion to reject a portion has been agreed to, the question recurs on receding and concurring with an amendment, the amendment to consist of that portion of the conference report not rejected.

2. THREE-DAY RULE ON CONFERENCE REPORTS

H. Res. 1138

Required printing of conference report in the Congressional Record, but for no specific number of days.

3. THREE-DAY RULE ON REPORT OF CONFEREES IN DISAGREEMENT

H. Res. 1153

Requires printing of the conference report and accompanying statement in the Record of the day on which it is filed, thus assuring 3-day availability to Members.

Required printing of report in the Record, but for no specific number of days.

Requires printing of the report and accompanying statement in the Record of the day on which they are filed, thus assuring 3-day availability to Members.

4. THREE-DAY RULE ON COMMITTEE REPORTS

H. Res. 1138

Did not specify the number of days a committee report must be available to Members before the measure involved might be considered on the House floor.

H. Res. 1153

Specifies 3-day availability of committee report to Members before the measure involved may be considered on the House floor.

5. FLOOR PRIVILEGES

Extended floor privilege to former House elected officers.

Extends floor privileges, in addition, to elected minority employees, former elected minority employees, the Parliamentarian, and former Parliamentarians of the House.

Mr. Speaker, of course, I urge the adoption of the resolution. I will have an amendment which I will offer a bit later.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman from California yielding to me.

I would want to make clear, Mr. Speaker, at the outset that I am pleased that the Committee on Rules has brought to the House floor this resolution in order to clarify the nongermane question.

I have two questions I would like to direct to the gentleman from California if he would be willing to respond.

One, it is my understanding from your description and the committee report that accompanies this House resolution that if a nongermane amendment is rejected by the House, the situation is such that the conference report is rejected—and the whole conference report goes back to the conference committee with the other body. Is that a clear understanding of the situation?

Mr. SISK. If I can correct the gentleman right there, it goes back to the Senate and not to the conference after the proceeding has been completed and the conference report adopted with amendments. These amendments, of course, would amount to changes by the fact that nongermane matter has been rejected. If the House passes the conference report with the amendments, it is returned to the Senate, at which time they can either accept it on that basis or they can seek another conference with the House or they can use other methods or let the bill die, of course. But it does not go back to conference. After we have acted it goes back to the other body.

Mr. STEIGER of Wisconsin. Will the gentleman yield further?

Mr. SISK. I yield to the gentleman.

Mr. STEIGER of Wisconsin. What goes to conference if the other body requests a conference?

Mr. SISK. Then the entire matter is open in the conference and the original bill as well as the House position expressed in the most recently expressed act of the House. It all goes to conference.

Mr. STEIGER of Wisconsin. So that the situation is——

Mr. SISK. Both the Senate and the House version.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's clarification of that point.

That then leaves us, does it not, not quite as well off as I had hoped we would be in terms of the original resolution reported by the Committee on Rules. I think it is an improvement, however.

My second question is on a matter of timeliness. A point of order, in order to be recognized by the Chair, must be made prior to the reading of the report or the statement of the managers. Is that correct?

Mr. SISK. Yes. That would be correct. It would require that in order to be considered to be timely under the rules of the House.

Mr. STEIGER of Wisconsin. Failure to have raised it at that point would mean it could then not be raised at another point during the consideration of the conference report?

Mr. SISK. That is right. The gentleman is correct.

You understand that a series of points of order could be made on a series of nongermane amendments.

Mr. STEIGER of Wisconsin. Yes. I understand that.

Mr. SISK. But they do have to be raised timely.

Mr. STEIGER of Wisconsin. I was only concerned as to whether it would be possible to raise a series of points of order on a timely basis should we be in that kind of a situation.

Mr. SISK. That is exactly correct.

Mr. STEIGER of Wisconsin. I do compliment the Committee on Rules. I am not certain that we have fully resolved this. I recognize the difficult situation in which both the Committee on Rules has to operate and the House and Senate have to operate. I hope this resolution is adopted so that it will give the House a chance to exercise a legitimate prerogative to have a separate vote and debate on nongermane matters.

I thank the gentleman for yielding to me.

Mr. BINGHAM. Will the gentleman yield to me?

Mr. SISK. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I would like to express my satisfaction at the action of the Committee on Rules in amending the resolution originally proposed which would have intolerably limited the time that Members would have to study conference reports and committee reports.

I have no problem with the provisions of the resolution with respect to conference reports. It seems that a full 3 days would be adequate, and may well accord with the House's intention in adopting the present rule. I am somewhat concerned with the provision for the handling of committee reports, and I am not entirely clear as to the effect of this resolution in that regard.

Would this be accurate, that a committee report could be filed at the end of the day Monday and would be available only on Tuesday and then might be brought up on Wednesday?

Mr. SISK. No. If the report was filed on Monday, the committee report—which is what we are talking about?

Mr. BINGHAM. Yes. The committee report.

Mr. SISK. If the committee report was filed on Monday, the way the language is worded, that then could not be called up on the House floor any sooner than Thursday.

Because the report, assuming it is timely printed, would not be available until Tuesday, and under our rules we require the third day, so, Tuesday, Wednesday, Thursday, it would have to be available and could not then be called up until Thursday. In the event, for example, that, let us say the GPO, and as you know, they have had some problems there, and assuming that we filed the report—and normally they would print it that evening so that it would be available on Tuesday, but assume something developed and it was not available on Tuesday, then under the rule it could not be called up until the third day after it is available. We are trying to guarantee the availability of the report for 3 days.

Mr. BINGHAM. Mr. Speaker, if the gentleman will yield further, does this mean, in effect, then, that the time for these reports to be studied would be the same as the time for conference reports?

Mr. SISK. Exactly the same. That is what we are trying to do, to conform across the board both the conference reports and the committee reports as to the time that the reports must be available to the membership.

Mr. BINGHAM. Again I would like to thank the gentleman and to express my satisfaction at the action of the Committee on Rules in this regard, changing the original proposal which would, as I understand it, have cut way back on the time reports would be available to Members. It is terribly important if Members are not to operate in the dark with important questions being dealt with under a veil of secrecy, that the Members have adequate time within which to study conference and committee reports. I think this resolution does do that.

With the effective 3-day time period provided for in this resolution, hopefully in the future the number of waivers of the rules in this respect requested and agreed to will be lower than it has been in the past. It is these waivers that have too often frustrated the intent of the House that Members should have time to study reports.

In addition, I believe this resolution makes an improvement in the handling of nongermane amendments, and I shall vote for the resolution.

Mr. SMITH of California. Mr. Speaker,

I yield myself such time as I may consume.

Mr. Speaker, I am taking the well of the House in order to make a few remarks because this will be the last participation I will have in connection with nongermane Senate amendments, and for what value it might be worth when the House starts interpreting this rule after January 3, 1973.

I want the record to show what my intention has been ever since we started on this study of reorganization for what help or what hindrance it may be when you interpret this new rule.

When I first came to the Congress some 16 years ago it was not too long before I heard various Members make objections to nongermane amendments which were added to House-passed bills by the other body.

Then when I was appointed to the Committee on Rules some 11 years ago, it became considerably more of a subject, and one which was discussed at great length. I remember that the former chairman of the committee, the distinguished gentleman from Virginia, Mr. Smith had legislation pending. The present chairman, the distinguished gentleman from Mississippi (Mr. COLMER), was always interested. In fact, it became known as the "Colmer amendment." The Rules Committee discussed it many, many times. We would get to the point where we thought we might be able to bring something to the floor of the House, and then we were discouraged from doing so because of the fear of the leadership that it might affect comity with this body and the other body; that we might cause some hard feelings; and that the other body might take retaliatory action on some House-passed legislation. So nothing was ever done until we had the reorganization study. At that time we came to the conclusion, so far as I am concerned, that the reorganization bill should contain some language as to nongermane Senate amendments.

It seemed to me, if we were going to consider nongermane Senate amendments that we do it under the same rule that we consider suspensions; that we should have a two-thirds vote.

That was in the original reorganization bill when we brought it to the floor. But when we got it to the floor and discussed it at great length, it was determined, I think, by many of us on the floor that we could not get enough votes to sustain that part of the reorganization bill on the two-thirds requirement. So the distinguished chairman Mr. COLMER, if my memory is correct, suggested a majority. It was agreed to and accepted.

Accordingly, if a point of order were made and sustained, a separate vote could be obtained to determine if the House desired to consider it. There would first be 20 minutes of debate for the nongermane amendment and 20 minutes in opposition.

That is the way the Reorganization Act contained the language which went into effect 2 years ago.

For some reason or another, and I am not certain I am ever going to be able to understand it myself, the language covering nongermane amendments was written into a couple of different sections in the rules.

But be that as it may, I thought it could be interpreted in the House and I believe that it was. But the other body did not make the same interpretation that we did.

As I understand from letters I have seen and from conversation I have had, they interpreted the language to say that the Senate could not even consider any nongermane amendments, that conferees could not consider any nongermane amendments and that accordingly the rules of the House were running the Senate and they did not like it.

That was never my intent and I do not think it was the intent of anybody else.

I personally intended that they could consider any nongermane language that they wanted to. If they wanted to take a simple immigration bill and put in a 20-percent social security increase or highway funds or anything nongermane they would have a right to do it and pass the bill and send it back to the House.

Then when it came time to consider the bill here, an objection could be made to any Senate amendment which was not germane and a separate vote could be had with 20 minutes debate on the pro side for the amendment and 20 minutes against it. Then a vote on it. If the majority of the Members rejected the amendment, then that would be out and we could go back to conference with the procedure we finally have here. If we agreed to all of it, the Senate amendments were accepted. I think in the military procurement authorization bill, on that conference report there were several nongermane Senate provisions such as buying chrome from Rhodesia, the so-called Mansfield amendment on ending the war, and others. The rules committee granted a special rule to provide for votes on three of them. We only had votes on the one regarding buying chrome from Rhodesia. It was accepted and then we voted on and accepted the conference report.

In any event, the Speaker brought this to the attention of the Committee on Rules and the chairman reestablished the reorganization subcommittee. We started working on it again and we wrote it and rewrote it and wrote it and rewrote it about a dozen times trying to satisfy everybody. I do not think we can ever satisfy everybody, however we tried.

I attempted to expain this on a conference report earlier this year, when I explained this situation once before. I thought and still feel that only the rejected nongermane amendments should go back to conference. That is the way this resolution was originally written. But that seemed to cause some conflict with the other body. They wanted the whole conference report to go back for further consideration.

So we changed it and it is before us today. I am perfectly agreeable to it. That is the way it will be handled starting next session if House Resolution 1153 is adopted. I want my intention about this to be very clear. The other body can add all the nongermane amendments to a House bill that they want to. The conferees can consider all nongermane Senate amendments. When the amended bill comes back to the House with nongermane Senate amendments, or when a conference report is brought up in the House with nongermane Senate provisions or nongermane parts of the conference report, a Member can make a point of order to any and all nongermane provisions. If the point of order is sustained by the Speaker and subsequently by a vote of the House it will not be in the final consideration of the conference report.

It will go back to the conference, or a new conference, for further consideration. The entire conference report can be reconsidered, not just the rejected parts.

That is my interpretation and I will be interested to see what will happen when the problem arises next year.

I hope this resolution will clear it all up. It is my intention to do so. The following are my comments in explanation of House Resolution 1158.

The purpose of House Resolution 1153 is to provide in one package, several different amendments to the rules of the House. The first section of the resolution deals with nongermane Senate amendments. Section 2 deals with the 3-day rules and rules governing conference reports in disagreement. Section 3 makes rules changes necessary to provide for the new delegates from Guam and the Virgin Islands. Section 4 makes technical corrections in three rules. Section 5 deals with floor privileges.

More specifically, the first section of House Resolution 1153 is designed to give the House an opportunity for separate debate and a separate vote on nongermane provisions attached by the Senate to House-passed measures.

The procedure on conference reports would be as follows. After the reading of the conference report has been completed or dispensed with, and before the reading of the statement, any Member may make a point of order that the conference report contains nongermane provisions, which shall be specified. If that point of order is upheld, it is in order to offer a motion to reject the nongermane material. There would then be 40 minutes of debate and a vote. If one of the motions to reject is adopted it is still in order to offer additional motions to reject other nongermane provisions. If any motion to reject has been adopted, after final disposition of all motions to reject, the conference report is to be considered as rejected, and the question then pending will be whether to recede and concur with an amendment, which is to consist of that portion of the conference report not rejected.

On the other hand, if all motions to reject are defeated, then after debate on the conference report it will be in order to move the previous question on the adoption of the conference report.

The first section of House Resolution 1153 also deals with the situation where the Senate returns a bill or resolution to the House with nongermane Senate amendments or nongermane material included in a Senate amendment in the nature of a substitute. In order to deal with this situation, House Resolution 1153

amends rule XX, which deals with amendments of the Senate. House Resolution 1153 will permit the House to consider and vote separately on parts of a Senate amendment in the nature of a substitute, after 40 minutes of debate, equally divided between proponents and opponents. Since these amendments provide for the handling of nongermane Senate amendments in the House, the present clause 3 of rule XX, which prohibits the consideration of nongermane Senate amendments by House conferees unless previously authorized to do so by the House, will be unnecessary. Therefore clause 3 of rule XX is repealed.

Section 2 of House Resolution 1153 deals with the 3-day rules. One part of this section is intended to make certain that the 3-day rule on conference reports is interpreted as a 3-day rule rather than as a 4-day rule. It says, in effect, that the 3 days are to begin on the day after a conference report is filed, and that the conference report may be brought up on the third day. For example, if a conference report is filed on Monday, it would be eligible for consideration on Thursday. The rule also will require the printing of the conference report and the explanatory statement in the CONGRESSIONAL RECORD on the day on which the report is filed.

Section 2 also deals with conference reports in disagreement. The procedure of reporting a conference report in disagreement was used by Chairman MILLS on June 30, 1972, to attach a 20 percent social security increase and one other amendment to the debt limit extension. The procedure used by Chairman MILLS enabled him to avoid the usual requirement that conference reports be printed in the RERORD at least 3 days prior to consideration. He also avoided the rule which requires that copies of amendments be available on the floor. Section 2 of this resolution is designed to prevent this situation from recurring. Under this resolution, rule XXVIII is amended to require that a conference report in disagreement, the accompanying statement and the text of the Senate amendment shall not be considered until the third calendar day—excluding any Saturday, Sunday, or legal holiday—after such report and accompanying statement shall have been filed in the House, and such consideration then shall be in order only if such report and accompanying statement shall have been printed in the daily edition of the CONGRESSIONAL RECORD for the day on which such report and statement shall have been filed. This provision will not apply during the last 6 days of a session. Copies of the conference report in disagreement, the accompaying statement and the text of the Senate amendment must be available on the floor at the time of consideration. And finally, House Resolution 1153 requires that the time for debate on amendments to the conference report in disagreement be equally divided between the majority and minority party.

Section 2 also provides that committee reports cannot be considered in the House until the third calendar day—excluding Saturdays, Sundays, and legal holidays—that the committee report has been available to Members of the House. Under present rules interpretation, a committee report which is filed on Monday cannot be considered until Friday. This change means that a committee report can be filed on Monday and considered on Thursday.

Section 3 of House Resolution 1153 makes the rules changes necessary to accommodate the new nonvoting Delegates from Guam and the Virgin Islands. These changes grant the delegates from Guam and the Virgin Islands the same rights and privileges as the Delegate from the District of Columbia, with one exception. The delegates from Guam and the Virgin Islands are not given the right to vote in committee.

Section 4 of this resolution makes three technical corrections in the rules. Two are changes in grammar, and one remedies an inaccurate cross reference.

Section 5 of this resolution extends floor privileges to former Parliamentarians of the House, former elected officers, and former elected minority employees of the House, who are not interested in any claim or directly in any bill pending before Congress. Section 5 also amends the language of clause 1 of rule XXXII to recognize an existing situation which is not reflected in the rules. The present rules do not specifically extend floor privileges to elected officers and elected minority employees of the House and the Parliamentarian. Section 5 of this resolution will alter the rules so as to include these people, who are required to be on the floor in order to do their jobs.

Mr. Speaker, these changes will not take effect until the 93d Congress. I urge passage of House Resolution 1153.

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

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

Mr. KYL. Mr. Speaker, we will not have many more opportunities in this body to praise the gentleman who is now in the well, and who has voluntarily decided to seek other occupation. His efforts on the matter which is before us are typically conscientious and studious. They are exemplary of the kind of service that he has rendered to this Nation in his 16 terms here in Washington.

I certainly did not want to let this opportunity go by without expressing my own, and I am sure the thanks of so many Members of this body for the kind of service that he has presented.

Mr. SMITH of California. I thank the gentleman.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. COLMER. Mr. Speaker, will the gentleman yield to me?

Mr. ANDERSON of Illinois. Mr. Speaker, I am certainly glad to yield to the distinguished chairman of the Committee on Rules (Mr. COLMER).

Mr. COLMER. I thank the gentleman from Illinois. I should make it clear to my friend from Illinois that I do not intend to deprive him of his time, but I merely want to comment with some continuity here on the remarks that were made by the gentleman from Iowa (Mr. KYL) about my friend, the gentleman from California (Mr. SMITH). I will make it brief, if the gentleman will permit me to do this.

Mr. ANDERSON of Illinois. I certainly will be pleased to yield to the distinguished gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I did not realize that this was to be the occasion when tributes were to be paid the ranking minority member of the Committee on Rules at this time. I do not have the time here now, nor do other Members who would like to pay tribute to our friend, under the allotment of time here to pay the proper respect to this great statesman—and that is exactly what he is in my book—the gentleman from California (Mr. SMITH). I could go on and on, but that would in the end be about what I would say.

I want to say, however, that I have never served with a man on the committee who was more dedicated to the preservation of this Republic and to the welfare of his people than is the gentleman from California (Mr. SMITH). As a matter of fact, he has been so helpful to me in the trying job that I have had in trying in my limited capacity to serve as chairman of the Committee on Rules, that I have often referred to him as cochairman of that committee. "I never make a move without first clearing it with SMITH."

Mr. Speaker, for more than three decades I have had the privilege of serving on the House Rules Committee. During that time there have been a substantial number of members serve on the committee. Coincidentally two of them were Smiths. One was my former chairman, the distinguished and able gentleman from Virginia, Congressman Howard W. Smith. The other, of course, is the other able and distinguished gentleman from California, whom we honor here today, H. ALLEN SMITH. It is indeed an interesting fact that both of these gentlemen served with unusual ability and distinction on the Rules Committee. They both possess splendid intellect and no other member exceeded them in devotion to our great common country. They share, generally speaking, my own philosophy of government and are my close personal friends as well. Mr. Speaker, I must confess sadness over the fact that the paths of H. ALLEN and my own separate as we both retire from the Congress in the next few days, even as I was saddened by the departure of the other Smith, Congressman Howard W., who served as my predecessor as chairman of this important committee. Mrs. Colmer joins me in the wish that ALLEN and Mrs. Smith may enjoy many more years of happiness in their beloved California.

I thank my friend, the gentleman from Illinois, for his graciousness.

Mr. ANDERSON of Illinois. Mr. Speaker and Members of the House, the record of the proceedings of this particular session of the 92d Congress will not reflect—unless I mention it now—the fact that following the tribute which was given to the gentleman from California (Mr. SMITH) by his colleague, the gentleman from Iowa (Mr. KYL), out of respect for one man the Members present in the Chamber rose to their feet

and joined in spontaneous applause in recognition of how rightly deserved is the tribute that was paid to the gentleman from California (Mr. SMITH).

Like the gentleman from Mississippi, the distinguished chairman of the Committee on Rules, it was not, frankly, until a few minutes ago, as I was seated at yonder committee table that I realized that in the presentation of the resolution dealing with this very technical and very complicated subject of how we act on nongermane Senate amendments, it would probably in connection with that resolution that I would have a final opportunity to say a few words about the gentleman from California, with whom I have served on that committee these past 9 years.

I could not help but notice that it was almost with a look of pained embarrassment that he accepted the tribute paid him by the preceding speaker. I think this is merely indicative and reflective of the unusual modesty which he displays on every occasion. Yet even at the risk of compounding his feelings of embarrassment, I certainly want to add my voice to that of the chairman of the committee and the others who have both spoken and will follow me. One cannot sit next to a man for 9 years, for almost a decade without having the opportunity to observe him and to observe him very well. I have certainly formed an impression over those years of ALLEN SMITH as being a conscientious, patriotic, and dedicated public servant.

He has a knowledge of the rules of this House that I think is virtually unsurpassed as far as any other Member is concerned. He has taken the time, which frankly few of us have, to inform himself about the intricacies of some of those rules.

If I were to speak to the subject of the resolution which the gentleman just presented, there would be very little if anything I could add for the simple reason that on this occasion as well as on any other the gentleman has taken the well of this House to discuss and to explain a resolution from the Committee on Rules, he has with clarity and with precision and with unusual succinctness presented that resolution and the reasons which led to its adoption in the committee.

As I have had occasion to say in times past in commenting on the record of service of other Members, we have not always agreed, and yet those occasions have never been unpleasant because of the kind of man he is, because of his character, because of his honesty, because of the deep conviction with which he has held his own views, and because of the generosity that he has accorded to mine. So I, like the chairman of the Committee on Rules, could take more time perhaps than I should on this closing or perhaps penultimate day of this session of the Congress to praise the work of our colleague. Suffice it to say we will miss him, we will miss him on the Committee on Rules, we will miss his wise counsel and the wisdom he has imparted. We will miss him as a fellow Member of this body, where with great capacity and courage and conviction he has presented his views over the last 16 years.

We wish him only long life and good health and the very best that life has to offer as he returns to the very pleasant climate of southern California.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Michigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the words of the gentleman from Mississippi, the chairman of the Committee on Rules, and the observations by the gentleman from Illinois I do not think can be improved upon in referring to the many outstanding characteristics and achievements of the gentleman from California, Mr. H. ALLEN SMITH.

I would simply like to make a comment or two about a personal relationship that means much to me. It has been my privilege for the last 7½-plus years to be the Republican floor leader. During most of that time the gentleman from California has been the ranking minority member of the Committee on Rules. I did not know ALLEN SMITH too well prior to this opportunity to become better acquainted, but with the responsibilities that he has and the ones I have we became very close in a personal way. In that kind of association we have learned to know each other through good times and bad. I have learned to respect and admire the kind of person ALLEN SMITH is. We have not always agreed but where differences existed they were honest and in good faith.

I could never challenge his integrity or his knowledge of any subject matter. I might say in passing that I do not know of a member of the Committee on Rules—and I do not mean to downgrade any of the other outstanding members of that committee—but, he knew every bill that came before it as well, if not better than, any Member in the House of Representatives.

That storeroom of knowledge was invaluable in his judgment on whether a rule should be granted or what kind of a rule should be granted. It was helpful to me to know that ALLEN SMITH in his capacity on the committee was so well informed on the substance of any legislation.

In other ways, ALLEN and I had a close association. For the last two Republican National Conventions I was permanent chairman, and he was parliamentarian. Again, if I wanted anything from a technical point of view, from a point of view of good judgment, I could always refer to ALLEN SMITH, and I could trust the decision.

I would like to close by saying that the things which I said related primarily to our political or legislative responsibilities, but I can also say that I and my wife, Betty, will deeply and greatly miss Elizabeth Smith, along with ALLEN SMITH, because the two of them have been not only good friends to us, but, I am sure, great and good friends to many in the Congress.

I wish both of them the very, very best on behalf of all the Members of this House.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the minority leader for his contribution.

I yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, everything that really needs to be said has been said, and I subscribe to every word that has been said by ALLEN SMITH's associates on the Committee on Rules, and by the distinguished minority leader.

I have had the privilege during the last few years of being chairman of the California Republican delegation in the House, the largest in the House, with 18 members. It carries some responsibility with it. If there was ever anyone upon whom one could rely totally, whether or not in agreement, to be helpful in trying to resolve problems that has been ALLEN SMITH.

As our distinguished minority leader said, it goes much deeper than that. He has not only been a great legislator and a real helper in getting things done, but also a very close personal friend. He knows I will miss him very much.

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

Mr. ANDERSON of Illinois. I am happy to yield to the distinguished majority leader.

Mr. BOGGS. I thank the gentleman for yielding.

There is little that I can add to what has already been said. As majority leader, and as majority whip, I have had very close contact with ALLEN SMITH for a long time. I know of no Member who has been more cooperative.

There have been occasions, of course, when he and I have been on different sides. That is as it should be in a two-party system. But, I have never known a time when he has deliberately obstructed the consideration of legislation, regardless of how he may have felt about it personally. Nor have I ever known a time when he has not shown total and complete respect for this institution and the rules under which we are governed.

He, in my judgment, has been a dedicated, hardworking and loyal Member of the House of Representatives. In addition to that, and certainly not least, he has been a very dear friend of mine.

I shall miss him greatly. I wish for him the very best of everything in his retirement.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank the gentleman from Illinois for yielding to me.

Knowing that our good friend and colleague, H. ALLEN SMITH, likes to get to the point, I shall be brief. So many of the fine things that can be said about "AL" SMITH have already been said. We could really spend the entire afternoon talking about his fine qualities.

I should just briefly like to say, that we can always count on AL SMITH to get the job done the way he said it would be done. I especially am aware of that quality because my district adjoins AL SMITH's and we have had many opportunities to observe that characteristic.

The gentleman from Illinois and others have already referred to AL's precision in legislative affairs and the absolute fidelity of his word. He not only keeps his word, but he goes beyond the call of duty

in seeing that his word is carried forward, as well as helping others he has agreed to support and help.

Much has already been said by the gentleman from Illinois and our good minority leader as to how one could be sure, if one wanted to know both sides of an issue on any bill AL SMITH could give it in great detail, because he always did his homework prior to presenting a rule for House consideration. Many times he had to stay long hours into the night so that he would be properly prepared the next day on the floor when he presented the rule. AL took the time always to prepare himself so that he would know both sides of the issue well enough, so that Members would have a clear, concise, and fair analysis of every bill.

Those of us in California from both sides of the aisle will miss his leadership. Because of his superior performance in the California State Legislature prior to 1956 he brought an added dimension of leadership to the House of Representatives. In legislative affairs ALLEN SMITH excelled.

In addition the Nation can be proud of AL's thorough knowledge of constitutional issues which effected the freedom and security of all Americans. More important AL fought for those constitutional principles with determination and outright courage.

We are grateful, AL, for your splendid performance in this House and above all your warm friendship. We thank you.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. I thank the gentleman for yielding.

Mr. Speaker, so many accolades have been paid to my good friend, H. ALLEN SMITH, or, as we know him, AL or SMITTY, that I am not going to burden the RECORD right now by saying all of the wonderful things I would like to say about my good friend from California. Suffice to say we are going to miss SMITTY and Elizabeth.

I could not help, while standing here and hearing all these fine things said about him, but to think back to our good friend Glen Lipscomb, who with his lovely wife, Ginger, was a close and dear friend of AL's and Elizabeth's. AL served in the legislature in California with Glen and they came here, I believe, just a year or two part. It was my good friend, Glen, whom I sat next to on the Committee on Government Operations and later the Committee on Appropriations, from whom I learned about the qualities of H. ALLEN SMITH, and what a great guy he was, even before I knew him well, because the friendship those two had for one another was not only close both in their work together but socially as well.

AL, we are going to miss you and, as I said before, your lovely wife. We all wish you the very best for the years to come. Your dedication to the Congress, California and the country is an example for all of us here in the House to follow.

I should like to conclude by saying that its not just the Members who so highly admire you but those who work there in the House as well. As one very top appointed official from the other side said just a few moments ago—"He is the finest, I wish the House rules permitted me to get on the floor and tell all the Members just that."

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, knowing H. ALLEN as well as I do and having known him as long or longer than most else here, and having resided in the same apartment house with H. ALLEN and Elizabeth for several years, I know he does not want this prolonged.

I would just like to echo everything that has been said. It could not be exaggerated. I associate myself with the remarks which have been made.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the distinguished chairman of the Committee on Appropriations (Mr. MAHON).

Mr. MAHON. Mr. Speaker, when people talk about Members of Congress they often have in mind Democrats and Republicans. When I think of ALLEN SMITH I think in terms of statesmanship.

I have had the opportunity, as many of the other Members have had, to observe this man in operation. I have seen him at work in the great Committee on Rules on many occasions when I appeared before that body as a witness. I have seen him at work on the floor helping to guide important legislation through the House. I know of his good works and respect his effective deeds as a legislator. I am deeply appreciative of the fact that I have had the opportunity to associate for many years with a man of the stature of H. ALLEN SMITH.

All of his colleagues here in the House are going to miss him. We are going to remember him as a strong, sturdy, devoted, dedicated citizen of the United States who has done a good job for his people and for the Nation.

Mr. Speaker, I salute him.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, my remarks will be very brief, because so much has been said by my colleagues that have preceded me, who admire and respect my fellow Californian, H. ALLEN SMITH.

As I have worked with and grown to know H. ALLEN SMITH, I have come to recognize him as one of the most principled men who has ever served in the Congress of the United States. He is a man of integrity, and I would say if there is any label that would fit H. ALLEN SMITH, he will leave this House with the name, in my view, as the "Conscience of the House."

He stood like the Rock of Gibraltar on all matters and legislative proposals that were consistent with the basic guidelines of our Constitution and our Republic.

"SMITTY," as we affectionately called him, and his immaculate and lovely wife, Elizabeth, are now and always have been an inseparable combination—she as the devoted and supportive wife and he as the conscientious, courageous and considerate legislator—recognized and respected by all Members of the House of Representatives as the perfectionist.

Many Members of the House and the Senate tend to make the headlines or are considered the newsmakers. To me, it is regrettable that so little attention is given to the men and women of the Congress who actually get the job done, keep the Congress operating and, most importantly, preserve and protect the rights and privileges of the American people in our free society.

H. ALLEN SMITH is that kind of man—quiet, unassuming, methodical, punctual, precise and articulate.

As a friend, I will miss him very much. As a fellow Californian, I can say, without fear of contradiction, California is losing its most able Congressman, H. ALLEN SMITH. The Nation and our people have stood the test of time because of men like "SMITTY."

"SMITTY" succeeded in building an extraordinary legislative career, both in Sacramento and here in Washington. He did so because as a negotiator, his guiding principle seemed to be, "the only way to settle a disagreement was on the basis of what is right—not who is right."

Or, put another way, nothing which is morally wrong can ever be politically right.

This is the man that I know—H. ALLEN SMITH of California—the "conscience of the House of Representatives."

May the good Lord be kindly to you and Elizabeth in your retiring years.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a personal privilege for me to join in the accolades extended to my good friend, H. ALLEN SMITH, and to his lovely wife, Elizabeth, and to echo those fine sentiments that have been expressed by others.

Mr. Speaker, long before coming to the Congress it was my privilege to know of H. ALLEN SMITH and of his service to the State of California and of the very real sense of obligation he had in that oath of office to uphold and protect the Constitution.

When I came here, Mr. Speaker, I discovered he was one on whom I could lean, and lean heavily, for advice, for counsel, and for the kind of response that I always respect in a personal relationship.

So it is a personal pleasure to share with the other Members of this body in a tribute to H. ALLEN SMITH in recognition of his service to the Nation and particularly to the State of California, where he will long be recognized as one of the stalwarts, not only in the Congress of the United States but in the Nation as a dedicated and faithful public servant.

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

Mr. ANDERSON of Illinois. I yield to the distinguished gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, and my good friend from Illinois, Mr. Ander-

son, I just want to rise to say this: H. ALLEN SMITH pleases me, and I am notoriously hard to please.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I wish to say that during the years I have listened to the Honorable H. ALLEN SMITH's explanations of different bills as they came before the House, and I must say that his explanations have always been clear, correct, and succinct.

Mr. Speaker, it happens he is a next-door neighbor of mine, and has been for several years. I want to say that he certainly is hospitable; not only that, he is a good neighbor.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Kentucky.

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

Mr. Speaker, I hesitate to interject myself into this, because I neither have the number of years at my disposal to have gained the friendship of Mr. SMITH, nor really a full knowledge of his contributions to the House. May I simply say also that I have never in truth had a conversation with Mr. SMITH, and I doubt very much if he would know me if we passed on the street.

However, Mr. Speaker, I have frequently clipped from the next day's RECORD those articles which the gentleman from Illinois has earlier indicated have given a succinct, very clear, and extraordinarily precise description of the more complicated rules. If I have learned anything about the procedures of this great body, I have learned as much from the gentleman from California, Mr. H. ALLEN SMITH, as I have from anyone.

Therefore, Mr. Speaker, I thank him and wish him well on his retirement.

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

Mr. ANDERSON of Illinois. I yield to the gentleman.

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

Mr. Speaker, I join my colleagues in paying tribute to a great American, Mr. H. ALLEN SMITH.

His retirement will leave a void in the Committee on Rules and in the House of Representatives.

ALLEN SMITH first began his congressional career 16 years ago and has, from the first day, fought for the preservation of the ideas and traditions which have made America great.

His good judgment deserves a sincere word of gratitude from those who have benefited from his outstanding record. In addition, his high ranking position on Rules has been a source of fine leadership and great inspiration to those of us who serve with him on the committee.

ALLEN SMITH's deep devotion to the principles of justice and freedom for all men and his great concern for each and every constituent of his district have built for him many achievements which he can be justly proud. He is a dedicated, able, and hard-working statesman who has fulfilled his service in Congress with great distinction.

We will all miss ALLEN SMITH when he leaves this Chamber, but his retirement leaves Congress enriched by his contributions. He will not be forgotten. I wish him a long, healthy, and happy retirement.

Mr. KING. Mr. Speaker, it is with great pleasure that I join with my colleagues in paying tribute to H. ALLEN SMITH upon his retirement from the House of Representatives.

I am personally going to miss the gentleman from California because of the friendly relationship we have enjoyed over the years. Our votes and our philosophy concerning legislation have been similar in nature and I am proud to say that I have always followed his recommendations with regard to the critical issues facing the country. One of the admirable qualities of H. ALLEN SMITH is that he can express himself clearly and concisely on any issue and no one ever has to ask where he stands on legislation.

It is a great pleasure for me to join with my colleagues in extending to H. ALLEN SMITH my very best wishes for his continued success, good health, and happiness in the years ahead.

Mr. McCLORY. Mr. Speaker, I feel privileged to join in this final tribute to our colleague from California, H. ALLEN SMITH, who is voluntarily retiring after 16 illustrious years as a Member of this House of Representatives. Having observed the conscientious—and even painstaking consideration which ALLEN SMITH has given to virtually every major piece of legislation during the years of his service—particularly, his service on the Rules Committee—it can be said with confidence that Congressman SMITH was as our colleague from Mississippi (Mr. COLMER) declared "a statesman."

Congressman ALLEN came well equipped for the service he has rendered here for his California constituents. A native of Dixon, Ill., his adopted State of California became his first love and earned his principal loyalty together with that of the beloved Nation which he has served so well.

A former special agent with the FBI, ALLEN SMITH has displayed an alertness and acuity in the legislative business of our Nation from which all of us have benefited.

I subscribe to all of the other generous remarks which my colleagues have uttered in his behalf on the floor of the Chamber today. My wife Doris and I extend to him and his attractive and faithful wife, Elizabeth, best wishes for many productive, healthy, and happy years.

Mr. VEYSEY. Mr. Speaker, it is with a genuine sense of loss that I realize that this resolution may be the last to be managed on this floor by the distinguished ranking minority Member of the Rules Committee, H. ALLEN SMITH of California.

AL SMITH has, over the years, developed the reputation of being absolutely direct, open, and honest; of knowing the technicalities of rules and procedure; of being a great and effective Californian and American; and of giving the fullest measure of himself to any project he undertakes.

Coming to this House as he did with a rich background of legislative experience in California, he was immediately effective, and has continued to produce results through this session.

As I entered this body in January 1970, the newest member of the California delegation, AL SMITH befriended me and offered guidance and counsel. I am grateful for that help, and I wish to express my thanks publicly.

In addition, let me say that the distinguished gentleman from Californian H. ALLEN SMITH, has done much to make America a better and stronger Nation. He will long be remembered for those contributions.

I am sure we wish AL and Elizabeth good health and much happiness as they leave us.

Let me also state that I support House Resolution 1138 because it clarifies a number of cloudy areas in the rules and particularly because it guarantees the House may have a separate debate and vote on all nongermane Senate amendments.

Mr. EVINS of Tennessee. Mr. Speaker, it is to be regretted that our colleague, H. ALLEN SMITH, the gentleman from California, who is retiring at the end of this session after more than 15 years of distinguished and dedicated service in the House, will not be with us in the next session of Congress.

ALLEN SMITH is the ranking minority member of the Committee on Rules of the House—the little Congress—and in that capacity has contributed greatly to the legislative process of the House.

He served for a number of years as the ranking minority member of the Select Committee on Small Business, and in this role our relationships were pleasant and cordial and cooperative.

ALLEN SMITH is a personable, genial gentleman who has gained the high respect of his colleagues—and he will be greatly missed. Certainly we all wish him the very best of good luck and success as he enters upon his retirement.

Mr. VAN DEERLIN. Mr. Speaker, my friend and colleague, the Honorable H. ALLEN SMITH, will end his service to the Nation as a Member of Congress at the conclusion of this term. When he retires after 16 years in the House, Mr. SMITH will leave behind a void difficult to fill.

It has been my privilege to serve with Mr. SMITH for 10 of the 16 years he has been a Member of Congress, and I have developed a great admiration and respect for him and for his achievements. He has worked indefatigably on behalf of his native State of California, and through his expertise and efforts the citizens of that State have benefited enormously.

I recall particularly the manner in which he spearheaded the fight to assure a rule allowing a successful amendment to the 1967 Clean Air Act, which permitted California to set its own automobile emission standards. In this fight Mr. SMITH, as always when high principles were at stake, did not hesitate to cross party lines and work closely with Members across the aisle.

He will carry with him in his retirement the best wishes of Members from both sides.

GENERAL LEAVE

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the public service and accomplishments of the gentleman from California (Mr. H. ALLEN SMITH).

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

There was no objection.

AMENDMENT OFFERED BY MR. SISK

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

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 5, line 4, after the word "committee" strike the word "have" and insert in lieu thereof the word "has."

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SISK

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

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 8, immediately below line 5, insert the following:

"SEC. 6. The amendments made by the foregoing sections of this resolution shall become effective immediately before noon on January 3, 1973."

Mr. SISK. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, with reference to this amendment, I would simply like to say this: This nongermane amendment provision in connection with this resolution which we have before us is now and has been from the beginning of its consideration by the committee known as the Colmer amendment.

I might say that the distinguished gentleman from Mississippi, the chairman of the Committee on Rules, for many, many years has sought to do something about the matter of unrelated, nongermane matters that have been attached to House-passed bills over the years, so as a result for many years he has introduced legislation to do something about it.

Finally, then, when the Reorganization Subcommittee was set up in the 91st Congress, that was one of the matters we early began consideration of.

As a result of the work and the efforts of the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER) our committee brought to the floor the Reorganization Act, which did contain the Colmer amendment.

One of the reasons why we have the resolution before us today, House Resolution 1123, is because we thought it was necessary in order further to clarify some of the provisions because of the fact that the matter has not operated as the committee originally thought it would.

I did want to call the attention of my friends and colleagues in the House to the fact that I thought this was very apropos since this will be the closing days of the service of this distinguished American to pass this resolution and hopefully to make fully effective the Colmer amendment in connection with seeing to it that the actions of the House of Representatives, which he loves so dearly, are fully preserved.

I want to say during my 18 years of service in this body one of the truly great pleasures and great memories I will have has been my service with BILL COLMER of Mississippi. His distinguished leadership, his counsel, his advice, his kind admonitions from time to time have been something that mean a great deal to me and they will be remembered all the rest of my life.

I would hope as a result of this resolution that the preservation and the greatness of this House will be sustained, because, as I say, that has been Mr. COLMER'S concern because of his great love for this body as the greatest legislative body in the world.

Of course, Mr. Speaker, I wish to join with all my friends who have paid tribute to my able and distinguished colleague from California (Mr. SMITH).

As I told him the day after I read that announcement, I said, "AL, you deserted me."

There is no Member of this House with whom I have worked more closely. AL and I have not always voted together—in fact, as recently as last week we have been on opposite sides of issues—but there is no one in this House I have greater respect for and who has been a greater defender of this Nation as well as the State of California.

I wish you had not made the decision you did, AL, but you know my strong feeling for you and Elizabeth.

Mr. COLMER. Mr. Speaker, I take this opportunity to extend my congratulations and appreciation to the Subcommittee on Legislative Reorganization headed by the gentleman from California (Mr. SISK), as chairman. I also extend my appreciation to the other members of the subcommittee, Messrs. SMITH, BOLLING, YOUNG, and LATTA. This subcommittee, worked long and diligently to bring about some of the needed reforms in the reorganization bill adopted in the last Congress. While I had some reservations about some of the changes that were made in the rules of the House, on the whole I think they rendered yeoman service. They did not embrace in their recommendations to the full committee some of the more liberal recommendations that were made to that committee. They did, I repeat, make some splendid recommendations.

Mr. Speaker, one of the facets of the change in the rules proposed today is the amendment to which my colleague (Mr. SISK) referred a few moments ago and that is the amendment which hopefully the House will adopt in the next few minutes with reference to the treatment of nongermane amendments placed on House-passed bills by the other body. I hope I may be pardoned if I state that for more than 20 years as a member of the House Rules Committee I have been deeply concerned and often irritated by the other body, which has few rules of procedure, placing amendments on House-passed bills that are not only nongermane but totally unrelated to the subject matter involved in the House bill. It is therefore with some gratification that here in the waning days of my service on the Rules Committee, and after years of trying to bring about a needed change, we have about reached the day of fruition in having this matter resolved. I shall not go into detail about it since the chairman of the subcommittee (Mr. SISK) and the ranking minority member (Mr. SMITH) have already explained it. I hope the House will approve House Resolution 1153.

Mr. SISK. I now yield to my colleague from California (Mr. BURTON).

Mr. BURTON. I thank the gentleman for yielding. I regret the bringing up of this resolution at this time. I think it should be defeated and we should deal with it at the beginning of next session.

But having said that, I wish to say I really sought recognition so that I myself could express from the bottom of my heart the great esteem and fondness in which I hold our distinguished colleague, H. ALLEN SMITH.

H. ALLEN SMITH, as all of us from California know, came to the Congress from the State Legislature in California where he was acknowledged to be without peer as an outstanding member of that body, and an outstanding leader of that body. So it was no surprise to those of us who came from the legislature to the Halls of Congress to see that the same strength of character, his enormous capacity for work, his absolute personal and political integrity, and his profound love for this country propelled H. ALLEN SMITH into this body and into leadership in this House.

Our delegation from California next year will be the largest in the country. We are pretty large now——

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

Mr. SISK. Mr. Speaker, I yield myself 2 additional minutes, and I yield further to the gentleman from California.

Mr. BURTON. As I started to say, Mr. Speaker, we are a pretty large delegation now, but I dare say perhaps we are not the most powerful. I do not know what power we will have in the next Congress, but I know it is fair to state that H. ALLEN SMITH has been a bulwark of power and strength not only to this House but for those of us from California, and the California delegation, and oftentimes when you consider the interests of such a large State which is growing every day, and a State that is at the other end of the country, there have been many occasions when we have needed help, and it has been H. ALLEN SMITH'S excellent reputation that has oftentimes saved our hides, if you will.

Well, ALLEN, I personally deeply regret in every way that you have made this judgment. All of your friends of course accept the wisdom of that judgment because the judgment was yours to make. We in the Congress and, more particularly, everyone in the California delegation, and certainly all the people of our State and this Nation, are going to miss you sorely.

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

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

Mr. REES. Mr. Speaker and Members of the House, I certainly agree with my colleague, the gentleman from California (Mr. BURTON) and I am voting

against this resolution as I think we should take it up at the beginning of the next session. We do not need to do so this session. There might be other changes in the rules that some of us might want to bring up at the beginning of the next session and I think consideration of rules changes should all be done at one time.

Mr. Speaker, I would like to also add a few words on H. ALLEN SMITH's retirement. I served in the State legislature with AL, and when I came up to the California Legislature I was the youngest member, and very scared, AL helped me out a great deal. We in the legislature hated to see him go to Congress, but our loss was the Nation's gain. I know that we also hate to see him leave us here in Congress. It has been a pleasure and an honor for me to have worked with ALLEN these many years. Goodby ALLEN, we will miss you.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. SISK. Mr. Speaker, I yield myself 2 additional minutes.

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

Mr. SISK. I yield to the gentleman.

Mr. HOLIFIELD. I thank the gentleman for yielding.

I just came into the Chamber and I recognized the fact that we are engaged in a eulogy to our colleague from California, H. ALLEN SMITH.

As a senior Member on the Republican side of the California delegation—and I occupying that position on the Democratic side—we have worked together for many years and we have worked together in harmony. There has never been a harsh word between us. We have disagreed on issues, but we have disagreed pleasantly.

To ALLEN and his wife, whom Mrs. Holifield and I have always considered two of our dearest friends, and I will ask permission to extend my remarks so I will not take up the time of the House too long, I would like to say that in my opinion we are losing one of the most valuable men from the California delegation and like my friend, PHILIP BURTON, I do not question his judgment in leaving.

But nevertheless there is no Member on the Democratic side of the aisle, and I am sure it is true on the Republican side of the aisle, there is no Member of the California delegation who does not regret that he has made this decision and I would publicly say that the California delegation is less strong and will be less valuable in its work here with H. ALLEN SMITH absent.

Congressman H. ALLEN SMITH has been a valuable member of the House Committee on Rules. His explanations of the rule pertaining to a specific piece of legislation has been clear and to the point. In my opinion he has been a strong advocate for his position. Strong advocacy is vital to the perpetuation of the democratic process of a free people. I honor and respect the gentleman from California the Honorable H. ALLEN SMITH.

Mr. SISK. Mr. Speaker, I yield to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I certainly want to join in this much deserved tribute to our colleague, the gentleman from California (Mr. SMITH).

I first learned to know him when he and another former colleague, the Honorable Glenn Lipscomb, sat together in the back of the room in the California Legislature. They were frequently referred to as the Katzenjammer twins—they were always together.

They both came here to this House and both have left a distinct and distinguished mark on our National Government.

I shall miss our colleague (Mr. SMITH). And all I will say about him is that I have never known a man who could tell you what he had in his mind more directly and more succinctly than H. ALLEN SMITH.

You never need to wonder what he means. You always know. This is the mark of a truly honorable man—this is the mark of H. ALLEN SMITH.

Mr. SISK. Mr. Speaker, I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, there are so many people better qualified to speak about our distinguished colleague, the gentleman from California, that I hesitate to rise on this occasion.

But I feel there are a couple of things I would like to say on the occasion of his retirement.

In my brief time here, I have found out two or three things about our distinguished friend and colleague. The first is that behind an exterior, which sometimes seems a little bit crusty, he is a very nice individual and a very likeable person.

The second is, from where I sit, that philosophically and politically he is a very sound thinker.

The third is that he has a rare ability to expound a rule.

I do not believe there is a Member of this body who is his equal in explaining a rule. All any Member has to do is to come in here and listen to the gentleman from California explain the rule, and he knows what the House is voting on.

That is an unusual accomplishment and it is not an easy one to have. I have very great respect and admiration for that ability of the gentleman and for his ability in general. I certainly wish him every good thing in the future.

Mr. MIKVA. Mr. Speaker, I rise in opposition to House Resolution 1153. This is no time for regressive changes in the rules of the House, changes which would undercut reforms adopted in 1970 that were designed to open up the legislative process to greater scrutiny and participation.

The resolution before the House would amend the requirement that committee reports and conference reports be printed and available to Members for at least 3 days before being considered on the floor.

It could lead us back to the days of back room legislation, when bills could be whistled through a floor vote on a busy legislative day, before the press, the interested public, and the Members themselves had a chance to be alerted to the substance of the legislation and to bring before the House the arguments for and against.

The 3-day rule is no guarantee that bills will be fully deliberated and openly considered. We saw that recently when the House Administration Committee brought to the floor with no hearings and little notice a bill whose effects on recent reforms in campaign financing are at best unclear. But the 3-day rule helps. It increases the likelihood that some Member, of the House, or the press, or the public, will spot an apparently innocuous bill which turns out to have a substantial impact on the public interest.

Sound legislation thrives on careful consideration and vigorous debate. Sound legislation does not need the insulation from public scrutiny which House Resolution 1153 can cause to occur.

At a time when the people of our country are so clearly disgusted with politics as usual, it is very unfortunate for this House to draw the blinds and turn down the lights illuminating the legislative process, as this resolution would do.

Mr. Speaker, I hope that the House will turn back this last-minute effort in the closing hours of the 92d Congress to stem the tide of reform which the 93d Congress will bring. I am further confident that the 93d Congress will carry on the reform begun by the Legislative Reorganization Act of 1970, and will let the sunshine in by requiring open committee hearings, more open markup sessions, and more complete disclosure of Members' financial positions.

I urge my colleagues to keep the road to reform clear by defeating this ill-conceived and hastily contrived resolution.

GENERAL LEAVE

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the pending resolution.

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

There was no objection.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. SISK).

The amendment was agreed to.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. MIKVA. 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 57, not voting 93, as follows:

[Roll No. 439]

YEAS—281

Abbitt	Frelinghuysen	Moorhead
Abernethy	Frenzel	Morgan
Alexander	Frey	Mosher
Anderson, Ill.	Fulton	Moss
Andrews, Ala.	Garmatz	Myers
Andrews, N. Dak.	Gaydos	Natcher
	Gettys	Nedzi
Archer	Goldwater	Nelsen
Arends	Goodling	O'Hara
Ashbrook	Gray	O'Konski
Ashley	Griffin	O'Neill
Aspinall	Griffiths	Passman
Baker	Grover	Patman
Begich	Gubser	Patten
Belcher	Gude	Pepper
Bergland	Hagan	Perkins
Betts	Hall	Pettis
Bevill	Halpern	Pickle
Biester	Hammer-schmidt	Pike
Bingham		Pirnie
Blackburn	Hanley	Poage
Blatnik	Hansen, Idaho	Podell
Boggs	Harsha	Powell
Brasco	Harvey	Preyer, N.C.
Bray	Hastings	Price, Ill.
Breaux	Heckler, Mass.	Quie
Brinkley	Heinz	Quillen
Brooks	Henderson	Railsback
Broomfield	Hicks, Mass.	Randall
Brotzman	Hicks, Wash.	Roberts
Brown, Mich.	Hillis	Robinson, Va.
Brown, Ohio	Hogan	Robison, N.Y.
Broyhill, N.C.	Holifield	Rodino
Broyhill, Va.	Horton	Rogers
Buchanan	Hosmer	Rooney, Pa.
Burke, Mass.	Howard	Rostenkowski
Burleson, Tex.	Hull	Rousselot
Burlison, Mo.	Hunt	Roy
Byrnes, Wis.	Hutchinson	Runnels
Byron	Ichord	Ruppe
Camp	Jacobs	Ruth
Carlson	Jarman	St Germain
Carney	Johnson, Calif.	Sandman
Carter	Johnson, Pa.	Satterfield
Casey, Tex.	Jones, Ala.	Saylor
Cederberg	Jones, N.C.	Schneebeli
Chamberlain	Karth	Schwengel
Clausen, Don H.	Kazen	Sebelius
	Keating	Shipley
Clawson, Del	Kee	Shoup
Cleveland	Keith	Shriver
Collier	King	Sikes
Collins, Tex.	Kluczynski	Sisk
Colmer	Kyl	Skubitz
Conable	Landgrebe	Slack
Conover	Landrum	Smith, Calif.
Conte	Latta	Smith, Iowa
Coughlin	Lennon	Smith, N.Y.
Culver	Lent	Spence
Curlin	Lloyd	Springer
Daniel, Va.	Long, Md.	Staggers
Danielson	Lujan	Steed
Davis, Ga.	McClory	Steele
de la Garza	McCollister	Steiger, Wis.
Delaney	McCulloch	Stephens
Dellenback	McDade	Stratton
Denholm	McEwen	Stubblefield
Dennis	McFall	Stuckey
Dent	McKay	Sullivan
Dingell	McKevitt	Taylor
Dorn	McKinney	Teague, Calif.
Downing	McMillan	Terry
Duncan	Macdonald, Mass.	Thomson, Wis.
du Pont		Tiernan
Edwards, Ala.	Madden	Udall
Eilberg	Mahon	Ullman
Erlenborn	Mailliard	Van Deerlin
Eshleman	Mallary	Vander Jagt
Evins, Tenn.	Mann	Veysey
Fascell	Mathias, Calif.	Vigorito
Findley	Mathis, Ga.	Waggonner
Fish	Mayne	Wampler
Fisher	Mazzoli	Ware
Flood	Michel	Whalen
Flynt	Miller, Calif.	Whalley
Foley	Miller, Ohio	White
Ford, Gerald R.	Mills, Ark.	Whitten
Ford, William D.	Mills, Md.	Wiggins
	Minshall	Williams
Forsythe	Mizell	Wilson, Bob
Fountain	Mollohan	Wilson, Charles H.
Fraser	Montgomery	
Wolff	Wyman	Zablocki
Wright	Yates	Zion
Wyatt	Young, Fla.	Zwach
Wylie	Young, Tex.	

NAYS—57

Abzug	Calif.	Blaggi
Adams	Badillo	Brademas
Addabbo	Barrett	Burton
Anderson,	Bennett	Chisholm
Collins, Ill.	Helstoski	Rangel
Conyers	Kastenmeier	Rees
Daniels, N.J.	Koch	Reuss
Dellums	Kyros	Riegle
Diggs	Leggett	Roe
Drinan	McCormack	Rosenthal
Dulski	Meeds	Roush
Eckhardt	Melcher	Roybal
Edwards, Calif.	Metcalfe	Sarbanes
Gonzalez	Mikva	Scheuer
Green, Pa.	Minish	Seiberling
Hamilton	Mink	Stokes
Harrington	Mitchell	Vanik
Hathaway	Murphy, Ill.	Waldie
Hawkins	Nix	
Hechler, W. Va.	Obey	

NOT VOTING—93

Abourezk	Edmondson	Pelly
Anderson, Tenn.	Esch	Peyser
	Evans, Colo.	Price, Tex.
Annunzio	Flowers	Pryor, Ark.
Aspin	Fuqua	Pucinski
Baring	Galifianakis	Purcell
Bell	Gallagher	Rarick
Blanton	Giaimo	Reid
Boland	Gibbons	Rhodes
Bolling	Grasso	Roncalio
Bow	Green, Oreg.	Rooney, N.Y.
Burke, Fla.	Gross	Scherle
Byrne, Pa.	Haley	Schmitz
Cabell	Hanna	Scott
Caffery	Hansen, Wash.	Snyder
Carey, N.Y.	Hays	Stanton, J. William
Celler	Hébert	
Chappell	Hungate	Stanton, James V.
Clancy	Jonas	
Clark	Jones, Tenn.	Steiger, Ariz.
Clay	Kemp	Symington
Corman	Kuykendall	Talcott
Cotter	Link	Teague, Tex.
Crane	Long, La.	Thompson, Ga.
Davis, S.C.	McCloskey	Thompson, N.J.
Davis, Wis.	McClure	Thone
Derwinski	McDonald, Mich.	Whitehurst
Devine		Widnall
Dickinson	Martin	Winn
Donohue	Matsunaga	Wydler
Dow	Monagan	Yatron
Dowdy	Murphy, N.Y.	
Dwyer	Nichols	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Thompson of New Jersey against.

Mr. Hébert for, with Mr. Rooney of New York against.

Mr. Davis of South Carolina for, with Mr. Reid against.

Mrs. Hansen of Washington for, with Mr. Byrne of Pennsylvania against.

Mr. Teague of Texas for, with Mr. Carey of New York against.

Mr. Jones of Tennessee for, with Mr. Celler against.

Mr. Nichols for, with Mr. Dow against.

Mr. Hays for, with Mr. James V. Stanton against.

Mr. Rhodes for, with Mr. Abourezk against.

Mr. Martin for, with Mr. Clay against.

Until further notice:

Mr. Chappell with Mr. Widnall.

Mr. Cabell with Mr. Devine.

Mr. Boland with Mr. Bow.

Mr. Donohue with Mr. Clancy.

Mr. Evans of Colorado with Mr. Snyder.

Mr. Murphy of New York with Mr. Kemp.

Mr. Monagan with Mr. Peyser.

Mr. Matsunaga with Mr. Whitehurst.

Mr. Edmondson with Mr. J. William Stanton.

Mr. Hungate with Mr. Davis of Wisconsin.

Mr. Yatron with Mr. Esch.

Mr. Hanna with Mr. Steiger of Arizona.

Mr. Anderson of Tennessee with Mr. Schmitz.

Mr. Blanton with Mr. Crane.

Mr. Caffery with Mr. Kuykendall.

Mr. Corman with Mr. Bell.

Mrs. Grasso with Mrs. Dwyer.

Mr. Cotter with Mr. Thompson of Georgia.

Mr. Flowers with Mr. Dickinson.

Mr. Fuqua with Mr. Burke of Florida.

Mr. Giaimo with Mr. Thone.

Mr. Gibbons with Mr. Price of Texas.

Mrs. Green of Oregon with Mr. Talcott.

Mr. Pucinski with Mr. McCloskey.

Mr. Purcell with Mr. Scherle.

Mr. Haley with Mr. Jonas.

Mr. Roncalio with Mr. Scott.

Mr. Link with Mr. McClure.

Mr. Clark with Mr. Winn.

Mr. Pryor of Arkansas with Mr. McDonald of Michigan.

Mr. Aspin with Mr. Wydler.

Mr. Gallagher with Mr. Rarick.

Mr. Baring with Mr. Galifianakis.

Messrs. FASCELL, BRASCO, and HANLEY changed their votes from "yea" to "nay."

Messrs. RANGEL, GONZALEZ, and NIX changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

House Resolution 1138 was laid on the table.

FURTHER LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that there will be added to the list of measures for consideration today House Joint Resolution 1301, which is the housing program extension, and to concur in the Senate amendments.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17034, SUPPLEMENTAL APPROPRIATION BILL—1973

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on H.R. 17034, the supplemental appropriation bill for fiscal year 1973.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 16598, DISASTER RELIEF ACT OF 1970

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 16598) to amend the Disaster Relief Act of 1970 to provide that community disaster grants 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 TO FILE CONFERENCE REPORT ON S. 1819, AMENDMENTS TO UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill,

S. 1819, amendments to the Uniform Relocation and Real Property Acquisition Act.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my friend, the gentleman from Texas (Mr. ROBERTS), what the subject of the Senate bill is. I did not hear the gentleman.

Mr. ROBERTS. If the gentleman will yield, it is to file a conference report on S. 1819, Amendments to the Uniform Relocation and Real Property Acquisition Act.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

BALD EAGLE PROTECTION ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12186) to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, 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 8, strike out "negligent" and insert "wanton".

Page 4, lines 11 and 12, strike out "or eggs or nests thereof".

Page 4, line 12, strike out "falconry." and insert "falconry, except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry."

Page 4, strike out all of line 24 and insert "of this Act; and may, with or without a warrant, as authorized by law, search any".

Page 5, line 21, strike out "forfeited" and insert "subject to forfeiture".

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16654, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I call up the 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, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of October 12, 1972.)

AMENDMENT IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Manpower Administration, $37,704,000; together with not to exceed $26,989,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $2,640,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944 (38 U.S.C. 2001–2002).

MANPOWER TRAINING SERVICES

For expenses necessary to carry into effect the Manpower Development and Training Act of 1962, as amended, and sections 326 and 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1951 and 1961) $719,554,000, to remain available until June 30, 1974; *Provided*, That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of the Private Sector On-the-Job Training and the Special Targeting programs authorized under that title shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act.

EMERGENCY EMPLOYMENT ASSISTANCE

For expenses necessary to carry into effect the Emergency Employment Act of 1971, $1,250,000,000, of which not to exceed $91,766,000 shall be available for program direction and support, administration of the program at the local level, and for agent assistance and statistics, to remain available until June 30, 1974.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and allowances to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, and for trade adjustment benefit payments and allowances, as provided by law (19 U.S.C. 1941–1944 and 1952), $475,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to June 15 of the current year.

ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

For making repayable advances to the extended unemployment compensation account in the Unemployment Trust Fund, as authorized by section 905(d) of the Social Security Act, as amended, $120,000,000 to enable the Secretary of the Treasury to make such advances: *Provided*, That the Secretary of the Treasury shall make such repayable advances at such times as he may determine, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments required by law to be paid therefrom to States.

FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES

For grants as authorized by section 5(a) of the Act of June 6, 1933, as amended (29 U.S.C. 49–49n), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, $66,700,000: *Provided*, That any funds granted to a State in the current fiscal year from this appropriation and not obligated by the State in that year shall be returned to the Treasury.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants in accordance with the Act of June 6, 1933, as amended (29 U.S.C. 49–49n, 39 U.S.C. 3202(a)(1)(E)), and for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501–503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, and necessary expenses for carrying out 5 U.S.C. 8501–8523 and 38 U.S.C. 2003, $800,300,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund, of which $24,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, $25,202,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $49,139,000, of which not to exceed $32,000 shall be transferred to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act as amended.

FEDERAL WORKMEN'S COMPENSATION BENEFITS

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Department of Labor; a continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority formerly provided by the Act of September 7, 1916 (48 Stat. 351), as amended, shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App 2012), $81,992,000, together with such amount as may be necessary, to be charged to the subsequent year appropriation, for the payment of compensation and other benefits for any period subsequent to June 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $72,207,000.

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing three persons or less for compliance with the Occupational Safety and Health Act of 1970.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, $45,240,000, of which $10,216,000 shall be for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive civil service requirements.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for departmental management and $890,000 for the President's Committee on Employment of the Handicapped, $24,196,000, together with not to exceed $797,000 to be derived from Employment Security Administration account, Unemployment Trust Fund.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $100,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to such agency for payments in the foregoing currencies.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1973".

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), and the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793), (80 Stat. 1438), and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255), $783,323,000, of which $75,000,000 shall remain available until June 30, 1974, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, $30,664,000, or such amount as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and $58,307,000.

HEALTH SERVICES PLANNING AND DEVELOPMENT

To carry out titles VI and IX, sections 314(a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(g), 403(a)(1) and 433(a) of the Public Health Service Act; $489,573,000, of which $197,200,000 shall be available until June 30, 1975 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities, and $2,500,000 shall remain available without fiscal year limitation for payment of interest on guaranteed loans as authorized by section 626 of the Act.

HEALTH SERVICES DELIVERY

For carrying out, except, as otherwise provided, sections 301, 310, 311, 314(d), 314(e), 317, 321, 322, 324, 326, 328, 329, 331, 332, 502, 504, title X of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1010 of the Act of July 1, 1944 (33 U.S.C. 763c), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), and title V of the Social Security Act, $798,046,000, of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided,* That any allotment to a State pursuant to section 503(2) or 504(2) of the Social Security Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further,* That when the Health Services and Mental Health Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further,* That in addition, $4,719,000 may be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from any one or all the trust funds referred to therein: *Provided further,* That amounts received for services rendered under section 329 of such Act shall be credited to this appropriation.

PREVENTIVE HEALTH SERVICES

To carry out, to the extent not otherwise provided, sections 301, 308, 311, 314(e), 315, 317, 318, 322(e), 325, 328, 353, and 361 to 369 of the Public Health Service Act, the functions of the Secretary under the Federal Coal Mine Health and Safety Act of 1969, as amended; the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695) except section 301; and sections 6–8 and 18–27 of the Occupational Safety and Health Act of 1970; insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft; $209,372,000.

NATIONAL HEALTH STATISTICS

For carrying out, except as otherwise provided, sections 301, 305, 311, 312(a), 313, and 315 of the Public Health Service Act; $18,514,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and payments for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

BUILDINGS AND FACILITIES

For construction, alterations, major repair, improvement, extension, and equipment, of facilities of or used by the Health Services and Mental Health Administration, not otherwise provided, $19,457,000 to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For expenses necessary for the Office of the Administrator, $13,126,000.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

There are hereby authorized to be deposited in the "Medical facilities guarantee and loan fund" amounts received by the Secretary from operations under part B of title VI of the Public Health Service Act and such amounts shall be available to the Secretary without fiscal year limitation for carrying out his functions under section 626(a)(1) of the Act: *Provided,* That sums received from the sale of loans made pursuant to section 627 of the Act shall be available to carry out the purposes of that section.

NATIONAL INSTITUTES OF HEALTH

BIOLOGICS STANDARDS

To carry out sections 351 and 352 of the Public Health Service Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, $9,528,000.

NATIONAL CANCER INSTITUTE

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, including construction under grants and contracts and direct construction; $492,205,000 to remain available until June 30, 1974.

NATIONAL HEART AND LUNG INSTITUTE

For expenses, not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, $320,000,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, $49,795,000.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, $173,190,000.

NATIONAL INSTITUTE OF NEUROLOGCAL DISEASES AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D, of the Public Health Service Act with respect to neurology and stroke, $136,403,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for to carry out title IV, part D, of the Public Health Service Act with respect to allergy and infectious diseases, $122,048,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, $192,302,000.

NATIONAL INSTTUTE OF CHLD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV, part E, and title X of the Public Health Service Act with respect to child health and human development, $142,257,000.

NATONAL EYE INSTITUTE

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, $41,137,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, $31,374,000.

RESEARCH RESOURCES

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities and other research resources, $78,244,000.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $5,200,000, of which not to exceed $500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

HEALTH MANPOWER

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $846,428,000; of which $2,000,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, $140,000,000 shall be for grants for construction of facilities (including $28,000,000 for dental teaching facilities) under part B of title VII, and $30,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, D, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C, D, and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year.

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $28,818,000, of which $2,902,000 shall remain available until June 30, 1974.

BUILDINGS AND FACILITIES

For construction, major repair, improvement, extension, alteration, and equipment, including acquisition of sites, of facilities of or used by the National Institutes of Health, where not otherwise provided, $12,580,000, to remain available until expended.

OFFICE OF THE DIRECTORS

For expenses necessary for the Office of the Director, National Institutes of Health, $12,542,000.

Appropriations in this Act available for the salaries and expenses of the National Institutes of Health shall be available for entertainment of visiting scientists when specifically approved by the Surgeon General: *Provided*, That not to exceed $5,000 shall be used for this purpose.

Funds advanced to the National Institutes of Health management fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 328 of the Public Health Service Act and for the purchase of not to exceed twelve passenger motor vehicles for replacement only.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for conducting scientific activities overseas, as authorized by law, $25,619,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations for such activities, for payments in the foregoing currencies.

PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302 (c) of the Federal National Mortgage Association Charter Act, $170,000, and for payment of amounts pursuant to section 744(b) or 827 (b) of the Public Health Service Act to schools which borrow any sums from the Health Professions Education Fund or Nurse Training Fund, $3,830,000: *Provided*, That the amounts appropriated herein shall remain available until expended.

HEALTH PROFESSIONS EDUCATION FUND

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Health Professions Education Fund and the Nurse Training Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year.

GENERAL RESEARCH SUPPORT GRANTS

For general research support grants, as authorized in section 301(d) of the Public Health Service Act, there shall be available from appropriations available to the National Institute of Mental Health for operating expenses, the sum of $60,700,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant any amount for indirect expenses in connection with such project.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title III ($171,393,000), and title V, parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $681,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 403(1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended, and $35,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 77 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85–905, $162,359,000.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($449,682,000), D, F ($38,322,000), G ($24,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($75,000,000), $659,162,000, including $20,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $23,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($62,000,000), II, and III ($7,500,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II ($100,000,000) of the Elementary and Secondary Education Act; title III–A ($50,000,000) of the National Defense Education Act of 1958; and title VI ($12,500,000) of the Higher Education Act; $247,000,000, of which $15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

EDUCATIONAL RENEWAL

For carrying out, to the extent not otherwise provided, titles VII and VIII of the Elementary and Secondary Education Act, part B–1 of the Education Professions Development Act, section 309 of the Adult Education Act, as amended, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, the Enivronmental Education Act, and sections 402 and 412 of the General Education Provisions Act, $238,315,000, of which $15,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $3,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Office, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For the necessary expenses of the Office of Education, not otherwise provided, including rental of conference rooms in the District of Columbia; and not to exceed $1,000 for official reception and representation expenses, $68,360,000.

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund created by the Higher Education Act of 1965, as amended, $29,047,000 to remain available until expended.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)) $2,921,000, to remain available until expended.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For carrying out, except as otherwise provided, titles I, IV, X, XI, XIV, XVI, and XIX of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,344,704,000, of which $46,000,000 shall be for child welfare services under part B of title IV.

For making, after June 15 of the current fiscal year, payments to States under titles I, IV, X, XIV, XVI, and XIX, respectively, of the Social Security Act, for any period during the last fifteen days of the current fiscal year (except with respect to activities included in the appropriation for "Work incentives"); and for making, after April 30 of the current fiscal year, payments for the first quarter of the next succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

In the administration of titles I, IV (other than part C thereof), X, XIV, XVI, and XIX, respectively, of the Social Security Act, payments to a State under any such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to March 31 of that year.

WORKING INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, and $150,000 for transfer to the appropriation for "Departmental management", $455,133,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes for the current fiscal year.

GRANTS FOR THE DEVELOPMENTALLY DISABLED

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, and parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, $51,250,000, of which $32,500,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975, and $9,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That grants made under part C of the Developmental Disabilities Services and Facilities Construction Act after June 30, 1973, shall be for construction only as specified in section 132(a)(3) of such Act: *Provided further*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

NUTRITION PROGRAM FOR THE ELDERLY

For carrying out title VII of the Older Americans Act of 1965, $100,000,000.

RESEARCH AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Service, and the Social Security Administration, as authorized by law, $8,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Service and Administration for payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses, not otherwise provided, necessary for the Social and Rehabilitation Service, $60,215,000, together with not to exceed $600,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in section 201(g)(1) of the Social Security Act.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance, the Federal Disability Insurance, the Federal Hospital Insurance, and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 228(g), 229(b), and 1844 of the Social Security Act, and sections 103(c) and 111(d) of the Social Security Amendments of 1965, $2,475,485,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including necessary travel incident to medical examinations, reconsideration interviews, or hearings for verifying disabilities or for review of disability determinations, $1,526,500,000, to remain available until expended: *Provided*, That such amounts as may be agreed upon by the Department of Health, Education, and Welfare, and the Postal Service shall be used for payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter by States in connection with the administration of said Act.

Benefit payments after April 30: For making, after April 30 of the current fiscal year, payments to entitled beneficiaries under title IV of the Federal Coal Mine Health and Safety Act of 1969, for the last two months of the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the appropriation for the succeeding fiscal year.

Whenever the Commissioner of Social Security finds it will promote the achievement of the provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969, qualified persons may be appointed to conduct hearings thereunder without meeting the requirements for hearing examiners appointed not later than December 31, 1973: *Provided* further, That no person shall hold a hearing in any case with which he has been concerned previously in the administration of such title.

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than $1,256,498,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations, reconsideration interviews or hearings for verifying disabilities or for review of disability determinations, of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That $25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and section 221 of title II of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That such amounts as may be agreed upon by the Department of Health, Education, and Welfare and the United States Postal Service shall be used for payment, in such manner as said organizations may jointly determine, of postage for the transmission of official mail matter in connection with the administration of the social security program by States participating in the program.

LIMITATION ON CONSTRUCTION

For construction, alterations, and equipment of facilities, including acquisition of sites, and planning, architectural, and engineering services, and for provision of necessary offsite parking facilities during construction, $1,000,000, to be expended as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein, and to remain available until expended.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101–105), $1,696,500.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), $4,694,000.

MODEL SECONDARY SCHOOL FOR THE DEAF

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027), $4,625,000, of which $1,000,000 shall be for construction and shall remain available until expended.

GALLAUDET COLLEGE

For the partial support of Gallaudet College, including repairs and improvements as authorized by the Act of June 18, 1954 (68 Stat. 265), $15,082,000, of which $5,460,000 shall be for construction and shall remain available until expended: *Provided*, That if so requested by the college, such construction shall be supervised by the General Services Administration.

HOWARD UNIVERSITY

For the partial support of Howard University, $58,881,000, including $8,408,000 to remain available until expended for planning and site development of buildings and facilities: *Provided*, That if requested by the university, such planning, site development, and construction of buildings and facilities shall be supervised by the General Services Administration.

OFFICE OF THE SECRETARY

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $13,587,000, together with not to exceed $1,180,000, to be transferred and

expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

DEPARTMENTAL MANAGEMENT

For expenses, not otherwise provided necessary for departmental management, $56,893,000, together with not to exceed $6,846,000 to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein; and not to exceed $29,000 to be transferred from "Revolving fund for certification and other services," Food and Drug Administration: *Provided*, That the period of availability of funds under this title for the Commission on Medical Malpractice shall be extended from June 30, 1972, to June 30, 1973.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and officers, without transfer of funds, as may be required in carrying out the operation of the Department.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 204. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the Untied States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the blind.

SEC. 205. Expenditures from funds appropriated under this title to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, the Model Secondary School for the Deaf and Gallaudet College shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom shall be subject to audit by the Secretary of Health, Education, and Welfare.

SEC. 206. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

SEC. 207. Appropriations in this Act for the Health Services and Mental Health Administration, the National Institutes of Health, and Office of the Secretary shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light, and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Surgeon General, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 208. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 209. No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1973".

TITLE III—RELATED AGENCIES

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

SALARIES AND EXPENSES

For expenses necessary for the Cabinet Committee on Opportunities for Spanish-Speaking People, and the Advisory Council on Spanish-Speaking Americans, $1,000,000.

COMMISSION ON RAILROAD RETIREMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission on Railroad Retirement, established by the Act of August 12, 1970 (Public Law 91–337), $101,000: *Provided*, That the unobligated balance of the appropriation granted under this heading for the fiscal year 1972 shall remain available during the current fiscal year.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President; hire of passenger motor vehicles; not to exceed $500 for official reception and representation expenses; and rental of conference rooms in the District of Columbia; $10,650,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345) $406,000.

NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Marihuana and Drug Abuse, authorized by section 601 of the Act of October 27, 1970 (Public Law 91–513), as amended by the Act of May 24, 1971 (Public Law 92–13), $1,440,000 to remain available until expended.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $50,456,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $2,888,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $5,979,000.

RAILROAD RETIREMENT BOARD

PAYMENT FOR MILITARY SERVICE CREDITS

For payments to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c–1), $21,645,000.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, $19,822,000 to be derived from the railroad retirement accounts.

UNITED STATES SOLDIERS' HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' Home, to be paid

from the Soldiers' Home permanent fund, $12,591,000: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon recommendations of the Board of Commissioners of the Home and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction of buildings and facilities, including plans and specifications, and furnishings, to be paid from the Soldiers' Home permanent fund, $2,114,000, to remain available until expended.

CORPORATION FOR PUBLIC BROADCASTING

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $40,000,000, to remain available until expended: *Provided,* That, in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act to remain available until expended, amounts equal to the amount of total grants, donations, bequests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

SEC. 405. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 406. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 408. The Secretary of Labor and Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 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.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1973".

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate to H.R. 16654 and concur therein with an amendment, as follows: Delete section 409 and insert in lieu thereof the following:

"SEC. 409. Notwithstanding any other provisions 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 $29,300,000,000 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 13 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: *Provided further,* That notwithstanding any other provision of this Act, none of the funds contained herein shall be used to carry out the provisions of Section 403(1)(c) of Title I of the Act of September 30, 1950, as amended."

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized.

Mr. FLOOD. Mr. Speaker, the House and Senate took basically quite different approaches to drawing up a new Labor-HEW bill. The House took the bill as reported from the Appropriations Committee with just four changes—to take out of the bill 12½ percent of four of the largest increases over the budget.

The Senate struck out all of the House bill and substituted the text of the vetoed bill with the addition of one new section at the end giving the President the authority to cut any items in the bill up to a maximum of 10 percent until the bill would be reduced to not less than $29,603,448,500—the total amount of the House bill and $835,815,000 more than the President's budget.

Under ordinary conditions I would be opposed to giving the President the rather broad authority to make reductions that was contained in the Senate bill, but we are not operating under ordinary conditions. Moreover, this House just this week voted to give the President even broader authority to make reductions in appropriations than that contained in the Senate Labor-HEW bill. Therefore, we felt that it was in keeping with the most recent actions of the House on such matters to adopt the Senate approach.

The managers on the part of both the House and the Senate agreed that at this very, very late date it is certainly desirable to send to the President a bill that will not be vetoed. They also agreed that to send him a bill that is more than $800 million over his budget would be inviting a veto under the present circumstances and atmosphere. The conferees, therefore, agreed to support the Senate version of the bill, but amended to permit the President to make reductions up to 13 percent on individual items and reduce the total bill to not less than $29.3 billion, or a little more than $500 million over the budget, but about $1.2 billion under the vetoed bill. We think this is very reasonable, and we expect the President will sign it if we send it to him at that level.

The only other change that the pending motion would make in the Senate amendment would be to delete the funds for the so-called "C" entitlements under the program for aid to schools in federally impacted areas. No funds have ever been appropriated for this part of the program and a large majority of the conferees thought we should not start funding it now.

Mr. Speaker, I think this is as good a compromise as we could hope to attain under all the circumstances. I trust that the great majority of the House will agree.

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

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

Mr. McCLORY. I do not quite understand what effect this language has on the A and B impacted school allocation. Does it reduce the percentage further?

Mr. FLOOD. What happens is we take out the C's and that gives the A's and B's about $10 million more than they had before.

Mr. McCLORY. I thank the gentleman.

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

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

Mr. FINDLEY. The gentleman well knows that when the initial HEW appropriation bill came forward, this body by a very substantial record vote required that no funds be made available to pay the salaries of Federal employees who enforce the OSHA standards against employers of 25 persons or less.

That was subsequently reduced to employers of 15 or less in the bill that was ultimately vetoed. Then the exclusion at the level of 15 employees or less was inserted in the second House version. This was accepted by the Senate committee,

but on the Senate floor it was reduced to three or less. Could the gentleman state what finally happened to this exclusion provision in conference?

Mr. FLOOD. Well, the gentleman dies hard. I well recall the fight the gentleman originally led on this. He did a great job, believe me. I couldn't have done better myself. But the calendar has done the gentleman evil. Members have reassessed their positions and very recently, the gentleman will recall, when we moved to send the bill to conference the gentleman from Illinois (Mr. FINDLEY) moved to instruct the conferees to hold to 15. The gentleman speaking moved to table that motion and the House, in its wisdom, just a couple of days ago, by 30 votes, did not agree with my distinguished friend.

May I add this. The gentleman from Iowa (Mr. SMITH), a member of the committee who is on the Small Business Committee is very knowledgeable on this subject.

Mr. FINDLEY. I wonder if the gentleman from Iowa could state in at least approximate terms how many business firms in the United States will be exempted from enforcement of OSHA standards under the exclusion at employers of three persons or less that now stands in the conference report.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, as the gentleman knows, the House exemption was 15 and the Senate was three. The administration was vigorously opposed to the 15 exemption, also a great many employer groups were opposed, and practically all the employee groups opposed the exemption. So we got into the numbers game about how many to exempt. An exemption of 15 would exempt about 84 percent of the employers. I do not have exact figures on the tip of my tongue but I believe three or less is something like 4 million. However, that is something less than 5 percent of the work force, a small percentage of the work force.

Mr. FINDLEY. I am sure those rather small employers, employing three or less, which are by the gentleman's testimony of today still rather numerous in our economic life, are going to appreciate this exclusion.

I might add further, if the gentleman from Pennsylvania will permit me, I believe this exercise we have been through, while not leading to the effect I had really desired, has nevertheless been beneficial. It has caused the OSHA administration to take another look at the standards they were applying so unreasonably to small firms. Some have been modified. There is pending and I believe will be passed by this House a bill which will insure onsite negotiation for small employers. So even though I am disappointed at the number involved in the final compromise, I nevertheless believe it has been beneficial to many employees and therefore an important victory.

Mr. SMITH of Iowa. Mr. Speaker, the onsite consultation provision which I certainly support and cosponsored will be helpful, but on the other hand, as the gentleman indicated the real answer is not onsite consultation or exemption only. There needs to be a change in enforcement policies, more information and option of reasonable, enforceable, and relevant rules for each industry keeping the objectives of the law in mind rather than relying upon some obsolete codes which both employers and employees agree are not relevant today to either health or safety hazards.

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

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

Mr. HECHLER of West Virginia. I am very pleased that $20 million is retained in the conference report for pulmonary research and coal miners' clinics for pneumoconiosis. I would like to commend the gentleman from Pennsylvania and ask him about the validity of this item, and his view of how it can be protected against possible Executive reduction?

Mr. FLOOD. The gentleman is no more pleased than I. I sponsored the amendment, the so-called Flood bill. I come from the hard coal area and the gentleman from West Virginia comes from the soft coal area. We do not recognize there are differences in this particular respect. I agree with the gentleman. I hope it stays available for expenditure, and I think it will.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Speaker, the joint explanatory statement of the committee of conference states:

> 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.

Would that be changed by the compromise the gentleman offers to 13 per centum?

Mr. FLOOD. Up to 13 percent.

Mr. WILLIAM D. FORD. It says "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."

Does this not repeat what we did the other day in giving the President the authority to ignore the program of grants under title I of ESEA and impact aid and Public Law 874? Could he, in fact, cut off the "B" category children, if he wishes to do it, as he proposed in his budget?

Mr. FLOOD. No, this bill would permit maximum reductions of 13 percent not just by appropriation, but by activity within appropriations. The answer to the gentleman's question is "no."

Mr. WILLIAM D. FORD. Then, if he attempts to make the cut in category B, he is authorized up to 13 percent?

Mr. FLOOD. That is all.

Mr. MICHEL. Mr. Speaker, would the Chairman yield?

Mr. FLOOD. I yield to the ranking minority member of the committee, and thank him for his very, very great help.

Mr. MICHEL. Mr. Ford just made an observation relative to the figure of 73 percent for category B students. We had voted category B at 77 percent level, so you should add 4 percent to both figures you were talking about.

Mr. Speaker, if I might take a few moments here, may I personally say that I am supporting this conference report.

Members will recall that when we brought the new bill back to the floor of this House, I expressed some reservations about the money figure, feeling that it was several hundreds of millions of dollars too high, and that we might run the risk of a second veto.

I support this particular conference report because as the chairman so ably pointed out, while it is a reenactment of the vetoed bill, it gives this discretionary power to the President to withhold down to a level that conceivably could only be $536 million over his budget—down to a level of $29.3 billion.

Personally, I would have liked to have seen that percentage of 13 percent raised to 15, or even 20, to give the administration more flexibility to do what I think should be done on some of these items. Nevertheless, it is much better than a continuing resolution so far as the folks downtown are concerned.

It is my own personal feeling that the President will sign this, although I have no direct communication to that effect.

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

Mr. MICHEL. I yield to my friend from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I would like clarification on the point just discussed. Is it my understanding now that this bill before us as it has come back, category B under Public Law 874, will be funded at 77 percent; is that correct?

Mr. MICHEL. Yes. That is the figure in the bill.

Mr. ROUSSELOT. So the funding figure, as I understand it, will be increased from 73 percent as originally contemplated to 77 percent?

Mr. MICHEL. The bill last year provided 73-percent level of funding for category B, but in the new bill we originally passed in the House, we had increased funding to provide for a level of 77 percent.

Mr. ROUSSELOT. That is sustained in the bill before us today?

Mr. MICHEL. That still is sustained in here, but as the gentleman from Michigan (Mr. WILLIAM D. FORD) pointed out, if the President decides to withhold any amount, he is limited in his withholding on any specific item to 13 percent.

Mr. ROUSSELOT. Does that mean then it is primarily at the President's discretion as to whether that 77-percent funding of category B, Public Law 874, is sustained, or is it mandatory that the President must maintain the 77-percent level?

Mr. MICHEL. Oh, it is not mandatory in the legislation at all. It would be discretionary on the part of the President.

My own personal feeling is that on some of these items because of what could conceivably happen if the President wanted to cut to the fullest extent he is given the power to do here some of these items could be cut to the point where there could be so much backfire the administration would be hard put to make each and every reduction required to achieve the lower overall figure of $29.3 billion.

I believe that what will happen is, as the gentleman from Florida (Mr. GIBBONS) pointed out on the floor, during the expenditure ceiling debate, there will be so much pressure built up from around sections of the country that the administration will have to release funds in those areas where they are getting the most pressure.

Mr. ROUSSELOT. Many of these school districts under this program are in the middle of the school budget year. Several already have gone well past the time when they have had to make hard decisions, even as to whether or not they cut teachers off the payroll.

Mr. MICHEL. Yes.

Mr. ROUSSELOT. My question was directed as to how much discretion was allowed the President in category B?

Mr. MICHEL. He has this discretion to withhold up to 13 percent in each line item of the bill. We hope we can at least get this into law, so that we will have some guidelines from the administration and the word can go out to the educational communities as to just where they stand. Otherwise we will be back to a continuing resolution indefinitely.

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

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

Mr. YATES. With reference to the 13-percent discretionary figure, does that apply to other funds in this bill as well, such as social security funds?

Mr. MICHEL. No. Just those over which we have some measure of control and social security benefits are not funded in this bill. They are disbursed from the trust fund, but salaries and expenses and overall administration of the program not funded by the trust fund are subject to the discretionary reduction.

Mr. FLOOD. I might say this to the gentleman from Illinois: technically it would apply to social security funds in the bill, but on the mandatory social security programs such as public assistance grants to the States, that money has to be paid out on a matching formula. I just cannot imagine that the President would exercise his technical right to cut such funds because, if I did, later on we would have to appropriate the money to make up the deficit. I cannot imagine the President wasting his ammunition like that.

Mr. YATES. The gentleman knows that with respect to the last 20-percent increase in social security benefits the President said, as he signed the bill, that it was "inflationary" and "fiscally irresponsible." Why does the gentleman feel he will not cut it back?

Mr. FLOOD. I remember that very well. But that is not in this bill.

Mr. YATES. Does the gentleman mean the 20-percent increase in payments is not included in the appropriations in this bill?

Mr. FLOOD. Not in this bill. Those funds are paid directly out of the trust fund without going through the usual appropriation process.

Mr. YATES. Let us go back to the social security grants that are in this bill.

The gentleman says the President can cut them?

Mr. FLOOD. Yes, but—capital B, capital U, capital T.

I am not very good as a bettor. I am no gambler. I do not win even at church fairs—but—I will bet that the President is not going to waste his ammunition on that, because it would have to be paid right back in a supplemental appropriation.

That would not save money, because it would have to be appropriated the next morning.

Mr. YATES. Will the gentleman state what was the figure agreed upon by the conferees for bilingual education? The House approved originally $45 million.

There was $45 million in the second bill that left the House. What was the figure agreed upon in the conference?

Mr. FLOOD. Mr. Speaker, the answer is: $60 million.

Mr. YATES. $60 million. I thank the gentleman.

Mr. McCLORY. Will the gentleman yield for a point of clarification?

Ms. MINK. Will the gentleman yield?

Mr. FLOOD. First let me yield to the gentlewoman from Hawaii.

Ms. MINK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think all of us who have been involved in the impact aid program are deeply gratified by the action taken by the conference committee in increasing the percentage of allotment for the category "B" children.

May I ask the gentleman, is it not a fact that in each one of the major messages sent to the Congress by the President with respect to the education budgets that he has singled out the impact category "B" program for special criticism? So we should not be trying to fool ourselves that by increasing the funding as appropriated by the conference committee that this is the kind of funding we will actually receive?

I think that in all honesty we have to look at this conference report knowing that the President has singled out the impact aid program for extinction and view this bill in that light; that we will only get, at the very most, 64-percent funding for category "B."

Mr. Speaker, for that reason I must vote against this conference report.

Mr. FLOOD. Plus the fact, of course, Mr. Speaker, as I have said quite a number of times, by cutting out the "C" category $10 million more goes to the "A" and "B" categories.

Mr. McCLORY. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. McCLORY. I would like to ask this question, Mr. Speaker, as a point of clarification: In granting authority to the President to reduce appropriations by 13 percent, is it 13 percent of 77 percent or is it 13 percent of 100 percent of the A and B categories of impacted school aid. If appropriations could be reduced by 13 percent below 77 percent as the gentlewoman from Hawaii (Mrs. MINK) has said, this would mean possibly from 77 percent to 64 percent? Is her statement correct?

Mr. FLOOD. This is 13 percent of the funds in the bill. I have not calculated the percent of entitlement this results in providing.

Mr. McCLORY. In other words, the only possible reduction of impacted school aid below the 77 percent for category B would be 13 percent of 77 percent—or a maximum additional reduction of about 10 percent. Therefore, the total of category B impacted aid might possibly be 67 percent—if the 13 percent option is fully utilized. But, in no event could it be reduced to 64 percent, as the gentlewoman from Hawaii (Mrs. MINK) suggested.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, I cannot help but observe at this point that some of those who are so concerned about category B got themselves into this hole. If they had supported the original bill we brought out here, they would have been guaranteed 77 percent.

Mr. FLOOD. The gentleman is correct.

Mr. SMITH of Iowa. And now they are getting into the same situation we had 2 years ago when we ended up with less for several programs than was in the original committee recommendation. We ended up with less because the bill was boosted so much that when it was vetoed, we could not override the veto.

Perhaps after this more members will learn a lesson and will in the future support the committee recommendations so we will not get in this particular situation.

Mr. PICKLE. Mr. Speaker, the conference report for appropriations for HEW is quickly coming to a vote. We must fund the many vital programs that HEW administers. This is why I vote for the conference report on H.R. 17034.

But, Mr. Speaker, I must register strong disagreement, and dismay, over the provision of this bill that allows moneys to be spent under the Occupational Safety and Health Act to inspect businesses with more than three employees.

The House made it clear that it wanted OSHA enforcement limited to businesses with more than 15 employees. The House voted for this level not once, but twice.

I introduced a bill this session to limit OSHA enforcement to businesses with 25 or more employees. The House felt this limited OSHA too severely. The House adopted the 15-employee cutoff. I understood and appreciated the 15-employee level in lieu of my 25-employee level, even though I did not originally support the 15-employee level.

Mr. Speaker, I say with frankness and with conviction that I can neither understand nor appreciate the three-employee level.

This includes the smallest corner grocery, the service station of small volume, the stationery stop, and I could add more.

The OSHA rules and regulations are chaotic—everyone admits it—the Congress, the Executive, the unions, and businesses. To apply these chaotic, and sometimes archaic, OSHA regulations to these very small businesses will mean higher costs.

Higher costs means lower profits. Lower profits mean more small business failures.

Mr. Speaker, it may be easy for the huge, multinational, conglomerate corporations to meet higher costs. This is not true of small businesses that are being gobbled up by big corporations.

Big corporations, big bureaucracies, and big unions mean more impersonal relations.

Impersonal relations mean more alienation.

The OSHA provision in H.R. 17034 means all these stringent steps resulting from the growing loss of America's small businesses.

I do not approve the three-employee level regulation in this bill. I think we should take steps at the first of next session to establish a more realistic level.

I vote to fund this conference report, not in support of the OSHA proviso in H.R. 17034.

Mr. MAHON. Mr. Speaker, under leave to revise and extend, I would like to make the point that I signed the conference agreement on the 1973 appropriations bill for the Departments of Labor and Health, Education, and Welfare with some reluctance. Under the agreement the minimum total dollar figure was, of course, under the total amount in the House bill by several hundred million dollars. That is the overriding fact that led me to sign the agreement.

I do object in principle, however, to the operation of the formula in its other respects. Permitting the Executive to reduce programs of his choosing up to a specified maximum percentage cut, in my judgment involves an unnecessary delegation of legislative responsibility to the executive branch.

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

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 289, nays 41, not voting 101, as follows:

[Roll No. 440]

YEAS—289

Abernethy	Frenzel	Miller, Ohio
Abzug	Frey	Mills, Ark.
Adams	Fulton	Mills, Md.
Addabbo	Garmatz	Minish
Andrews, Ala.	Gaydos	Minshall
Andrews, N. Dak.	Gettys	Mitchell
Arends	Goldwater	Mollohan
Ashley	Gonzalez	Montgomery
Aspinall	Goodling	Morgan
Badillo	Gray	Mosher
Barrett	Green, Pa.	Murphy, Ill.
Begich	Griffiths	Natcher
Belcher	Grover	Nedzi
Bennett	Gubser	Nelsen
Bergland	Gude	Nix
Betts	Halpern	Obey
Bevill	Hamilton	O'Hara
Biaggi	Hammer-schmidt	O'Konski
Biester	Hanley	O'Neill
Blatnik	Hansen, Idaho	Passman
Boggs	Harrington	Patman
Brasco	Harsha	Patten
Breaux	Harvey	Pepper
Brinkley	Hastings	Perkins
Brooks	Hathaway	Pettis
Broomfield	Hawkins	Pickle
Brotzman	Hechler, W. Va.	Pike
Brown, Mich.	Heckler, Mass.	Pirnie
Brown, Ohio	Heinz	Poage
Broyhill, N.C.	Helstoski	Podell
Broyhill, Va.	Henderson	Preyer, N.C.
Buchanan	Hicks, Mass.	Price, Ill.
Burke, Mass.	Hicks, Wash.	Quie
Burlison, Mo.	Hillis	Quillen
Burton	Hogan	Railsback
Byrnes, Wis.	Holifield	Randall
Camp	Horton	Rangel
Carlson	Hosmer	Rees
Carney	Howard	Reuss
Carter	Hull	Riegle
Casey, Tex.	Hutchinson	Roberts
Cederberg	Jacobs	Robison, N.Y.
Chamberlain	Jarman	Rodino
Chisholm	Johnson, Calif.	Roe
Clausen, Don H.	Jones, Ala.	Rogers
Cleveland	Jones, N.C.	Rooney, Pa.
Collins, Ill.	Karth	Rosenthal
Conable	Kastenmeier	Rostenkowski
Conover	Keating	Roush
Conte	Kee	Roy
Conyers	Keith	Roybal
Coughlin	King	Runnels
Culver	Kluczynski	Ruppe
Curlin	Koch	St Germain
Daniels, N.J.	Kyl	Sarbanes
Danielson	Kyros	Scheuer
Davis, Ga.	Landrum	Schwengel
de la Garza	Latta	Sebelius
Delaney	Leggett	Seiberling
Dellenback	Lent	Shipley
Dellums	Lloyd	Shoup
Denholm	Long, La.	Shriver
Dent	Long, Md.	Sikes
Diggs	Lujan	Sisk
Dingell	McClory	Skubitz
Dorn	McCollister	Slack
Downing	McCormack	Smith, Iowa
Drinan	McCulloch	Smith, N.Y.
Dulski	McDade	Spence
Duncan	McEwen	Springer
du Pont	McFall	Staggers
Eckhardt	McKay	Steed
Edwards, Calif.	McKevitt	Steele
Eilberg	McKinney	Steiger, Wis.
Erlenborn	McMillan	Stephens
Eshleman	Macdonald, Mass.	Stokes
Evins, Tenn.	Madden	Stratton
Fascell	Mahon	Stubblefield
Fish	Mailliard	Stuckey
Fisher	Mann	Sullivan
Flood	Mathias, Calif.	Taylor
Flowers	Mayne	Teague, Calif.
Foley	Mazzoli	Thomson, Wis.
Ford, William D.	Meeds	Tiernan
Forsythe	Melcher	Udall
Fountain	Metcalfe	Ullman
Fraser	Michel	Van Deerlin
Frelinghuysen	Mikva	Vander Jagt
Wampler	Miller, Calif.	Vanik
Ware	Wilson, Bob	Veysey
Whalen	Wilson, Charles H.	Waldie
Whalley	Wolff	Wyman
White	Wright	Yates
Whitten	Wyatt	Young, Fla.
Wiggins	Wydler	Young, Tex.
Williams	Wylie	Zablocki
		Zwach

NAYS—41

Abbitt	Colmer	Mallary
Anderson, Calif.	Daniel, Va.	Mathis, Ga.
Archer	Dennis	Mink
Ashbrook	Edwards, Ala.	Mizell
Baker	Findley	Robinson, Va.
Bingham	Flynt	Rousselot
Blackburn	Ford, Gerald R.	Ruth
Bray	Griffin	Sandman
Burleson, Tex.	Hagan	Satterfield
Byron	Hall	Saylor
Clawson, Del	Ichord	Schneebeli
Collier	Kazen	Smith, Calif.
Collins, Tex.	Landgrebe	Terry
	Lennon	Zion

NOT VOTING—101

Abourezk	Dwyer	Myers
Alexander	Edmondson	Nichols
Anderson, Ill.	Esch	Pelly
Anderson, Tenn.	Evans, Colo.	Peyser
Annunzio	Fuqua	Powell
Aspin	Galifianakis	Price, Tex.
Baring	Gallagher	Pryor, Ark.
Bell	Giaimo	Pucinski
Blanton	Gibbons	Purcell
Boland	Grasso	Rarick
Bolling	Green, Oreg.	Reid
Bow	Gross	Rhodes
Brademas	Haley	Roncalio
Burke, Fla.	Hanna	Rooney, N.Y.
Byrne, Pa.	Hansen, Wash.	Scherle
Cabell	Hays	Schmitz
Caffery	Hébert	Scott
Carey, N.Y.	Hungate	Snyder
Celler	Hunt	Stanton, J. William
Chappell	Johnson, Pa.	Stanton, James V.
Clancy	Jonas	Steiger, Ariz.
Clark	Jones, Tenn.	Symington
Clay	Kemp	Talcott
Corman	Kuykendall	Teague, Tex.
Cotter	Link	Thompson, Ga.
Crane	McCloskey	Thompson, N.J.
Davis, S.C.	McClure	Thone
Davis, Wis.	McDonald, Mich.	Vigorito
Derwinski	Martin	Waggonner
Devine	Matsunaga	Whitehurst
Dickinson	Monagan	Widnall
Donohue	Moorhead	Winn
Dow	Moss	Yatron
Dowdy	Murphy, N.Y.	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Bell.

Mr. Hébert with Mr. Martin.

Mr. Thompson of New Jersey with Mr. Burke of Florida.

Mr. Rooney of New York with Mrs. Dwyer.

Mr. Reid with Mr. Rhodes.

Mr. Celler with Mr. Pelly.

Mr. Carey of New York with Mr. Kuykendall.

Mr. Hays with Mr. Hunt.

Mr. Alexander with Mr. Johnson of Pennsylvania.

Mr. Blanton with Mr. Anderson of Illinois.

Mr. Matsunaga with Mr. Peyser.

Mr. Moorhead with Mr. Snyder.

Mr. Murphy of New York with Mr. Talcott.

Mr. Pucinski with Mr. Widnall.

Mr. Giaimo with Mr. Esch.

Mrs. Green of Oregon with Mr. Dickinson.

Mr. Nichols with Mr. Devine.

Mr. Moss with Mr. Myers.

Mr. James V. Stanton with Mr. McDonald of Michigan.

Mr. Boland with Mr. Bow.

Mr. Chappell with Mr. Price of Texas.

Mr. Davis of South Carolina with Mr. Crane.

Mr. Donohue with Mr. Davis of Wisconsin.

Mr. Purcell with Mr. McClure.

Mr. Fuqua with Mr. Jonas.

Mr. Brademas with Mr. Kemp.

Mrs. Hansen of Washington with Mr. Powell.

Mr. Teague of Texas with Mr. Scherle.

Mr. Yatron with Mr. Scott.

Mr. Cabell with Mr. Clancy.

Mr. Cotter with Mr. J. William Stanton.

Mrs. Grasso with Mr. Winn.

Mr. Evans of Colorado with Mr. Thompson of Georgia.

Mr. Vigorito with Mr. Derwinski.

Mr. Waggonner with Mr. Schmitz.

Mr. Anderson of Tennessee with Mr. Thone.
Mr. Aspin with Mr. Steiger of Arizona.
Mr. Link with Mr. Whitehurst.
Mr. Jones of Tennessee with Mr. McCloskey.
Mr. Symington with Mr. Abourezk.
Mr. Bryne of Pennsylvania with Mr. Caffery.
Mr. Clark with Mr. Clay.
Mr. Corman with Mr. Dow.
Mr. Gibbons with Mr. Edmondson.
Mr. Monagan with Mr. Gallagher.
Mr. Roncalio with Mr. Pryor of Arkansas.
Mr. Hanna with Mr. Baring.
Mr. Rarick with Mr. Galifianakis.
Mr. Haley with Mr. Hungate.

Messrs. TERRY and BAKER changed their votes from "yea" to "nay."

Messrs. WILLIAM D. FORD, ARENDS, and CARLSON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the motion just agreed to.

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

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce that we have added to the suspension program S. 1928. It is my understanding that the bill is noncontroversial, and involves amending the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system.

FACILITATING COMPLIANCE WITH TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15461) to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 6, strike out lines 20 to 25, inclusive.

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

Mr. WHITE. Mr. Speaker, reserving the right to object—and I shall not object—I should like to ask the chairman of the subcommittee a question relating to section 109 of the House bill as passed, which was deleted by the Senate.

I should like to ask whether the committee will entertain a separate bill this coming session in order to restore this language into the act by amendment. This provision is:

For purposes of chapter 1 of the Internal Revenue Code of 1954, any property or business, or interest therein, located in the same general area as the property acquired by purchase or condemnation under paragraph (2) of section 101 of this title shall be treated as property similar or related in service or use to the property so acquired.

The reason why I ask this be included in the act is that these farmers in the remote area of Presidio County along the Rio Grande have no other farms in the area into which they can invest this money, in order to gain a tax advantage in 5 years.

I hope that the chairman will consider such a bill in the future before his committee.

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

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

Mr. FASCELL. I can assure the gentleman from Texas that he made quite a case before our subcommittee. I believe there is some consideration which ought to be given to this. I can assure the gentleman we will consider it at the next session of Congress.

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

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING SECTION 319 OF THE IMMIGRATION AND NATIONALITY ACT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1536) to amend section 319 of the Immigration and Nationality Act.

The Clerk read the title of the bill.

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

Mr. DENNIS. Mr. Speaker, reserving the right to object, I ask the gentleman to make a brief explanation of the bill, and I yield to the gentleman.

Mr. SEIBERLING. I thank the gentleman from Indiana.

The purpose of this bill, as amended, is to provide for the expenditious naturalization of a surviving parent or adoptive parent of a member of the Armed Forces of the United States who dies during a period of honorable service on active duty status in the Armed Forces, during a period of war or armed hostility.

The bill has been amended in accordance with the recommendation of the Department of Justice.

Mr. DENNIS. I thank the gentleman. I concur with his recommendation.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end thereof the following new subparagraph (e) to read as follows:

"(e) A person residing in the United States pursuant to a lawful admission for permanent residence, who is of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States, who is the surviving parent or adoptive parent of a member of the Armed Forces of the United States who dies during a period of honorable service in an active duty status in the Armed Forces of the United States during either World War I, or the period September 1, 1939, to December 31, 1946, or the period June 25, 1950, to July 1, 1955, or the period February 28, 1961, to a date designated by the President by Executive order as the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, shall, from and after the taking of the oath of allegiance required by section 337 of this title, be a citizen of the United States without filing a petition for naturalization and notwithstanding any of the other provisions of this title, except the provisions of section 313."

SEC. 2. (a) The table of contents of the Immigration and Nationality Act is amended by changing the citation to section 319 to read as follows:

"Sec. 319. Married persons, employees of certain nonprofit organizations, and parents of deceased servicemen."

(b) The section heading of section 319 of the Immigration and Nationality Act is amended to read as follows:

"MARRIED PERSONS, EMPLOYEES OF CERTAIN NONPROFIT ORGANIZATIONS, AND PARENTS OF DECEASED SERVICEMEN"

With the following committee amendment:

Beginning on page 1, strike out lines 6 through 11, and lines 1 through 16 on page 2, and insert in lieu thereof the following:

(e) Any person who is the surviving natural or adoptive parent of a person who dies during a period of honorable service in an active duty status in the Armed Forces of the United States during a period prescribed in section 329 of this Act, may be naturalized upon compliance with all the requirements of this title except the requirements of section 312 and except that no prior residence or specified physical presence within the United States, or within the jurisdiction of the naturalization court shall be required.

The committee amendment was agreed to.

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

AMENDING SECTION 301 OF THE IMMIGRATION AND NATIONALITY ACT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8273) to amend section 301(b) of the Immigration and Nationality Act, as amended.

The Clerk read the title of the bill.

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

Mr. DENNIS. Mr. Speaker, reserving the right to object, I will yield to the gentleman from Ohio (Mr. SEIBERLING) for an explanation of the measure.

Mr. SEIBERLING. The purpose of this measure, as amended, Mr. Speaker, is to amend section 301(b) of the Immigration and Nationality Act relating to the residence requirements requisite to a potential U.S. citizenship acquired by birth to a U.S. citizen parent and an alien parent.

The bill further provides for a savings clause for those persons now required under existing law. In addition, it would repeal section 16 of the act of September, 1957.

Mr. DENNIS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 8273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(b) of the Immigration and Nationality Act (8 U.S.C. 1401) is amended to read as follows:

"(b) Any person who is a national and citizen of the United States at birth under paragraph (7) of subsection (a) shall lose his nationality and citizenship unless—

"(1) he shall come to the United States prior to attaining the age of twenty-eight years and shall be physically present in the United States for at least two years in the aggregate: *Provided,* That such physical presence follows the attainment of the age of fourteen years and precedes the age of thirty years; or

"(2) the alien parent is naturalized while the child is under the age of eighteen years and the child begins to reside permanently in the United States while under the age of eighteen years."

With the following committee amendment:

On page 1 after line 4, strike out the remainder of the bill and insert in lieu thereof the following:

(b) Any person who is a national and citizen of the United States under paragraph (7), of subsection (a) shall lose his nationality and citizenship unless—(1) he shall come to the United States and be continuously physically present therein for a period of not less than two years between the ages of fourteen years and twenty-eight years; or (2) the alien parent is naturalized while the child is under the age of eighteen years and the child begins to reside permanently in the United States while under the age of eighteen years. In the administration of this subsection, absences from the United States of less than 60 days in the aggregate during the period for which continuous physical presence in the United States is required, shall not break the continuity of such physical presence.

SEC. 2. Section 16 of the act of September 11, 1957, is hereby repealed.

SEC. 3. Section 301 of the Immigration and Nationality Act is amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) Nothing contained in subsection (b), as amended, shall be construed to alter or affect the citizenship of any person who has come to the United States prior to the effective date of this subsection and who, whether before or after the effective date of this subsection, immediately following such coming complies or shall comply with the physical presence requirements for retention of citizenship specified in subsection (b) prior to its amendment and the repeal of section 16 of the act of September 11, 1957."

The committee amendment was agreed to.

Ms. MINK. Mr. Speaker, I rise in support of H.R. 8273, legislation to amend section 301(b) of the Immigration and Nationality Act, as amended.

The basic purpose of this bill is to equalize the provisions of the act in regard to the perfection of citizenship by children born abroad of one U.S. citizen parent and one alien parent.

Currently, there is a disparity of treatment in that a child who acquires citizenship through the naturalization of an alien parent fares better than one who has citizenship at birth but does not perfect it.

Section 301(b) of the act requires that a person who acquires U.S. citizenship by virtue of having been born abroad to parents, one of whom is a U.S. citizen and the other an alien, shall lose his citizenship unless he comes to the United States and is continuously present for 5 years between the ages of 14 and 28.

By contrast, a child born overseas who is not a citizen at birth can nevertheless obtain citizenship with no retention requirements much more readily. Such a case arises when the citizen parent lacks the physical presence requirement for transmission of citizenship under section 301(a) of the act.

The requirement is that the parent must have lived in the United States for not less than 10 years, at least 5 of which were after attaining the age of 14 years. When a citizen parent does not meet this test, the child can later acquire citizenship if the other spouse becomes naturalized before the child's 16th birthday. The child then needs only to begin permanent residence in the United States. There is no 5-year residence requirement for the child, and citizenship can be obtained promptly and with no conditions for retention.

It makes little sense to favor a child who was not a citizen at birth over one who was. H.R. 8273 would remedy this anomaly in the act by permitting a child who was a citizen at birth to perfect his citizenship by residing in the United States for 2 years between the ages of 14 and 28, or by beginning permanent residence before the age of 18 if his alien parent becomes naturalized.

The effect of this change would be to ease the burden of perfecting citizenship. Since World War II, more and more Americans are living abroad as employees of U.S. corporations, the U.S. Armed Forces, and the Government. Many of our citizens marry noncitizens while serving abroad. The children of such citizens must bear the burden of retaining—or perfecting—their citizenship, and this often involves hardships for young families.

My own attention to this problem began in 1966, when I was contacted by a Hawaii resident whose children were born overseas while he was employed by a firm under an Air Force contract. He was advised by the Immigration and Naturalization Service that his children would have to reside in the United States for 5 years between the ages of 14 and 28 if they wanted to keep their citizenship. Obviously, this would involve long separation from the parents if the father kept his overseas job.

I introduced legislation on this subject in 1966. In the 92d Congress, the proposal to amend section 301(b) is section 2 of H.R. 3572. Sections 1 and 3, dealing with other inequities in the Immigration and Nationality Act, have already been passed by the House as H.R. 1534 and H.R. 1535.

I was advised by the House Committee on the Judiciary that no legislative action was necessary because section 301(b) was held unconstitutional by a three-judge court in the case of Aldo Marion Bellei against Dean Rusk, in 1969. Subsequently, however, the decision was appealed to the Supreme Court, and on April 5, 1971, in Rogers against Bellei, it was reversed. The Supreme Court held that Congress had the power to enact laws governing the retention of citizenship in such cases.

I am glad that we are now having an opportunity to consider legislation to resolve this problem. H.R. 8273, essentially embodying the proposal I made in 1966, would assist many American families who are temporarily living abroad. It would remove the disparity in the treatment of children who are citizens at birth as compared with those who are not. It is sound legislation, and I urge its adoption.

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

The title was amended so as to read: "A bill to amend section 301 of the Immigration and Nationality Act."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days in which to revise and extend his remarks in the RECORD immediately preceding the passage of this legislation.

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

There was no objection.

DESIGNATING A SEGMENT OF ST. CROIX RIVER, MINN. AND WIS., A COMPONENT OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1928) to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn. and Wis. as a component of the national wild and scenic rivers system.

The Clerk read the title of the Senate bill.

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

Mr. KYL. Mr. Speaker, reserving the right to object, I would like to state for

the RECORD there never has been a question but what this river should receive this kind of attention, and the manner in which the job was done was in controversy for some time, and that controversy has now been eliminated and this bill should be adopted.

Mr. Speaker, I withdraw my reservation of objection.

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. 1928

An act to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lower Saint Croix River Act of 1972".

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907; 16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided,* (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: *Provided,* That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

SEC. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than $2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

Mr. ASPINALL. Mr. Speaker, the bill now before the House is S. 1928 which provides for the addition of the lower segment of the St. Croix River in the States of Minnesota and Wisconsin to the National Wild and Scenic Rivers System.

In 1968, the upper reaches of the St. Croix River were included in the "instant river" provisions of the Scenic Rivers Act. At that time, the lower segment was not authorized for inclusion, but its outstanding character was recognized and the legislation included it in the list of rivers to be studied for possible future authorization.

The legislation now before the House provides for a blend of Federal and State cooperation on this lower segment which seems to be a reasonable method of dealing with this area. It contemplates a comprehensive master plan which would be prepared jointly by the Secretary of the Interior and representatives of the States of Minnesota and Wisconsin. The upstream unit, comprising about 27 river miles, would be administered by the Secretary of the Interior and the downstream unit, comprising about 25 river miles, would be administered by the States under the element of the program which permits national recognition to be extended to qualifying State-administered rivers.

Mr. Speaker, the Governors of the States of Wisconsin and Minnesota have agreed to this joint venture and I ask unanimous consent to include a letter dated October 6, 1972, from them in the RECORD at this place.

Altogether, about 5,400 acres of land would be acquired in fee or easement in the Federal area. The legislation limits the Federal investment to no more than $7,275,000 for both land acquisition and development and prohibits any Federal expenditures until the Secretary is satisfied that the State programs will go forward in a reasonable and orderly manner.

Mr. Speaker, I recommend the approval of S. 1928 by the Members of the House.

Mr. SAYLOR. Mr. Speaker, I rise in support of this legislation.

The purpose of S. 1928 is to designate a segment of the St. Croix River in the States of Minnesota and Wisconsin as a component of the national wild and scenic rivers system which was established by the act of October 2, 1968, Public Law 90–542 in the 90th Congress.

S. 1928 as amended and passed in the other body late last week is the same identical bill which was introduced in the House of Representatives on October 4, 1972, by our colleagues Mr. THOMSON of Wisconsin and Mr. QUIE, of Minnesota.

At this point, I want to commend my colleague, the gentleman from Wisconsin (Mr. THOMSON) for his persistent efforts on behalf of this legislation. I know this firsthand, because, as the ranking minority member of the Committee on Interior and Insular Affairs, the gentleman from Wisconsin (Mr. THOMSON) has constantly been on my back to get the Department of the Interior to go along with the bill he and other Members of the House introduced back in July of 1971.

You may recall that when we established the national wild and scenic rivers system in the 90th Congress, the Upper St. Croix River was included as an original component of that system. Well, ever since that time, the gentleman from Wisconsin (Mr. THOMSON) has been trying to get the Lower St. Croix River also established as a component of the national wild and scenic rivers system.

The problems which the gentleman from Wisconsin encountered seemed insurmountable in view of the position of the Department of the Interior and the Office of Management and Budget against the inclusion of the lower 25 miles of the Lower St. Croix River as a component of the national wild and scenic rivers system. Nonetheless, the gentleman from Wisconsin kept on and persistently badgered me, the Department, and the Office of Management and Budget to try and work something out. But, the gentleman from Wisconsin did not stop there. He solicited his colleagues from both Wisconsin and Minnesota to introduce similar or identical legislation as a display of congressional support. In fact, he brought the Governors and officials of both States into the fray by setting up meetings to work something out.

After an extended period of negotiations, the gentleman from Wisconsin decided to cut through the bureaucratic maze and on May 25, 1972, personally visited with officials in the Department of the Interior and the Office of Management and Budget to persuade them to save the Lower St. Croix River and to agree to work something out on the lower 25 miles of the river.

Once again, the negotiations began, and on October 4, 1972, the Department of the Interior and the Office of Management and Budget agreed to the provisions of H.R. 16996 and introduced the same day by our colleagues, Mr. THOMSON and Mr. QUIE. But, in the closing days of this 92d Congress, the chances of passing H.R. 16996 looked very slim, indeed. Once again, I began to feel the constant pressure from VERN THOMSON to get his bill up before the Committee on Interior and Insular Affairs and passed.

Well, as my colleagues know, many things begin to happen in the closing

days of a session and they happen rather quickly. Lo and behold, on October 6, 1972, the Committee on Interior and Insular Affairs in the other body met in executive session and amended S. 1928 to include the provisions of H.R. 16996 as agreed upon by the administration. On the same day, the bill S. 1928, as amended, containing the language of H.R. 16996, was reported in the other body. On October 9, 1972, S. 1928, as amended, passed the other body and was referred to the House. I do not know, but I suspect that our colleague from Wisconsin, VERN THOMSON, had something to do with the deliberative action of the other body on this legislation.

I cite the experience of my colleague (Mr. THOMSON) on this legislation for three reasons: The first reason is to show that his experience is an example of how persistence and tenacity pay off in this legislative game; the second is that his experience demonstrates even what a Republican Member of Congress has to go through to get a favorable reaction from a Republican administration on legislation affecting his own congressional district, and, third, I am glad to have the gentleman from Wisconsin off my back.

Mr. Speaker, I strongly support the passage of S. 1928. The bill provides that a segment of the Lower St. Croix River in the States of Minnesota and Wisconsin shall be designated as a component of the national wild and scenic rivers system. Under the terms of this legislation, the upper 27 miles of the Lower St. Croix River shall be so designated and administered by the Secretary of the Interior. The lower 25 miles of the river between Taylors Falls and its confluence with the Mississippi River will be so designated by the Secretary of the Interior upon approval of an application for such designation made by the Governors of Minnesota and Wisconsin.

The bill also provides for the preparation of a comprehensive master plan in conjunction with the two States within 1 year following the enactment of this bill. The master plan is to set forth the specific boundaries and plans for the acquisition of lands and development.

The bill authorizes the appropriation $7,275,000 for the acquisition and development of lands and interests in lands within the boundaries of the 27-mile segment to be administered by the Secretary of the Interior. This section of the bill also provides that the Secretary of the Interior is limited in his authority to expend appropriated funds and cannot do so until the States of Minnesota and Wisconsin have initiated land acquisition and development as required by section 3 of the bill.

The passage and enactment of this bill will be a tremendous step forward in preserving one of the Nation's outstanding scenic and recreational rivers. Action on this bill is timely because plans for commercial and residential construction along the banks of this beautiful river are off the drawing boards and awaiting construction.

In conclusion, let me assure my colleagues that this legislation has received the careful attention of the Committee on Interior and Insular Affairs. The committee was well informed on the St. Croix River prior to the enactment of the National Wild and Scenic Rivers Act in the 90th Congress. As recent as this session of Congress, members of the House Committee on Interior and Insular Affairs visited this Lower St. Croix River area, spoke with people in the area, and witnessed its scenic and recreational values. This 52-mile segment of the St. Croix River is a natural resource which will provide present and future generations the opportunity for swimming, boating, fishing, and other recreational pursuits. Its outstanding qualities demand that we take action to preserve this segment of the St. Croix River.

Mr. Speaker, I urge the passage of this bill.

Mr. QUIE. Mr. Speaker, the fact that this bill comes before the House of Representatives today is a testimonial to the effectiveness of the distinguished gentleman from Wisconsin (Mr. THOMSON).

VERN THOMSON labored tirelessly to persuade the Department of Interior to reverse itself on an adverse report on the original legislation to authorize the Lower St. Croix River as an addition to the national scenic riverways system.

It was my privilege to accompany him to the conference with Interior Secretary Morton last summer when the Department dropped its opposition. Secretary Morton suggested the compromise plan of a cooperative State-Federal management plan for the Lower St. Croix. That arrangement was endorsed speedily by the Governors of the great States of Minnesota and Wisconsin.

Subsequently, we encountered difficulties in getting the draft language through the Office of Management and Budget. Again VERN THOMSON demonstrated great skill and tenacity in securing changes which were agreeable to all concerned. This resulted in the legislation that comes before the House today, already approved by the other body.

I also want to include for commendation the distinguished chairman of the House Committee on Interior and Insular Affairs (Mr. ASPINALL) and particularly the ranking member of that committee (Mr. SAYLOR). Were it not for their prompt cooperation and agreement to take up this noncontroversial legislation in committee yesterday, many months of effort by numerous individuals concerned with saving this river would have gone for naught. We would have had to come back next year and go through this whole exercise all over again.

This legislation was reported unanimously by the House Committee on Interior and Insular Affairs. The distinguished gentleman from Wisconsin personally buttonholed virtually every member on the committee. Never was it more apparent that he enjoys the confidence and the respect of numerous Members of this body on both sides of the aisle.

Earlier I alluded to a somewhat unique plan of Federal-State cooperative management of the Lower St. Croix. Because of its outstanding scenic and recreational values, the Upper St. Croix River was designated as one of the original streams authorized to be part of the wild and scenic riverways system. The Wild and Scenic Rivers Act specifically identified the 52 miles of the Lower St. Croix as one of the streams to be studied for later inclusion in the system.

Because of the beauty and largely unspoiled state of the Lower St. Croix, a drive to have it incorporated into the system was begun. The need became all the more apparent when reports of widespread commercial and residential development along its shorelines became known.

The Interior Department based its original opposition on the premise that there should be State administration of the Lower St. Croix. The compromise agreement provides for the lower 25 miles from the log boom site at Stillwater, Minn., to its confluence with the Mississippi River to be administered by the States of Minnesota and Wisconsin. The 27 miles from Stillwater to Taylors Falls will be administered by the National Park Service.

A comprehensive master plan will be prepared within 1 year from the date of enactment of this act to define the lands, waters, and interests to be acquired, developed and administered by the Federal Government and the two States. This will involve acquisitions in fee and scenic easements to assure that the shorelines and the view will be guarded.

The rights of property owners will be protected under the terms of the parent Wild and Scenic Rivers Act. Land adjoining the river that is protected by means of easement will remain in private ownership and on the tax rolls.

I should point out that the basic law prohibits the use of condemnation procedures in incorporated communities which have adopted appropriate zoning ordinances contributing to the protection and preservation of the riverway.

The bill before us authorizes not to exceed $7,275,000 for acquisition and development on the upper 27-mile segment to be administered by the National Park Service, provided that the States of Minnesota and Wisconsin have complied with the terms of the agreement by initiating land acquisition and development on the lower 25-mile segment. The States will accomplish their roles with the help of land and water conservation fund moneys to supplement State appropriations.

The vast majority of the people who live on both sides of the Lower St. Croix have expressed support for this concept of preserving and protecting the riverway.

Some questions have arisen concerning the use of motorboats on the protected stream. I would like to point out that neither the basic Wild and Scenic Rivers Act nor the legislation before us says one word about motorboats. Of the eight rivers originally designated part of the system, including the Upper St. Croix, the use of motorboats is prohibited on only one and part of another, and the action banning motorboats on one entire stream was taken by means of county ordinance, rather than Federal regulation.

There is no flat policy dealing with the use of motorboats on streams included in the national scenic riverways system.

It will be up to the States of Minnesota and Wisconsin and the National Park Service to specify all zoning and other restrictions, both on land and water, once the Lower St. Croix is added to the system. Any such restrictions will be spelled out in the State-Federal master plan.

I am confident and I would urge that motorboats be permitted on the Lower St. Croix. Owners of these craft have assured me they will comply with any necessary regulations such as a "no wake" rule to protect the shoreline and islands. In some reaches of the river, this may mean no waterskiing, but it could be permitted in other reaches.

In closing, Mr. Speaker, I should like to say that the action the House is taking today will save for posterity what I believe will become one of the real jewels in the national wild and scenic riverways system. It is especially unique in that it lies within a half-hour's drive of a major metropolitan area, the Twin Cities, with a population exceeding 2 million persons.

The President has pledged publicly that safeguarding scenic and recreational opportunities adjacent to metropolitan areas is a major concern of his administration. I am confident, therefore, that he will sign this measure into law.

Mr. THOMSON of Wisconsin. Mr. Speaker, addition of the Lower St. Croix River to the national wild and scenic rivers system will be a giant stride toward fulfilling the policy set forth in the original wild and scenic rivers legislation in 1968:

> That certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

Protecting this beautiful 52-mile stretch of the Lower St. Croix would also be a building block in President Nixon's proposed "legacy of parks"—an invaluable scenic and recreational resource within easy driving distance of a major metropolitan area.

Yet, it is for the very reason of its proximity to the Twin Cities that the river requires protection. Pressure for unplanned and potentially destructive development along both sides of the river is severe now; and that pressure is increasing week to week.

The Lower St. Croix River is eminently suited to be included in the wild and scenic rivers system. In fact, the upper reaches of the river were protected under the original legislation and the lower portion, between St. Croix Falls, Wis., and Prescott, Wis., is one of the 27 rivers designated by the original act as potential additions to the system. The act calls for a determination of the suitability of inclusion of the Lower St. Croix.

In response to this legislative directive, a study team composed of members from the Bureau of Outdoor Recreation, U.S. Forest Service, National Park Service, U.S. Fish and Wildlife Service, Corps of Engineers, State of Wisconsin, State of Minnesota, and the Minnesota-Wisconsin Boundary Area Commission was organized. Its report determined that the Lower St. Croix satisfied the requirements of scenic, esthetic, recreational and geologic values and recommended that the river be included in the national wild and scenic rivers system.

Early in the 92d Congress in 1971, Senators NELSON of Wisconsin and MONDALE of Minnesota introduced S. 1928, to add the river as a federally administered component of the wild and scenic rivers system. Congressman VERNON THOMSON of Wisconsin introduced an identical bill, H.R. 9692, in the House of Representatives on July 8, 1971.

The Senate Interior Committee conducted field hearings on the bill in St. Croix Falls where an overwhelming number of people testified in favor of the proposal. Congressman THOMSON led Representative TAYLOR of North Carolina and several of his House Interior Subcommittee members in a helicopter flyover and brief visit with concerned parties at Hudson. All was going well.

On April 14, Congressman THOMSON testified for the bill at the Senate hearings in Washington. But the testimony of the Department of the Interior had a far greater impact. The Department recommended against the bill and in favor of a State-administered wild and scenic river. When the dust settled, the Senate backers of the bill were shellshocked and completely immobilized.

Congressman THOMSON immediately began working for an acceptable alternative plan which could secure administration backing and thus be enacted. He first joined with Representative AL QUIE, of Minnesota, in a joint letter of April 21, to Secretary of the Interior Rogers Morton urging him to take a personal interest in the decision and reverse the position of his subordinates. Then he broadened his base, recruiting as cosponsors, Representatives QUIE, WILLIAMS STEIGER of Wisconsin, DAVID OBEY of Wisconsin, BILL FRENZEL of Minnesota, JOSEPH KARTH of Minnesota, and DONALD FRASER of Minnesota. They introduced an identical bill on May 4, 1972, as a demonstration of their intent to proceed. Congressman QUIE joined as THOMSON'S partner in the attempt to rescue the proposal.

On May 17, Congressmen THOMSON and QUIE conducted a meeting in THOMSON'S office with officials of the USDI with no apparent progress.

Refusing to accept defeat, Congressmen THOMSON and QUIE insisted on a private meeting with Secretary Morton which was held in the Secretary's office on May 25. At that crucial meeting, the two Congressmen and Secretary Morton agreed on a compromise solution which would add the Lower St. Croix to the wild and scenic rivers system. Under the terms of the compromise reached at that meeting, Secretary Morton would use his influence with the Office of Management and Budget and with the Congress to pass legislation which would include the upper 27 miles between St. Croix Falls, Wis., and Stillwater, Minn., in a federally administered component of the wild and scenic rivers system while the lower 25 miles, from Stillwater south to the confluence of the St. Croix and the Mississippi Rivers near Prescott, Wis., would be jointly managed by the States of Wisconsin and Minnesota.

Congressman THOMSON immediately called Wisconsin Governor Lucey to secure his approval of the plan—he agreed. And, Congressman QUIE won approval from Minnesota Gov. Wendell Anderson.

On June 9, representatives of both States and the U.S. Department of Interior met in Madison, Wis., to finally ratify the agreement.

This accomplished, the entire matter was referred to the Federal Office of Management and Budget—OMB—for its approval of the $7,275,000 of Federal funds involved—$2.55 million the first year. Congressman THOMSON and Congressman QUIE each personally met with OMB Director Caspar Weinberger to urge his approval of the proposal. Both Congressmen wrote to Weinberger as well as Senators NELSON and MONDALE who had been informed of the compromise agreement.

On October 4, 1972, the OMB announced its approval of the plan. Congressmen THOMSON and QUIE immediately introduced the compromise plan bill in the House. Senators NELSON and MONDALE introduced the Thomson-Quie bill as an amendment to their bill in the Senate committee on the next day. It was approved by the Interior Committee on October 6 and by the full Senate on October 9.

Congressmen THOMSON and QUIE contacted members of the House Interior Committee, specifically Chairman WAYNE ASPINALL, Democrat of Colorado, Subcommittee Chairman ROY TAYLOR and ranking minority member JOHN SAYLOR, Republican of Illinois. The bill was approved by the House Interior Committee without hearing on October 11 and brought to the floor under "unanimous consent" as a suspension of the rules on October 12 when it was overwhelmingly approved. The bill will go to the President for signature.

Passage of this far-reaching legislation to protect the Lower St. Croix River would have been impossible without the capable and effective efforts of Representative AL QUIE. Throughout the difficult struggle to achieve the compromise and pass it into law, Congressman QUIE showed a deep understanding both of the environmental threat and the legislative process. His persuasive arguments during the three-way meeting we had with Secretary Morton when the final compromise agreement was worked out were of critical importance in securing the Secretary's acceptance to the plan. People living along both sides of the Lower St. Croix River as well as those who will enjoy the benefits of its beautiful recreational opportunities, owe AL QUIE a deep vote of thanks.

Secretary of the Interior Rogers Morton recently wrote me expressing his appreciation for congressional action to include the Lower St. Croix River in the national wild and scenic rivers system. I am pleased to include his letter for the RECORD:

THE SECRETARY OF THE INTERIOR,
Washington, D.C., October 12, 1972.

Hon. VERNON W. THOMSON,
House of Representatives,
Washington, D.C.

DEAR VERN: I have noted that the legislation which you and Congressman Quie introduced last week regarding the Lower St.

Croix River has been promptly passed by the Senate and has been reported favorably by the House Interior Committee. It now appears that your bill will be enacted into law during this session of the Congress.

I want to congratulate you for your outstanding efforts in support of this legislation. The leadership position you took to compromise the differences between State and Federal proposals, and to arrange support for this bill within the Administration were instrumental in moving this legislation forward. Were it not for your efforts, the Lower St. Croix would not now be on the threshold of becoming the newest addition to the Wild and Scenic Rivers System.

On behalf of the Department of the Interior and the entire Administration, I want to thank you for your important work in support of this bill.

Best regards,

Yours sincerely,

ROG MORTON,
Secretary of the Interior.

Mr. FRENZEL. Mr. Speaker, I want to congratulate my colleagues, the gentleman from Minnesota (Mr. QUIE) and the gentleman from Wisconsin (Mr. THOMSON) for their excellent work in bringing this bill to the House.

It was introduced in far different form, and was subjected to great changes. Only through the energies and abilities, and superior negotiating skills of these two gentlemen could the various interests of the public, the States, and the Department of the Interior be brought together.

The passage of this bill will protect the Lower St. Croix River and at the same time, protect property owners on the river. The States of Minnesota and Wisconsin will have control over decisionmaking which will preserve the beautiful characteristics of the Lower St. Croix for the people of our area.

Mr. TAYLOR. Mr. Speaker, I rise in support of S. 1928—a bill providing for the recognition of the Lower St. Croix River in the States of Wisconsin and Minnesota as a component of the national wild and scenic rivers system.

BACKGROUND

A few years ago, the Congress enacted the Wild and Scenic Rivers Act. At that time, we recognized that the Lower St. Croix had unusual outdoor recreation potential and we included it in the study provisions of the act. Since that time, several members of the Subcommittee on National Parks and Recreation have had an opportunity to see part of this area and to talk with some of the people living in the area.

At that time, the administration had not concluded that a reasonable working arrangement had been established between the Federal Government and the agencies involved; consequently, no further action was taken. Now, I am happy to report, the Secretary of the Interior and the States have arrived at an understanding for the development and administration of the remainder of this important riverway and we have a favorable report from the Department concerning this legislation.

Mr. Speaker, no one has been more interested in this project than our colleague from Wisconsin (Mr. THOMSON). He encouraged the members of the Subcommittee on National Parks and Recreation to visit the area early last spring and he made special arrangements so that we could get the broadest possible understanding of all issues affecting the project. I know that the members of the Subcommittee on National Parks and Recreation join me in expressing our gratitude to him for his assistance and his patience and we are all delighted to have this opportunity to bring this bill, which is really the outgrowth of his original legislation (H.R. 9692) to the floor of the House. Without his persistent efforts, the St. Croix legislation would probably not be before the House today.

I am pleased to join the chairman of the full Committee on Interior and Insular Affairs and the ranking minority members of the committee in urging the adoption of this bill by the House.

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

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so, including myself, may include our remarks in the RECORD immediately preceding the passage of the bill.

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

There was no objection.

BENJAMIN FRANKLIN NATIONAL MEMORIAL

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 221), to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 221

Whereas the American people feel a deep debt of gratitude to Benjamin Franklin for his outstanding services to this Nation as a statesman and for his achievements as a scientist and inventor;

Whereas the Franklin Institute, of Philadelphia, Pennsylvania, has played a leading role in promoting the development of science and technology in the United States;

Whereas the said Franklin Institute named the Benjamin Franklin Memorial Hall in honor of Benjamin Franklin over thirty years ago;

Whereas the year 1974 is the one hundred and fiftieth anniversary of the founding of said Franklin Institute;

Whereas the city of Philadelphia, Pennsylvania, is a most appropriate location for a national memorial to Benjamin Franklin since Philadelphia was his home for many years;

Whereas Benjamin Franklin Memorial Hall is a fitting memorial to this great American: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Franklin Memorial Hall located in the Franklin Institute of Philadelphia, Pennsylvania, is hereby designated as Benjamin Franklin National Memorial.

SEC. 2. The designation made by the first section of this resolution shall become effective upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior.

FRANCIS R. VALEO,
Secretary.

Mr. ASPINALL. Mr. Speaker, the purpose of Senate Joint Resolution 221 is the same as the purpose of House Joint Resolution 1152 which was introduced by Representative MORGAN and our other colleagues from Pennsylvania. It provides for the designation of the Benjamin Franklin Memorial Hall in Philadelphia as the Benjamin Franklin National Memorial.

This structure houses the statue of Benjamin Franklin which is famous throughout the land. It is located on the grounds of the Franklin Institute and would remain a property of the Institute. It is not contemplated that any Federal funds would be utilized for the development, operation, or maintenance of this facility, but that the Secretary would enter into an agreement with the Institute to assure its continued use in a manner consistent with the high standards applicable to other similar units of the National Park System. When that agreement is concluded, then this site would be designated as a national memorial in commemoration of one of the great Americans of all time—Benjamin Franklin.

Mr. Speaker, I support the enactment of Senate Joint Resolution 221. It is true to the character of Benjamin Franklin and worthy of the support of all of the Members of the House. I urge its adoption.

Mr. SAYLOR. Mr. Speaker, I rise in support of Senate Joint Resolution 221.

The purpose of this resolution is to designate the Benjamin Franklin Memorial Hall at the Franklin Institute in Philadelphia, Pa., as the Benjamin Franklin National Memorial.

The Franklin Institute represents the efforts of many people to create a unique memorial to Benjamin Franklin, the distinguished scientist, inventor, statesman, and leader in the struggle for American independence. For years the Franklin Institute, a nonprofit organization, has provided a beautiful and impressive physical memorial to this remarkable man, along with being a scientific and technological museum.

Within the large marble rotunda of Franklin Memorial Hall sits an impressive four-times-the-life-size statue of Dr. Benjamin Franklin. Through the years, millions of visitor have passed through this great memorial and museum, which has been created to insure a continuing living monument to Benjamin Franklin.

The resolution provides that the designation of the Benjamin Franklin National Memorial will be effective upon a cooperative agreement with the institute for preservation, public viewing and publication of the national memorial. It is anticipated that the enactment of this

legislation will not result in an increase in Federal expenditures.

Mr. Speaker, it is incredible that we have not so honored this gifted American prior to this time. I strongly support the passage of this resolution.

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. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so, including myself, may include his remarks in the RECORD immediately preceding the passage of the joint resolution.

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

There was no objection.

JUDGMENT FUNDS OF MISSISSIPPI SIOUX INDIANS

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6067) to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Mdewakanton and Wahpakoota Tribe of Sioux Indians, and the Sisseton and Wahpeton Tribes of Sioux Indians, in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

TITLE I

SEC. 101. (a) The Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall bring current their membership rolls as of the date of this Act. The Lower Sioux Indian Community at Morton, Minnesota, the Prairie Island Indian Community at Welch, Minnesota, and the Shakopee Mdewakanton Sioux Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Mdewakanton and Wahpakoota Tribes, and who were born on or prior to and are living on the date of this Act, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Mdewakanton and Wahpakoota Tribe who were born on or prior to and are living on the date of this Act whose names or the names of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 102. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded the Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 101 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be placed on deposit in the United States Treasury to the credit of the respective groups. Eighty per centum of such funds on deposit to the credit of the Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior. One hundred per centum of such funds on deposit to the credit of the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be distributed per capita of such tribal members: *Provided,* That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 2 of this Act. The shares of enrollees who are not members of such groups shall be paid per capita.

TITLE II

SEC. 201. (a) The Devils Lake Sioux Tribe of North Dakota, and the Sisseton and Wahpeton Sioux Tribe of South Dakota, shall bring current their membership rolls of the date of this Act. The Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 202. (a) After deducting the amount authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin annuity roll, as follows:

Tribe or group	Percentage
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of Fort Peck Reservation, Montana	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

(b) The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a), shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided,* That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 201(a) of this Act. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided,* That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes: *Provided further,* That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-Saint Paul area in jointly submitting programing proposals to the Secretary.

(c) The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a), shall be distributed per capita to the persons enrolled on the roll prepared by the Secretary pursuant to section 201(b) of this Act.

TITLE III

SEC. 301. No person shall be eligible to be enrolled under this Act who is not a citizen of the United States.

SEC. 302. Any person qualifying for enrollment with more than one group shall elect the group with which he shall be enrolled for the purpose of this Act.

SEC. 303. The sums payable to enrollees or their heirs or legatees who are minors or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved.

SEC. 304. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 305. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, H.R. 6067 provides for the distribution of several Mississippi Sioux judgments among the Lower Mississippi Sioux groups. H.R. 6070 provides for the distribution of two Mississippi Sioux judgments among the Upper Mississippi Sioux groups.

The subcommittee has reported H.R. 6067 with amendments that add the

substance of H.R. 6070, thus combining the two bills.

Legislation applicable to these same judgments, and applicable to both the Lower and the Upper Mississippi Sioux, was enacted by the House in the 91st Congress, but it died in the Senate.

The bill before us today differs from the bill that was passed in the 91st Congress in one important respect. Two years ago the Department told the committee that there is no present-day successor to the aboriginal Mississippi Sioux Tribe. The Secretary recommended, and the House agreed, that the judgments should therefore be distributed on a descendancy basis—that is, to all persons who can show that they are direct lineal descendants of a member of the aboriginal tribe.

This year, the Department changed its position and told us that five present-day tribes are partial successors. The Department recommended that two of these tribes share in the judgments on the basis of their relative tribal membership numbers, compared to nonmembers who are listed on a descendancy roll to be prepared. The Department further recommended that three other tribes share in the judgments on the basis of their relative numbers in 1909, rather than today.

The Department's recommendation was supported by all of the groups involved, and there are 10 of them, except the Fort Peck Sioux. The bill reported by the subcommittee followed the Department's recommendation.

The bill adopts a pragmatic approach, reflecting the wishes of what appear to be the overwhelming majority of the Indians concerned. The Upper Sioux want to use the 1909 roll for the purpose of dividing the money among the groups, but not for per capita distribution after the money is divided. The Lower Sioux will have nothing to do with the 1909 roll. The bill therefore provides differently for the two.

Although the subcommittee amendment strikes everything after the enacting clause and inserts new text, this approach was taken primarily as a drafting device to combine the two bills. The only substantive change made by the amendment relates to the recognition of successor tribes as recommended by the Department. The other changes are of a technical and perfecting nature.

The provisions of the bills relating to programing part of the money and distributing the rest of it have not been changed. All descendants who are not members of the five successor tribes will receive a 100-percent per capita. The two Lower Sioux Tribes will retain 20 percent for reservation programing. The three Upper Sioux Tribes will program 30 percent.

Mr. Speaker, this is a bill we had on the unanimous-consent calendar in order the other day, but the gentleman from Montana (Mr. MELCHER) wanted to state his position on the bill.

I now, Mr. Speaker, yield 3 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Speaker, I wish to point out the Sioux Indians at Fort Peck in the Sioux Indian Reservation in Montana who are entitled to participate in this judgment have been treated as stepchildren.

If Members will refer to the bill, they will notice that while the number of Sioux at Fort Peck, on the Committee on Consent Rule, would far exceed 10 percent under the terms of the bill, only 10 percent of the judgment will be divided among them.

It is unfair and unwise to provide this type of percentage in a judgment bill. I would have preferred, as the Sioux in Montana at Fort Peck prefer, to have the type of lineal descent as followed in the so-called Haley bill, passed by the Congress 2 years ago, incorporated in this bill.

Therefore, I protest the fairness of the bill on behalf of the Sioux at Fort Peck.

(Mr. SAYLOR, at the request of Mr. KYL, was granted permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 6067.

The purpose of this bill is to authorize the distribution of judgment funds awarded by the Indian Claims Commission in favor of the Mississippi Sioux Indians.

The total amount to be distributed among the five tribes which are modern-day successors to the aboriginal bands is $12,250,000. The five tribes are the Santee Sioux Tribe of Nebraska, Flandreau Santee Sioux Tribe of South Dakota, the Sisseton Wahpeton Tribe of South Dakota, the Devils Lake Tribe of North Dakota, and the Sioux Tribe on the Fort Peck Reservation.

The judgment award is to be distributed on a per capita basis pursuant to the preparation of current membership and descendancy rolls and a certain portion of the per capita distribution will be programed for reservation purposes.

Mr. Speaker, I urge the passage of this legislation.

Mr. FRASER. Mr. Speaker, I rise to urge support for H.R. 6067, which provides for distribution of $12.25 million in judgment funds to several Mississippi Sioux tribal groups. This settlement was awarded by the Indian Claims Commission in 1967 as additional payment for nearly 30 million acres of land in Minnesota, Iowa, and South Dakota taken from the Indians by the Federal Government during the first 60 years of the 19th century.

The descendants of the original Indian groups have waited over 100 years for the redress of their ancestors' grievances and I think it is unconscionable for us to ask them to wait any longer. Already 4 years have passed since Congress appropriated the funds to pay for the Indian Claims Commission judgment. Now the only job remaining before us is to determine how the funds will be distributed.

I know it has not been easy for the Indian people to agree on distribution procedures but that agreement has been worked out and it is embodied in the bill before us today. After the original agreement was reached, one of the Indian groups reversed its position and is now unhappy with some aspects of the bill. But the vast majority of the more than 12,000 Indian people affected by H.R. 6067 are actively advocating its passage.

Any further delays at this point would only compound the grievances that this legislation seeks to redress.

Mr. FRENZEL. Mr. Speaker, I rise today in enthusiastic support of H.R. 6067. It is a rare and pleasurable experience for me to be able to endorse a bill which has the approval of the House Committee on Interior and Insular Affairs, the Department of the Interior, and more importantly, the active support of the tribes involved.

The intention of this legislation is to distribute $12 million to the Mississippi Sioux Tribe. This total amount will be allocated in the States of North and South Dakota, Montana, Nebraska, as well as my State of Minnesota.

This settlement will satisfy an obligation for a claim by the Indians Claims Commission in 1967. I hope H.R. 6067 will be speedily passed.

Mr. MELCHER. Mr. Speaker, the bill before us today is unfair to the Sisseton-Wahpeton Sioux Council of the Fort Peck Reservation in Montana on the distribution of judgment funds awarded by the Indian Claims Commission on the basis of a percentage pay out.

In fact—the Assiniboine-Sioux of the Fort Peck Reservation are treated like stepchildren and are to receive under the terms of the bill less than their fair share of the judgment moneys. I oppose the percentage listed for the Assiniboine-Sioux Tribe of Fort Peck Reservation in section 5(a) of the bill which only allows these Indian people 10.3 percent of the judgment even though they represent much more than that percentage of the people eligible for the judgment.

I would like the bill amended and would do so at this time if this bill were not before the House under rules prohibiting an amendment.

It is unfair and unjust not to have followed a distribution on the basis of lineal descendants per capita as was done in the Haley bill that passed this House 2 years ago and as was also the basis followed in the Haley bill introduced into this Congress. Instead, we are following a system of percentages for the various groups who are lineal descendants of the Sisseton-Wahpeton Mississippi Sioux Tribes. I object, and I oppose the passage of the bill in this form and urge that the method of distribution in the Haley bill be followed rather than in this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 6067, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes."

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 the Senate bill (S. 1462). To provide for the distribution to the Sisseton and

Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359, and for other purposes, 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:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

SEC. 2. (a) The Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. No person shall be eligible to be enrolled under section 2 who is not a citizen of the United States.

SEC. 4. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purpose of this Act.

SEC. 5. (a) After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin Annuity Roll, as follows:

Tribe or Group:	*Percentage*
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of the Fort Peck Reservation, Mont.	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

(b) The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a), shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided,* That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 2(a) of this Act. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided,* That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes: *And provided further,* That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-St. Paul area in jointly submitting programing proposals to the Secretary.

(c) The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a), shall be distributed per capita to the persons enrolled on the roll prepared by the Secretary pursuant to section 2(b) of this Act.

SEC. 6. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved: *Provided, however,* That no restrictions shall be placed upon payments to persons eighteen years of age or over who are married and are not under a legal disability for any reason other than age.

SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

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. 1462 and insert in lieu thereof the provisions of H.R. 6067, as passed.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6067) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have permission to extend their remarks immediately preceding passage of this bill.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9727, MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

Mr. LENNON. Mr. Speaker, I call up the conference report on the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, 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 North Carolina?

There was no objection.

The Clerk read the statement.

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

Mr. LENNON. Mr. Speaker, I urge the support of the House for the conference report on H.R. 9727. It represents, in my opinion, a reasonable, rational, and a practical resolution of the differences between the two bodies on this very important legislation.

For many years, this Nation, along with other nations in the world, have treated the oceans as an unrestricted dumping ground. Quantities of garbage, sewage sludge, laboratory wastes, contaminated dredge spoils, industrial wastes, munitions, and radioactive materials have all be casually disposed of into the ocean "sink," in ever-increasing quantities, with little or no consideration of the impact on the receiving waters. In the past few years, we have begun to realize some of the consequences of our past actions.

Our attention has been drawn to emergency situations where large quantities of nerve gas, enclosed in supposedly leakproof containers, have been transported from the center of our country to be loaded on vessels for disposition at sea. Congressional hearings to inquire into the need for such an action resulted only in declarations that it was too late to take any other disposal action. The truth of the matter is that no alternative plans were considered, and the nerve gas, together with its propellant charges, were simply allowed to reach a point where their threatened deterioration might create a major hazard unless they were immediately disposed of. The solution for the disposal was the selfsame ocean waters where the feeling in the past has been "out of sight, out of mind."

The various dumping activities have been coupled with agricultural runoff from the land and vast quantities of waste materials deposited into our river systems for transportation to the sea. Added together, they have had a massive

deleterious effect on our offshore waters. Plants and animals have been killed by toxic wastes, areas of ocean bottom, such as the New York Bight, have been suffocated and turned into "ocean deserts," cancerous growths have been found on fishes in areas polluted by waste material, reduced growth rates and lowered reproductivity activity of fishes have occurred.

The lower levels of the food chain in the ocean waters have been obliterated in some areas, the concentrations of pesticides and heavy metals have rendered some fish species unsafe for consumption and have threatened the existence of other species higher in the food chain, the oxygen in many water areas have been depleted below the level necessary either to support marine life or to degrade the deposited wastes, and beaches have been closed to swimming and shellfish beds closed to harvesting because of high concentrations of coliform bacteria and of viruses causing various types of infection and diseases.

Aside from the massive threat to animal and human health, the results of this pollution have caused significant economic losses. Resort areas have experienced a loss of income-producing visitors, and commercially valuable fisheries have suffered, with the loss to the shellfish catch alone estimated at $63 million in the 1969 harvest. This situation requires prompt action.

The Members of the House will recall that this body on September 9, 1971, took a major step down the long road to correction by passing H.R. 9727. The bill did several important things. It banned the transportation from the United States for dumping at sea of all radiological, chemical, and biological warfare agents, as well as high-level radioactive waste. In addition, it required for materials other than those banned, a permit system to be administered by the Environmental Protection Agency for materials with the exception of dredged material, the permits for which would be handled by the Corps of Engineers.

The division of responsibility was deliberate in that the Environmental Protection Agency was given the primary responsibility for protecting the oceans from materials transported from the United States at the same time the bill recognized the responsibility of the Army Engineers in that maintenance of our waterways and, therefore, left the disposal of dredged material to be handled by the Engineers subject to the overall direction and standard development by the Environmental Protection Agency. I felt then and I feel now that the result is a reasonable balance between the demonstrated needs to protect our marine environment and economic needs of our domestic and foreign water commerce.

The bill included two additional titles which are complementary to title I. The first of these focused attention on necessary research to evaluate both short-term and long-range effects of ocean pollution, and the second title provided a scheme whereby particular areas may be preserved or restored in order to insure their maximum overall potential.

H.R. 9727 developed from an administration proposal which was considered along with some 50 other bills in joint hearings and executive sessions of the Subcommittees on Oceanography and Fish and Wildlife Conservation. The bill was unanimously reported from the joint subcommittees, unanimously adopted and reported to the House by the Merchant Marine and Fisheries Committee, and passed by the House by a vote of 304 to 3.

I have reviewed the background for a specific purpose, since the conference report has in general resolved the differences between the two bodies in favor of the House approach. As to the coverage of the bill, there was a compromise. The House version applied to all navigable waters, consistent with the recommendation of the administration. In view of the fact that it felt that the dumping problem was adequately taken care of in the Federal Water Pollution Control Act in internal waters, the Senate made the coverage applicable only to the waters outside the territorial limits of the United States.

The conferees compromised at the baseline, that is the line between internal waters and the open seas. This decision was based on a simple truth. As far as movement of ocean pollutants are concerned, there is no such thing as territorial waters. While we may draw a line on the ocean floor, and lay claim to the bottom land, the water above it is as independent as the atmosphere above dry land. Since the ocean waters constitute one unified mass, the conferees felt that it made little sense to handle dumping permits for ocean waters outside the territorial seas and leave the ocean waters within the territorial sea to be handled by other means.

In other respects, the conferees, with refining language changes, adhered to the House position. They retained the title III marine sanctuary provisions, tightening the language to make it clear that the implementation of that title could not in any way conflict with international law or principles. The conferees also retained, at the insistence of the House conferees, the provisions relating to the Corps of Engineers control over the disposal of dredge material, subject to more explicit language delineating the overall responsibilities of the EPA. The resolution of other differences is covered explicitly in the report, resulting in overall improvement to the legislation.

The conference report contains no nongermane matters. As to the appropriation authorizations, the conferees accepted the Senate limitations for title I, compromised between the House and Senate provisions for title II, and accepted the House provisions under title III.

I urge your support of the conference report.

Mr. MOSHER. Mr. Speaker, I rise in support of the conference report on H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1972.

Approximately 2 years ago on October 7, 1970, President Nixon transmitted to the Congress a message recommending the enactment of legislation to ban the unregulated dumping of all materials into the oceans. At that time, he submitted a study conducted by the Council on Environmental Quality which found that the volume of waste material being dumped into the oceans is increasing rapidly throughout the world, and that unless we act now the problem will reach unmanageable proportions in the very near future.

At the same time, the President initiated a number of steps to bring the problem of ocean dumping to the attention of the international community, recognizing that in the long run the health of the world's oceans must be preserved through internationally agreed and enforced measures. As a result of the President's initiatives at the international level, a plenipotentiary conference to adopt an ocean-dumping convention will convene in London on October 23.

Our enactment of H.R. 9727 will place the United States in the forefront of nations at this conference as the only major power to have adopted comprehensive domestic legislation curtailing the use of the oceans for disposal of land-generated waste.

This legislation, therefore, marks a turning point in man's destructive use of the seas as a garbage dump. Hopefully, in the very near future all nations will follow our lead recognizing that the global oceans can no longer tolerate such abuses. This legislation and an earlier bill, the Ports and Waterways Safety Act, form a comprehensive package of legislation to minimize pollution of the oceans resulting from deliberate discharges of material into the seas and accidental pollution, the result of marine casualties.

Again, at the international level, amendments to the Oil Pollution Convention have been adopted to minimize global oil pollution from the routine discharge of oily wastes from tankers and to minimize the pollution potential of very large tankers in the event of a casualty. The 92d Congress, therefore, has been an extremely productive Congress from the standpoint of reversing this dangerous spiral of ocean pollution.

It has been a bipartisan effort, both in the Congress and between the Congress and the administration.

The work of the committee on conference has extended over a period of almost 11 months. There were significant differences between the bill as passed in the House and in the other body. These differences have been fully explained by my distinguished colleague, the gentleman from North Carolina (Mr. LENNON), and I will not attempt to amplify on his concise remarks.

The principal issue resolved by the conference committee dealing with the issuance of permits for the disposal of dredge spoil material has been, I believe, resolved in a manner which is satisfactory to all interested parties, and which will insure that dredge spoil will pose no threat to the quality of our ocean waters in the future.

In closing, Mr. Speaker, I would like to comment briefly upon titles II and III of

the bill, dealing with research and marine sanctuaries, respectively.

The research work to be conducted by the Commerce Department acting through NOAA, in coordination with the Coast Guard and the Administrator of EPA, is of vital importance to our long-range effort to stop all dumping. It is important to note that the research work called for in title II is not limited to international ocean areas but also encompasses our domestic coastal waters, the Great Lakes, and their connecting waters.

The problem of pollution in the Great Lakes is acute, and as a Representative from the Great Lakes area, I am naturally anxious that every possible effort be made to insure that the quality of the Great Lakes is restored to a high level of purity. I expect that the Secretary of Commerce will utilize the authority set forth in title II of the act to significantly expand efforts already underway in the Environmental Protection Agency and NOAA to restore the Great Lakes. It should be noted that sections 202 and 203 of the act authorize the Secretary of Commerce to utilize other agencies and to render financial assistance to Federal, State, interstate, or local authorities that are engaged in projects leading toward the termination of dumping.

In a similar vein, title III authorizes the Secretary of Commerce to establish marine sanctuaries in the Great Lakes and their connecting waters which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. Again, I anticipate that the Secretary, in cooperation with the Governors of the Great Lakes States, as called for in section 302(b) of the act, will move vigorously to establish marine sanctuaries at appropriate Great Lakes areas. The marine sanctuary concept should be an important adjunct to our efforts to preserve shoreline areas of the Great Lakes that are of significant value.

Last night, Mr. Speaker, the House adopted the conference report on the coastal zone management bill, S. 3507.

Section 312 of that bill authorizes the Secretary of Commerce to make grants to the States of up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone.

This is another complementary step which, in conjunction with the ocean dumping bill, will insure a great advance in our understanding and wise use of ecologically fragile estuarine areas.

Mr. Speaker, this legislation is a well-developed approach to ocean dumping regulation which deserves the support of every Member of this House. I urge adoption of the conference report.

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report on H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1972.

Clearly, Mr. Speaker, the present system we have for controlling ocean dumping is not working. In fact, it is not a system at all. We have a permit program which is administered by the Army Corps of Engineers, but it is so full of gaps and loopholes that it cannot fairly be called a regulatory system. It is more like a sieve through which is filtered every kind of junk imaginable: sewage sludge, dredge spoil, garbage, chemical wastes, and debris of all sorts. I recall a CBS documentary of about a year ago in which the writer said we were spilling into the oceans "the gross national product of yesterday." And gross it is: "black liquor" from paper mills, sulfuric acid residues, germ-laden sludge from sewers, the junk and filth from a thousand towns that border the oceans or touch on the Great Lakes.

The Corps of Engineers is really not to blame for the sorry state of affairs: there are no standards or criteria in the present law which would give them guidance. The present statute and the regulations issued under it came into being before our national consciousness was aroused, before we began to realize the danger to our environment. The considerations of the past were economic. The oceans that surround our country were looked upon as cheap, convenient areas in which to discard the garbage and wastes we had generated. And that was not long ago, Mr. Speaker. In 1965, for example, officials of New York City were boasting of the "flush action" of the tides in New York Harbor. Because of this "flush action" they said there was no danger to human health in dumping thousands of tons of raw sewage in the Hudson at midtown Manhattan.

We know now how distastrously wrong those gentlemen were: whole areas of the New York Bight are now dead, incapable of supporting life. Many beaches are unsafe. Spawning grounds of countless local fish species have been fouled and catches drastically reduced. The stench that pervades the harbor gives the lie to their assurances and their promises.

To my mind, that is the important thing about this ocean dumping bill: it recognizes in its preamble the fact that we should have recognized long since: that unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentials.

In section 2(b), Congress declares that "it is the national policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health—or the marine environment . . .".

This is done, Mr. Speaker, by a strict permit system administered by the Administrator of the Environmental Protection Agency or the Corps of Engineers, as the case may be. The bill essays to control all dumping into the ocean, estuaries and the Great Lakes where the material and cargoes originate from our shores as well as dumping within waters over which the United States exercises jurisdiction by foreign nationals or where the dump cargoes originate from other nations. There are stiff penalties—civil and criminal. The bill directs a civil penalty for each violation of up to $50,000 and criminal penalties of $50,000 per day for each violation or imprisonment for up to 1 year.

We are particularly concerned in this legislation about radioactive wastes, chemical or biological warfare agents, and high level radioactive wastes: we expect that if this bill becomes law, dumping of this material will be stopped.

A special provision was written in this bill concerning dredge spoils, material which is dredged or excavated from the navigable waters of the United States. Dredge spoils, according to the 1970 report on ocean dumping by the Council on Environmental Quality—CEQ—makes up 80 percent of the material currently dumped from our shores. It has been estimated that a third of this tonnage is polluted. The Corps of Engineers is, of course, responsible for creating most of this dredge spoil. Therefore, under section 103, the Secretary of the Army is authorized to issue permits permitting the disposal of dredge spoils at sea after notice and an opportunity for public hearings "where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare or amenities or the marine environment, ecological systems or economic potentialities." The bill spells out what criteria the Secretary must use in arriving at that determination—section 103(b).

Mr. Speaker, in the course of our hearings on ocean dumping, we began to realize that in so many areas our knowledge of the ocean environment was fragmentary and incomplete.

Ignorance, St. Thomas Aquinas said in the Summa, is essentially a failure to know something which we ought to know. Our ignorance of the lifegiving oceans and marine ecosystems in this context is to my mind inexcusable. To make a beginning then at knowing what we ought to know, we have provided in this bill for a comprehensive program of research on ocean dumping, its effects, long and short term.

This research will be carried out by the Department of Commerce, the Coast Guard, the Corps of Engineers, and the EPA. The Secretary of Commerce will coordinate and report his findings to Congress on a semiannual basis.

The bill also provides for the creation of marine sanctuaries to be designated by the Secretary of Commerce within our territorial waters. If the sanctuary is to be located outside our territorial waters, the bill authorizes the Secretary of State to enter into negotiations with other governments to accomplish this end. Section 109 also authorizes the Secretary of State, after consultation with the Administrator, to "seek effective international action and cooperation to insure protection of the marine environment * * *" and to "formulate, present, and support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this act."

Mr. Speaker, this is a bill which deserves the support of the House. Much hard work has gone into it. We have

relied heavily on the report on ocean dumping which was issued by the Council on Environmental Quality in October of 1970. It was an excellent report and many of its more important recommendations are found in this bill. Our hearings were long and informative. What we found the problems to be, we addressed in this bill. If this conference report is passed—and I am confident it will be—and if President Nixon signs this measure into law—and I am confident that he will—we will have done something which we can be proud of—something which the American people will be proud of.

Under the law of trusts, a trustee cannot with impunity dissipate the property which forms the corpus of the trust. He is held strictly accountable for his actions, and if he wastes the resources of the trust, he must make restitution; he must square the accounts.

We have been given our world in trust by a beneficent and a benevolent God. We are going to be held strictly accountable. We cannot dissipate the corpus of the trust—our land, our air or water—our oceans. The time has come to begin to make restitution for the negligences of the past, the recklessness with which we have spent our resources.

I invite the attention of my colleagues to a statement by Capt. Jacques-Yves Cousteau submitted for inclusion in the printed record of our hearings. It is not an ordinary piece of prose or everyday sort of testimony before a congressional hearing. It is simple, direct, and almost poetic:

Because 96 percent of the water on earth is in the ocean, we have deluded ourselves into thinking of the seas as enormous and indestructible. We have not considered that earth is a closed system. Once destroyed, the oceans can never be replaced. We are obliged now to face the fact that by using it as a universal sewer, we are severely overtaxing the ocean's powers of self-purification.

The sea is the source of all life. If the sea did not exist, man would not exist. The sea is fragile and in danger. We must love and protect it if we hope to continue to exist ourselves.

Men of all nations must join together in an effort to save our seas. I am sure that by such measures as are called for in H.R. 805 (now H.R. 9727) we will succeed. (Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife Conservation and Subcommittee on Oceanography: *Ocean Dumping of Waste Materials*, April 6, 1971 at page 162.)

Mr. Speaker, I urge my colleagues to support the conference report and to put the Congress on record in opposition to irresponsible and indiscriminate dumping in the beautiful waters that surround our country.

Mr. Speaker, I would like at this time to briefly describe the conference bill and make a few comments on the differences between the House and Senate versions of the bill.

Title I of H.R. 9727 would prohibit unregulated dumping of waste material into our coastal and offshore waters.

In accomplishing this purpose, the transportation and dumping of radiological, chemical, or biological warfare agents or high level radioactive waste would be banned. There would also be a ban placed upon the transportation and dumping of all other waste material, unless authorized by a permit to be issued by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

The House bill assigned the responsibility for issuing dumping permits to the Administrator of EPA in all cases except those involving dredge and fill operations; in which case the Corps of Engineers would continue in its responsibilities. As to corps issued dredge permits, the Administrator would be given power to designate areas which might not be used as disposal sites. Material could be placed in those areas only when the Secretary of the Army certified that no economically feasible alternative was reasonably available.

The Senate alternative to this approach was to concentrate the disposal permit issuance responsibilities in EPA.

This extremely complex question was resolved by the committee of conference by allowing the Secretary to issue permits for transportation of dredged material for dumping. However, in issuing such permits, he would be required to follow the criteria set down by EPA.

It is expected that the Secretary, when selecting sites for disposal of dredged material, will select economically feasible sites. In any case in which he finds that there is no economically feasible site which would not violate the EPA criteria or the EPA restrictions as to critical areas, then the Secretary would be authorized to request a waiver from EPA. In turn, the Administrator of EPA would have to grant the waiver unless he found that the preposed dumping would result in an unacceptably adverse impact upon the area concerned.

As enacted, the House bill extended the coverage of the Act to oceans, estuarine waters, other coastal waters affected by the tides, and the Great Lakes. The Senate bill provided coverage only to the ocean waters beyond the territorial sea of the United States. The conference bill would resolve the conflict by drawing the line at the "base line," that is the line from which the territorial sea is measured.

The House bill contained language that would permit any State to impose additional requirements to the criteria developed by the Administrator relating to dumping of materials. The Senate version of the bill restricted the right to cases in which a State proposed additional criteria which was subsequently accepted by the Administration and thereafter treated as Federal. The Senate version was adopted by the conferees.

The House bill contained an open-ended authorization as to time and funds whereas the Senate version of the bill would authorize to be appropriated not to exceed $3.6 million for fiscal year 1973 and $5.5 million for fiscal year 1974. The conference bill adopted the Senate version and added that for fiscal years after fiscal year 1974, funds would be provided for by subsequent congressional action.

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

The House version of the bill contained a title III which would authorize the Secretary of Commerce to establish marine sanctuaries in our coastal and offshore water out to the edge of the Continental Shelf. The concurrence of the Governors of the affected States would be required where the proposed sanctuary falls within State jurisdiction.

There was authorized to be appropriated $10 million per year for a period of 3 years to carry out the purposes of this title.

The Senate version of the bill contained no provision at all on marine sanctuaries.

Mr. DOWNING. Mr. Speaker, I am proud to rise in support of the conference report on H.R. 9727, the so-called ocean dumping bill. I urge its rapid passage because I believe it is essential for the Congress to act now, in order to stop the indiscriminate and uncontrolled dumping of harmful waste material into America's coastal and offshore waters.

In an era that has been distinguished by a new and genuine concern for our environment, this report should certainly become landmark conservation legislation, because it represents the first attempt by Congress to prevent the oceans from becoming dangerously polluted and irreversibly damaged.

Basically, the conference report we are considering today is designed to establish a concerted, national policy on ocean dumping. It represents the final results of the sincere efforts of both the Senate and the House to produce a practical, workable program.

Mr. Speaker, I am especially proud of the role our Committee on Merchant Marine and Fisheries played in the evolution of this report, because our members drafted the legislation with great care and thoroughness. In addition to extensive open hearings, long hours of executive sessions were held, and I estimate that more than 75 hours were spent on the legislation by the committee members.

The hearings were jointly held by our Subcommittee on Oceanography and our Subcommittee on Fisheries and Wildlife Conservation. Congressman ALTON LENNON, and Congressman JOHN D. DINGELL, the respective chairmen of those subcommittees, jointly chaired the hearings. I am indebted to both of these distinguished colleagues for the exceptional job they did on this subject.

I would like to say, however, that in addition to probably becoming landmark

legislation, this conference report will be an outstanding contribution to the environmental cause for another reason: I think it will set an example for all future environmental legislation. I say this because it attempts to guard against over-reaction to pollution problems by establishing a sensible balance between the need to protect and preserve our environment and the need to maintain and promote industrial and economic development.

That kind of balance was not easy to attain, and this is one of the reasons the committee members worked so long and hard. Their efforts were fruitful, because they have produced legislation that will effectively protect and preserve the vast ocean resources, and at the same time, satisfy the justifiable concerns expressed during our hearings by the port authorities, by the steamship industry and by the great industrial interests of our Nation; all of these were concerned, and justifiably so—that our Nation's economy and, therefore, our national welfare, could be adversely affected by legislation that was too hurriedly drawn, or that was drawn with a prejudiced viewpoint.

Mr. Speaker, this is a good and a sensible report. And, when enacted, the legislation will fulfill a great and vital need. The Senate approved this conference report today, just a few hours ago. I urge all my colleagues in the House to join me in supporting and passing this report, and I earnestly hope it will be enacted yet this year.

I rise to pay my great respect to a gentleman in our midst who has done so much for his district, State, and Nation and who should really go down in history as the father of the Nation's oceanography program as the chairman of the Subcommittee on Oceanography he has done more than any Member of the Congress to see that this "last frontier" for mankind is properly explored and exploited by this nation. He has studied. He has worked. He has persevered. Our Nation's progress in the field of oceanography is directly attributed to the efforts of ALTON LENNON.

I often think of my friend as the "ideal" Congressman. For in him, I see what I would like to be. Hidden by modesty is a man of intelligence, integrity, and courage, a man who has dedicated himself to his country as few ever have.

When ALTON LENNON retires from the Congress this year our Nation will have suffered a loss. Someone will replace him, of course, but no one will ever fill his shoes.

From here on in, whenever I hear the phrase "the gentleman from North Carolina," I shall think of my friend ALTON LENNON.

Mr. LENNON. 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.

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON S. 3419, CONSUMER PRODUCT SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to call up the conference report on the Senate bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, 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 requests of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 12, 1972.)

Mr. STAGGERS (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 West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, with relatively few substantive amendments, the committee of conference has agreed to accept the House bill. Let me comment briefly on the most significant matters agreed to in conference.

As the Members will recall, the House bill proposed to establish a new independent regulatory commission with comprehensive authority to protect consumers from hazardous products. The House bill did not disturb the Food and Drug Administration's authority over foods, drugs, medical devices, or cosmetics. The Senate bill went much further. Under its terms the Food and Drug Administration would have been abolished and its responsibilities entirely transferred to a new safety agency. The committee of conference has agreed to the more limited purposes and scope of the House bill.

Two amendments to the House bill agreed to by your conferees require special mention. First, we have accepted a Senate amendment which adds to the provisions in the House bill which allowed interested persons to petition the Product Safety Commission to initiate a rulemaking proceeding for the development of a consumer product safety standard or to ban a hazardous product. The House provisions required the Commission to publish in the Federal Register its reasons for denying any such petition. The Senate amendment agreed to by the conferees will allow a petitioner whose request is denied to apply to district court for review of the Commission's denial. If the petitioner is able to convince the court by a preponderance of evidence that the product presents an unreasonable risk of injury and that the Commission's failure to initiate a rulemaking proceeding unreasonably exposes the petitioner or other consumers to a risk of injury, the court may compel the Commission to begin a proceeding. Two important limitations are placed on this authority.

First, the court may not order the Commission to take any action beyond the initiation of a proceeding. It could not, for example, order the Commission to adopt a particular standard. Second, we have decided to delay the effective date of this provision until 3 years after enactment. Several members of the conference expressed concern that the Commission should have an opportunity in the first years of its existence to properly order its priorities.

The National Commission on Product Safety has identified over 40 products which may require mandatory safety standards. Accordingly, the committee felt that the Commission should be given 3 years in which to act before allowing interested persons to bring a proceeding to compel action.

The second substantive addition to the House bill which I want to mention relates to stockpiling. In the past, under other safety laws, unscrupulous manufacturers have taken advantage of the lag between the date on which a safety standard is promulgated and the date on which it takes effect to produce nonconforming products in great quantity. This practice obviously defeats the purpose of the safety standard. Accordingly, the Committee on Conference has agreed to accept a provision from the Senate bill which would allow the Commission to prohibit stockpiling in order to prevent circumvention of a consumer product safety rule.

Mr. Speaker, I believe the committee of conference has reported a good bill. As I noted, it departs in only minor ways from the House passed bill and I strongly urge the House to agree to the conference report.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of the conference report and the following is a brief discussion of the major differences.

The House bill was used as the vehicle for conference and came out essentially unchanged although numerous language changes were involved.

When the bill was before the House many members were concerned about a provision called the Nelson amendment which did not appear in the House bill but which had been inserted in the Senate bill.

The Nelson amendment prohibited manufacturers and other business interests from participating in the standard-setting process. This was diametrically opposed to the philosophy of the House bill which encouraged such participation.

The conference version retains a very limited portion of the Nelson amendment providing that in the very limited situation wherein a manufacturer of a product is the one and only offeror in a bid to create a product standard, the Commission may concurrently investigate and develop a similar standard.

Such a provision is justified in that the Commission should have independ-

ent knowledge of the subject matter where only one outfit is working up a standard which will apply to its product and similar products of possible competitors. In all other cases the Commission is foreclosed from duplicating the work of offerors to avoid unnecessary double expense.

The House bill allowed for individuals or groups to request action by the Commission on products not already subject to safety standards. If the Commission did not see fit to start such a proceeding it was required to state its reasons in the Federal Register. The Senate bill provided for a court appeal and a forcing of Commission action.

The conference version adds to the House version a provision for appeal to a district court with the petitioner bearing the burden of showing by a preponderance of the evidence that a safety standard is needed for the particular product. If the court agrees it must remand the case to the Commission which is then required only to commence a rule making proceeding. Thereafter the matter goes along in the same manner as a proceeding initiated by the Commission. Persons unhappy with the resulting standard may appeal under the provisions of the Administrative Procedures Act.

In addition to the safeguards insisted upon by the House it was also agreed that the right to so petition would be delayed for 3 years. A new entity such as this Commission must first of all get organized. When it has done so there will be many obvious products needing attention. These should be handled before the Commission is beleagured by everyone's pet peeve.

A Senate provision set penalties for producing inventories of noncomplying items between the time a standard is set and it becomes effective. Many circumstances may influence a decision to continue or step up production at any given time. To avoid injustice from such an automatic offense, language was inserted to make clear that the so-called stockpiling had to be done to circumvent or flout the new safety standard.

Except as to injunction proceedings for imminent hazards, a power which exists in the other regulatory agencies, the basic control of litigation was left with the Department of Justice.

Mr. STAGGERS. 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.

FLAMMABLE FABRICS ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5066) to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, last year the House passed H.R. 5066 to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act. That bill authorized a total of $4 million for fiscal year 1972.

The Senate has returned to us a bill which authorizes these same amounts for current fiscal year 1973. We believe the House should concur in this amendment.

The Senate also added an amendment which would require the Department of Commerce to promulgate and make effective by July 1973 a flammability standard applicable to children's sleepwear covering sizes 7 to 14. It is my understanding that the Department of Commerce has already begun a proceeding for the development of this standard. In the past, Members of both the Senate and the House have expressed dissatisfaction with the administration of the Flammable Fabrics Act by the Department. Allegations have been made that the Department lacked vigor and was too often dissuaded from adopting needed standards on the basis of industry objections that more than was required to study the problem or that the necessary technology did not exist. I am informed that the sponsors of the Senate amendment decided to place a statutory requirement that the Department act by July 1, 1973, in order to assure that similar arguments do not again delay a needed standard.

I recommend that we disagree with the Senate amendment on this point not because I disagree with the objectives of this amendment. Today the House has agreed to a report of the committee of conference on product safety legislation which, among other things, proposes to transfer the administration of the Flammable Fabrics Act to a new independent regulatory commission. We fully expect that this new agency will act vigorously in carrying out its responsibilities under the Flammable Fabrics Act as well as the other tasks which are assigned to it. I do not, therefore, feel that it is appropriate to impose a statutory mandate that the Commission act by a stated date. In the interim before this transfer takes place, it is my hope and expectation that the Department of Commerce will diligently proceed with the development of a flammability standard for children's sleepwear in sizes 7 to 14.

I have discussed this matter with several Members of the Senate and it is my understanding that the Senate will agree to deleting amendment No. 2 as I have proposed.

Mr. SPRINGER. Mr. Speaker, some while ago the House passed a 1-year extension of the Flammable Fabrics Act authorizing $4 million for fiscal year 1972. The Senate failed to act on our bill for many months, but has secretly acted and has provided an authorization of $4 million for fiscal year 1973. However, in addition to the authorization, the Senate also directed that the Department of Commerce establish, by July 1, 1973, a flammability standard for children's sleepwear, sizes 7 through 14.

The Department of Commerce objected to the directive to establish a standard on the ground that it could not be done by July 1, 1973.

The Senate seems to have been convinced that a standard could not be developed by July 1, 1973 and have indicated their willingness to drop the provision directing the development of a standard. Now that fiscal year 1972 has passed, the House should accept the Senate amendment authorizing $4 million for fiscal year 1973 and send the bill back to the Senate for their approval of what would now amount to a simple 1-year extension.

SENATE AMENDMENTS

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read Senate amendment No. 1 as follows:

Page 1, line 7, strike out "1972" and insert: "1973".

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves that the House recede from its disagreement to the amendment of the Senate No. 1, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read Senate amendment No. 2, as follows:

Page 1, after line 7, insert:

SEC. 2. That the Flammable Fabrics Act be amended by adding a new section at the end thereof, as follows:

"Sec. 18. Interim children's sleepwear standard for sizes 7 through 14.

"(a) Congressional finding.

"The Congress finds that there is a need for a standard for children's sleepwear in sizes 7 through 14 in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

"(b) Children's Sleepwear Standard for Sizes 7 through 14.

"The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act insofar as practicable a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973."

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves that the House disagree to Senate amendment No. 2.

The motion was agreed to.

The SPEAKER. The Clerk will report the Senate amendment to the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An Act to authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act."

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to concur in the Senate amendment to the title of the bill.

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.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT AMENDMENTS OF 1972

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15375) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SEC. 2. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There is hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act the sum of $52,714,000 for the fiscal year ending June 30, 1973.".

SEC. 3. Section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410) is amended to read as follows:

"(a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as required in this section and as the Secretary shall prescribe, the Secretary may, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from any motor vehicle safety standard established under this title if he finds—

"(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted, or

"(B) that such temporary exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought, or

"(C) that such temporary exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the safety of such vehicle, or selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles; and

"(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act.

Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

"(b) The Secretary shall require permanent labeling of each exempted motor vehicle. Such label shall either name or describe each of the standards from which the motor vehicle is exempted and be affixed to such exempted vehicles. The Secretary may require that written notification of the exemption be delivered to the dealer and first purchaser for purposes other than the resale of such exempted motor vehicle in such manner as he deems appropriate.

"(c)(1) No exemption or renewal granted under paragraph (1)(A) of subsection (a) of this section shall be granted for a period longer than three years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

"(2) No exemption or renewal granted under paragraph (1) (B), (C), or (D) of subsection (a) of this section shall be granted for a period longer than two years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

"(d)(1) No manufacturer whose total motor vehicle production in its most recent year of production exceeds 10,000, as determined by the Secretary, shall be eligible to apply for an exemption under paragraph (1)(A) of subsection (a) of this section.

"(2) No manufacturer shall be eligible to apply for exemption under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section for more than two thousand five hundred vehicles to be sold in the United States in any twelve-month period, as determined by the Secretary.

"(e) Any manufacturer applying for an exemption on the basis of paragraph (1)(A) of subsection (a) of this section shall include in the application a complete financial statement showing the basis of the economic hardship and a complete description of its good faith efforts to comply with the standards. Any manufacturer applying for an exemption on the basis of paragraph (1)(B) of subsection (a) of this section shall include in the application research, development and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which exemption is sought. Any manufacturer applying for an exemption on the basis of paragraph (1)(C) of subsection (a) of this section shall include in the application research, development and testing documentation establishing that the safety of such vehicle is not unreasonably degraded and that such vehicle is a 'low-emission vehicle'. Any manufacturer applying for an exemption on the basis of paragraph (1)(D) of subsection (a) of this section shall include in the application a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles.

"(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after enactment of this Act for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

"(g) For the purpose of this section, a 'low-emission vehicle' means any motor vehicle which—

"(A) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under the Clean Air Amendments of 1970 (42 U.S.C. 1857f–1) at the time of manufacture to that type of vehicle;

"(B) with respect to all other air pollutants meets the new motor vehicle standards applicable under the Clean Air Amendments of 1970 (42 U.S.C. 1857f–1) at the time of manufacture to that type of vehicle."

Mr. STAGGERS. Mr. Speaker, I have sent to the table a substitute amendment which merely makes necessary technical and conforming changes in the Senate amendment to H.R. 15375. It does not alter the substance of the Senate's proposal.

As the Members will recall, this last summer we passed the bill, H.R. 15375, for the limited purpose of extending the authorization for the motor vehicle safety program under the National Traffic and Motor Vehicle Safety Act. The House agreed to authorize an amount of $37,461,000—which amount was equal to the Department of Transportation's budget request for the administration of this program.

The Senate amendment increased the authorized levels by more than $15 million to a total of $52,714,000 for fiscal year 1973. It is my understanding that the supplemental appropriations bill will appropriate somewhere between $32 million and $37 million. Accordingly, our acceptance of the increase in the Senate amendment is likely to have no impact on the appropriation for this fiscal year. For this reason, I recommend we accept the Senate amendment so that we can finish this legislation before the Congress adjourns.

The Senate amendment also establishes a carefully drawn exemption authority which would enable the Secretary of Transportation to exempt certain motor vehicles from compliance with motor vehicle safety standards. The Department of Transportation believes that this is needed authority and supports its passage. Among other things, it will allow exemptions for manufacturers whose total motor vehicle production does not exceed 10,000, if compliance would cause the manufacturer substantial economic hardship. Exemptions are also permitted for production runs of 2,500 vehicles or less to permit experimentation in new motor vehicle safety equipment, emission control devices and new safety systems.

The committee recommends that the House agree to providing this exemptive authority with the understanding that the committee will in the early months of the next Congress reexamine this matter. As the committee noted when H.R. 15375 was first brought to the floor, several important bills have been introduced which propose substantive amendments to the National Traffic and Motor Vehicle Safety Act and we intend to conduct thorough hearings on these proposals in the beginning months of the next Congress.

Mr. SPRINGER. Mr. Speaker, in August of this year the House passed a bill which extended the authorizations under the National Traffic and Motor Vehicle Safety Act for fiscal year 1973, at a level of $37.4 million which was the exact amount requested by the Department of Transportation.

The Senate amended the House bill by increasing the authorizations to $52.7 million for fiscal year 1973 and by adding an exemption section which would allow the Secretary of Transportation to temporarily exempt a motor vehicle from any motor vehicle safety standard if the manufacturer of the motor vehicle produced no more than 10,000 vehicles in preceding year. The need for an exemption provision was to protect Checker Motor Co.'s ability to continue production of its automobiles while it tooled to adapt

the new safety equipment, which it purchases from the big automobile manufacturers, to its own automobiles.

The authorization figure for fiscal year 1973 is now unimportant since the appropriation for the Department of Transportation has already passed the House and the Senate.

I urge acceptance of the Senate amendments inasmuch as the Senate and the Subcommittee on Commerce and Finance of the House Commerce Committee have both agreed to fully explore these and other provisions of the act next year in detailed hearings.

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to concur in the Senate amendment with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That this Act may be cited as the "National Traffic and Motor Vehicle Safety Act Amendments of 1972".

SEC. 2. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. For the purpose of carrying out this Act there is authorized to be appropriated $52,714,000 for the fiscal year ending June 30, 1973.".

SEC. 3. Section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410) is amended to read as follows:

"SEC. 123. (a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as required in this section and as the Secretary shall prescribe, the Secretary may, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from any motor vehicle safety standard established under this title if he finds—

"(1) (A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted,

"(B) that such temporary exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought,

"(C) that such temporary exemption would facilitate the development or field evaluation of a low-mission motor vehicle and would not unreasonably degrade the safety of such vehicle, or

"(D) that requiring compliance would prevent a manufacturer from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles; and

"(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act.

Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

"(b) The Secretary shall require permanent labeling of each exempted motor vehicle. Such label shall either name or describe each of the standards from which the motor vehicle is exempted and be affixed to such exempted vehicles. The Secretary may require that written notification of the exemption be delivered to the dealer and first purchaser for purposes other than the resale of such exempted motor vehicle in such manner as he deems appropriate.

"(c) (1) No exemption or renewal granted under paragraph (1) (A) of subsection (a) of this section shall be granted for a period longer than three years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

"(2) No exemption or renewal granted under paragraph (1) (B), (1) (C), or (1) (D) of subsection (a) of this section shall be granted for a period longer than two years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

"(d) (1) No manufacturer whose total motor vehicle production in its most recent year of production exceeds 10,000, as determined by the Secretary, shall be eligible to apply for an exemption under paragraph (1) (A) of subsection (a) of this section.

"(2) No manufacturer shall be eligible to apply for exemption under paragraph (1) (B), (1) (C), or (1) (D) of subsection (a) of this section for more than 2,500 vehicles to be sold in the United States in any 12 month period, as determined by the Secretary.

"(e) Any manufacturer applying for an exemption on the basis of paragraph (1) (A) of subsection (a) of this section shall include in the application a complete financial statement showing the basis of the economic hardship and a complete description of its good faith efforts to comply with the standards. Any manufacturer applying for an exemption on the basis of paragraph (1) (B) of subsection (a) of this section shall include in the application research, development, and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought. Any manufacturer applying for an exemption on the basis of paragraph (1) (C) of subsection (a) of this section shall include in the application research, development, and testing documentation establishing that the safety of such vehicle is not unreasonably degraded and that such vehicle is a low-emission motor vehicle. Any manufacturer applying for an exemption on the basis of paragraph (1) (D) of subsection (a) of this section shall include in the application a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles.

"(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after the date of the enactment of this subsection for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

"(g) For the purpose of this section, the term 'low-emission motor vehicle' means any motor vehicle which—

"(1) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 of the Clean Air Act (42 U.S.C. 1857f–1) at the time of manufacture to that type of vehicle; and

"(2) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 of the Clean Air Act at the time of manufacture to that type of vehicle."

The motion was agreed to.

A motion to reconsider was laid on the table.

EMERGENCY HEALTH PERSONNEL ACT AMENDMENTS OF 1972

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16755) to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This may be cited as the "Emergency Health Personnel Act Amendments of 1972".

SEC. 2. (a) Section 329(a) of the Public Health Service Act is amended to read as follows:

"SEC. 329. (a) There is established, within the Service, the National Health Service Corps (hereinafter in this section referred to as the 'Corps') which shall consist of those officers of the Regular and Reserve Corps of the Service and such other personnel as the Secretary may designate and which shall be utilized by the Secretary to improve the delivery of health care and services to persons residing in areas which have critical health manpower shortages."

(b) Section 329(b) of such Act is amended to read as follows:

"(b) (1) The Secretary shall (A) designate those areas which he determines have critical health manpower shortages, (B) provide assistance to persons seeking assignment of Corps personnel to such designated areas to provide under this section health care and services for persons residing in such areas, and (C) conduct such information programs in such designated areas as may be necessary to inform the public and private health entities serving those areas of the assistance available under this section.

"(2) (A) The Secretary may assign personnel of the Corps to provide, under regulations prescribed by the Secretary, health care and services for persons residing in an area designated by the Secretary under paragraph (1) if—

"(i) the State health agency of each State in which such area is located or the local public health agency or any other public or nonprofit private health entity in such area requests such assignment, and

"(ii) the (I) local government of such area, and (II) the State and district medical, dental, or other appropriate health societies (as the case may be), certify to the Secretary that such assignment of Corps personnel is needed for such area.

If with respect to any proposed assignment of Corps personnel to an area the requirements of clauses (i) and (ii) of the preceding sentence are met except for the certification by the State and district medical, dental, or other appropriate health societies required by clause (ii) and if the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, the Secretary may, after consultation with appropriate medical, dental, or other health societies, assign such personnel to such area. Corps personnel shall be assigned under this section on the basis of the extent of an area's need for health care and services and without regard to the ability of the residents of an area to pay for health care and services.

"(B) In providing health care and services under this section, Corps personnel shall utilize the techniques, facilities, and organizational forms most appropriate for the area and shall, to the maximum extent feasible,

provide such care and services (i) to all persons in such area regardless of the ability of such persons to pay for the care and services, and (ii) in connection with (I) direct health care programs carried out by the Service; (II) any direct health care program carried out in whole or in part with Federal financial assistance; or (III) any other health care activity which is in furtherance of the purposes of this section.

"(C) Any person who receives health care services provided under this section shall be charged for such care or service at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such care or service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary shall provide for the furnishing of such care or service at a reduced rate or without charge. If a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of the care or service provided under this section if such care or service had not been provided under this section, the Secretary shall collect from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subparagraph shall be deposited in the Treasury as miscellaneous receipts and shall be disregarded in determining (i) the amounts of appropriations to be requested under subsection (h), and (ii) the amounts to be made available from appropriations made under such subsection to carry out this section."

(c) Section 329(c) of such Act is amended (1) by striking out "Service" and inserting in lieu thereof "Corps" and (2) by inserting at the end thereof the following: "The Secretary may reimburse applicants for positions in the Corps for actual expenses incurred in traveling to and from their place of residence to an area in which they would be assigned for the purpose of evaluating such area with regard to being assigned in such area. The Secretary shall not reimburse an applicant for more than one such trip."

(d) Section 329(d) of such Act is amended—

(1) by striking out "Service" in the first sentence and inserting in lieu thereof "Corps", and by inserting before the period at the end of such sentence the following: ", except that if such area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the Service, the Secretary shall, in addition to such other arrangements as the Secretary may make to insure the availability in such area of care and services by Corps personnel, arrange for the utilization of such hospital or facility by Corps personnel in providing care and services in such area but only to the extent that such utilization will not impair the delivery of care and treatment through such hospital or facility to persons who are entitled to care and treatment through such hospital or facility";

(2) by striking out "If there are no such facilities in such area" in the second sentence and inserting in lieu thereof "If there are no health facilities in or serving such area";

(3) by adding after the second sentence the following new sentence: "In providing such care and services, the Secretary may (A) make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of other equipment and supplies, and (B) secure the temporary services of nurses and allied health professionals."; and

(4) by inserting "(1) after "(d)" and by adding at the end the following:

"(2) The Secretary shall conduct at medical and nursing schools and other schools of the health professions and training centers for the allied health professions, recruiting programs for the Corps. Such programs shall include the wide dissemination of written information on the Corps and visits to such schools by personnel of the Corps."

(e) Section 329(f) of such Act is amended (1) by striking out "Service" in paragraphs (1) and (3) and inserting in lieu thereof "Corps", and (2) by striking out "to select commissioned officers of the Service and other personnel" in paragraph (2) and inserting in lieu thereof "to select personnel of the Corps".

(f) Subsection (g) of section 329 of such Act is redesignated as subsection (h) and the following new subsection is inserted after subsection (f) of such section:

"(g) The Secretary shall report to Congress no later than May 15 of each year—

"(1) the number of areas designated under subsection (b) in the calendar year preceding the year in which the report is made as having critical health manpower shortages and the number of areas which the Secretary estimates will be so designated in the calendar year in which the report is made;

"(2) the number and types of Corps personnel assigned in such preceding calendar year to areas designated under subsection (b), the number and types of additional Corps personnel which the Secretary estimates will be assigned to such areas in the calendar year in which the report is submitted, and the need (if any) for additional personnel for the Corps; and

"(3) the number of applications filed in such preceding calendar year for assignment of Corps personnel under this section and the action taken on each such application."

(g) Subsection (h) of section 329 of such Act (as so redesignated by subsection (f) of this section) is amended by striking out "and" and after "1972;" and by inserting immediately before the period at the end the following "; and $25,000,000 for the fiscal year ending June 30, 1974".

(h) Section 329 of such Act is amended by adding at the end thereof the following new subsection:

"(i) For purposes of this section, the term 'State' includes Guam, American Samoa, and the Trust Territory of the Pacific Islands."

SEC. 3. (a) The Secretary may not close or transfer control of a hospital or other health care delivery facility of the Public Health Service unless—

(1) he transmits to each House of Congress, on the same day and while each House is in session, a detailed explanation (meeting the requirements of subsection (b)) for the proposed closing or transfer, and

(2) a period of ninety calendar days of continuous session of Congress has elapsed after the date on which such explanation is transmitted.

For purposes of paragraph (2), 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 an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(b) Each explanation submitted under subsection (a) for closing or transferring control of a hospital or other health care delivery facility of the Public Health Service shall—

(1) contain (A) assurances that persons entitled to treatment and care at the hospital or other facility proposed to be closed or transferred and persons for whom care and treatment at such hospital or other facility is authorized will, after the proposed closing or transfer, continue to be provided equivalent care and treatment through such hospital or other facility or under a new arrangement, and (B) an estimate of the cost of providing such care and treatment to such persons after the proposed closing or transfer; and

(2) the comments (if any) made by each—

(A) section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) the area in which the hospital or other facility is located or which is served by the hospital or other facility, and

(B) section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area,

after the Secretary has provided each such agency a reasonable opportunity to review and comment on the proposed closing or transfer.

For purposes of paragraph (2), the term "section 314(a) State health planning agency" means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) (referred to in paragraph (2) as a "section 314(a) plan"), and the term "section 314(b) areawide health planning agency" means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) (referred to in paragraph (2) as a "section 314(b) plan").

SEC. 4. Section 741(f)(1)(C) of the Public Health Service Act is amended by striking out "agreement with the Secretary to practice his profession for a period of at least two years in an area in a State determined by the Secretary" and inserting in lieu thereof "agreement with the Secretary to practice his profession (as a member of the National Health Service Corps or otherwise) for a period of at least two years in an area in a State designated under section 329(b) or otherwise determined by the Secretary".

SEC. 5. Title II of the Public Health Service Act is amended by adding after section 224 the following new section:

"PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM

"SEC. 225. (a) The Secretary shall establish the Public Health and National Health Service Corps Scholarship Training Program (hereinafter in this section referred to as the 'Program') to obtain trained physicians, dentists, nurses, and other health-related specialists for the National Health Service Corps and other units of the Service.

"(b) To be eligible for acceptance and continued participation in the Program, each applicant must—

"(1) be accepted for enrollment, or be enrolled, as a full-time student in an accredited (as determined by the Secretary) educational institution in the United States, or its territories or possessions;

"(2) pursue an approved course of study, and maintain an acceptable level of academic standing, leading to a degree in medicine, dentistry, or other health-related specialty, as determined by the Secretary;

"(3) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be selected for civilian service in the National Health Service Corps; and

"(4) agree in writing to serve, as prescribed by subsection (e) of this section, in the Commissioned Corps of the Service or as a civilian member of the National Health Service Corps.

"(c) Each participant in the Program will be authorized a scholarship for each approved academic year of training, not to exceed four years, in an amount prescribed by the Secretary and payable in monthly installments. The scholarship shall not exceed an amount equal to the basic pay and allowances of a commissioned officer on active duty in pay grade O–1 with less than two years of service, plus an amount to cover the reasonable cost of books, supplies, equip-

ment, student medical expenses, and other necessary educational expenses which are not otherwise paid as a part of the basic tuition payment.

"(d) The Secretary may contract with an accredited educational institution for the payment of tuition and other education expenses, not otherwise covered under subsection (c) of this section, for persons participating in the Program. If necessary, persons participating in the Program may be reimbursed for the actual cost of tuition and other educational expenses authorized in this subsection, in lieu of a contract with the educational institution.

"(e) A person participating in the Program shall be obligated to serve on active duty as a commissioned officer in the Service or as a civilian member of the National Health Service Corps following completion of academic training, for a period of time prescribed by the Secretary which will not be less than one year of service on active duty for each academic year of training received under the Program. At least one-half of the period of service required by the preceding sentence must be spent providing health care and services (1) in an area designated under section 329(b), (2) as a member of the Indian Health Service or the Federal Health Programs Service and in an area (determined under section 329 or otherwise) to have a health manpower shortage, or (3) in connection with any program, designated by the Secretary, for the provision of health care and services in such an area. For persons receiving a degree from a school of medicine, osteopathy, or dentistry, the commencement of a period of obligated service can be deferred for the period of time required to complete internship and residency training. For persons receiving degrees in other health professions the obligated service period will commence upon completion of their academic training. Periods of internship or residency shall not be creditable in satisfying an active duty service obligation under this subsection unless the internship or residency is served in a facility of the Service or other facility of the National Health Service Corps.

"(f) (1) If, for any reason, a person fails to complete an active duty service obligation under this section, he shall be liable for the payment of an amount equal to the cost of tuition and other education expenses, and scholarship payments, paid under this section, plus interest at the maximum legal prevailing rate. Any amount which the United States is entitled to recover under this paragraph shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States.

"(2) When a person undergoing training in the Program is academically dismissed or voluntarily terminates academic training, he shall be liable for repayment to the Government for an amount equal to the cost of tuition and other educational expenses paid to or for him from Federal funds plus any scholarship payments which he received under the Program.

"(3) The Secretary shall by regulation provide for the waiver or suspension of any obligation under paragraph (1) or (2) applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(g) Notwithstanding any other provision of law, persons undergoing academic training under the Program shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare.

"(h) The Secretary shall issue regulations governing the implementation of this section.

"(i) To carry out the Program, there is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1974."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 16755, a bill to extend the Emergency Health Personnel Act of 1970 for 1 year. This act authorizes the program known as the National Health Service Corps, which provides doctors and other health professionals to areas with critical shortages of health manpower. H.R. 16755 will extend the program; make several improvements in it; authorize programs designed to insure an adequate supply of manpower for the corps; and resolve the issue of the U.S. Public Health Service hospitals and clinics.

The legislation was reported after hearings unanimously from our Subcommittee on Public Health and Environment and by voice vote from the full Committee on Interstate and Foreign Commerce. It would authorize the expenditure of a total of $30 million during fiscal years 1973 and 1974.

The changes made by the legislation in the National Health Service Corps program include: a requirement that the Secretary of Health, Education, and Welfare designate all those areas in the country which are eligible for assistance under the program; provide for an appeal from communities in which local professional societies have refused to certify the need for assistance under the program; direct that the assignment of scholarships for training in return for a commitment to practice in the corps for 1 year for each year in which they had a scholarship.

This bill will also help to resolve the issue of closure or transfer of the U.S. Public Health Service hospitals by requiring that the Department of Health, Education, and Welfare give the Congress a 90-day notice of any proposed hospital closure or transfer along with a detailed explanation of that proposal giving assurance that those being served by the hospital will continue to receive comparable service, and including information on the consideration that HEW has given to the need for care of residents of the areas being served by the manpower be made solely on the basis of communities' need for assistance; and authorize the program in a flexible manner to use whatever facilities, equiment, organization forms, or temporary personnel are appropriate—including, where possible, existing Public Health Service hospitals and facilities.

The provisions designed to assure an adequate supply of manpower for the program include: the authorization of necessary information and recruiting programs; the use of existing loan forgiveness programs for personnel of the Corps; and the creation of a scholarship program—directly comparable to that being created for the Armed Forces—in which students would receive National Health Service Corps using the hospital, the future of teaching programs in the hospital, and the comments of the appropriate comprehensive health planning agencies. The requirement for a 90-day notice will in future, unlike the past, give the Congress an appropriate opportunity to take whatever action is necessary on the proposal.

Mr. Speaker, the National Health Service Corps has already proven itself to be a good and valuable program. Many Members of Congress—including, particularly, Mr. METCALFE of Illinois, who sponsored similar legislation to this bill—have expressed their interest in the program and support for it to me. This bill is a good bill which will make it possible for the program to both expand and improve itself, and I urge its passage.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding.

We have been moving pretty fast here through some listed and other not listed pieces of legislation. I wonder if the gentleman would go a little further at this time into the increase of cost, as I understand it, by $30 million in 1973 and 1974 and also the requirement written in here that no U.S. Public Health Service hospitals may be closed without notification to the Congress—and what the Congress intends to do if such notification is given?

I would also like to know a little bit more about the loan forgiveness programs.

I am very anxious that the Public Health Service hospitals not be closed.

I really concur in this, but I think this is too important a piece of legislation to wheel through as rapidly as we have been.

I am referring to the RECORD of the House of October 2, 1972, when this passed after considerable debate, and the need for further consideration of H.R. 16755 under suspension of the rules.

Mr. STAGGERS. As the gentleman knows, the Public Health Service hospitals are scattered throughout the country. We have had considerable survey and discussion of them. This bill simply requires the Department, if they determine that a hospital is not needed, to notify us at least 90 days before closing it, so that we have a chance to take a look at it and to see whether we need to do anything.

We do not say what we might do, or should do about a proposal, but we want to be informed and see the reasons why the Department proposes to take any particular action.

Mr. HALL. Did the gentleman give any consideration to making a similar requirement in future legislation?

Mr. STAGGERS. Yes.

Mr. HALL. That is before the commissioned officers corps and the U.S. Public Health Service is eliminated by Federal directive downtown by a simple mention and recommendation, without the Congress being notified?

Mr. STAGGERS. I might say that such notification is already statutory. We have done things very carefully looking into many of these situations and have directed the Department to keep us informed of any actions they propose to

take on the commissioned corps or the hospitals.

We think, with this 90-day requirement, Congress could act and do something about it.

I would say to the gentleman from Missouri that I am like he is—I believe we ought to have some permanent requirement as to what we are going to do about these Public Health Service hospitals.

Mr. HALL. And not only that—but the commissioned officers corps of the United States.

Mr. STAGGERS. That is right. I agree with the gentleman perfectly. Further, on the proposed scholarships, what we are doing here is to make them available like the military has done, because the draft is going out and they will be needed as an incentive for manpower recruitment.

A certain amount of money is set aside from the total money authorized for the scholarship program. The loan forgiveness program is not new. It is used in other programs and we have suggested this in order to have it adopted. So the National Health Service Corps.

Mr. HALL. Mr. Speaker, if the gentleman would yield further, I appreciate his forthright response, but is not the authorization of a $30 million increase for 1973 and 1974 each, and is not there a considerable duplication of services over legislation already in existence?

Mr. STAGGERS. I might briefly say there is no increase. The authorization for fiscal year 1972 was $30 million, it will be $25 million in fiscal year 1973, and a small initial authorization for the scholarship program. We have an agreement with the Senate that will actually increase the total authorization in the bill to $28 million for the total program.

Mr. HALL. Well, that is a 2-year extension. Is there any other esoteric agreement with the other body, if this bill passes here under suspension today, that it will add on or take from?

Mr. STAGGERS. No, sir. That is the reason why we are trying to work everything out, so that we would not have to go to conference. They have agreed to take our bill.

Mr. HALL. I thank the gentleman.

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

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

Mr. SPRINGER. Mr. Speaker, I might say in response to the gentleman from Missouri that we took out the $2 million in 1973 for scholarships for MOD because the year was almost expired.

This bill reviews a useful program already underway. Since originally created the program has placed 152 doctors, 20 dentists, and 116 other health personnel in areas having no medical manpower. Now we are extending it for 1 fiscal year at the level of $25 million and adding some new features which should improve its operation.

In order to assure a supply of personnel both loans and scholarships are added. This is necessary to overcome the dwindling numbers due to the cutback in the draft. By committing himself to service wherever he may be assigned the student may receive assistance with his education. The military departments have done this for years.

Further, the bill attempts to settle the disputes which arise each time the Department of Health, Education, and Welfare proposes to close or curtail the services of a public health facility. By requiring a 90-day previous notice to Congress it is hoped that problems may be worked out without the usual crisis and recrimination.

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

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

Mr. ROGERS. Mr. Speaker, I rise in full support of H.R. 16755 as reported by the full Interstate and Foreign Commerce Committee. The principal purpose of the bill is to extend for 1-year section 329 of the Public Health Service Act which authorizes the use of volunteer Public Health Service physicians and other health personnel to provide health services to persons living in areas of the United States experiencing a critical shortage of health personnel and services.

The original legislation was enacted in December 1970. After a rather slow beginning, some 250 health professionals are providing services to over 100 communities located in health shortage areas.

Hearings before the Subcommittee on Public Health and Environment revealed that while the program has broad general acceptance, there are some inadequacies in its implementation. This bill attempts to respond to these inadequacies as well as make the program more attractive to young physicians. The principal substantive changes this bill makes in the present program are:

First, the National Health Service Corps is named in the law thus providing better identification to the program—in existing practice it is named by regulation.

Second, many obviously eligible areas have not been designated as critical health manpower shortage areas for the simple reason that they cannot be so designated unless they request such designation. Experience has shown that in many cases this is due to the fact that members of eligible communities have no knowledge of the program. For this reason, existing law is amended to require the Secretary to designate all communities which he determines have critical health manpower shortages and to provide assistance to those communities to secure the assignment of Corps personnel to the area if they so desire.

Third, the bill retains the concept that assignment may be made only upon approval by the State or local public health agency and the State and district medical societies, but because this requirement has been used in a few instances to prohibit assignment of NHSC personnel where they are clearly needed, a new provision authorizes waiver for arbitrary or capricious action.

Fourth, the bill requires that the services provided shall "utilize the techniques, facilities, and organizational forms most appropriate for the area." This section is intended to respond to the criticism that many of the programs established use office-based practices, whereas it is more appropriate in many areas to use such techniques as mobile clinics through the use of housetrailers and the like.

Fifth, the bill authorizes lease or purchase of equipment and supplies and the hiring of temporary nurses and other health professionals for use in the program.

Sixth, the bill requires establishment of an information and recruiting program at health professional schools.

Seventh, the bill requires a report to the Congress each year concerning the areas designated as critical health manpower shortage areas.

Eighth, loan forgiveness for members of the National Health Service Corps who will practice in a critical shortage area identical to those already provided in the Health Manpower Act is authorized.

Ninth, a new section authorizes a scholarship program whereby medical, osteopathic, and dentistry students may receive up to the pay of a second lieutenant each month plus tuition and fees in exchange for an agreement to join the National Health Service Corps. Service must be for 1 year for each year of scholarship, and at least one-half of the service must be spent providing health care and services in a critical shortage area.

Perhaps the most important feature of this bill, Mr. Speaker, is its attempt to resolve once and for all the uncertainties surrounding the fate of the Public Health Service hospitals and clinics in this country.

To date, the general position of the Congress has been that the PHS hospitals and clinics should be viewed as assets of the Federal Government with a great potential for service. The general position of the administration—and past administrations—has been to explore the efficacy of transfer or closure with an obvious view toward decreasing Federal involvement. The response of the Congress to date has been to pass resolutions prohibiting closure or transfer until certain dates. Unfortunately, such actions can be only temporary in nature. Because further temporary resolutions would only produce more uncertainty, this bill is designed to provide a permanent basis on which judgments can be made whether to close or transfer PHS facilities.

It provides, first, that if a critical shortage area is served by a PHS hospital or clinic, that facility shall be used to support the provision of care and services by National Health Service Corps personnel, with priority, however, for beneficiaries of the facility. Second, the bill would require that a PHS facility may not be closed unless the Congress has been notified at least 90 days in advance, thus affording it a chance to veto the action, and that the notification contain assurances that the PHS beneficiaries will continue to receive equivalent care.

In addition, the committee expects that the decision whether to close or transfer would be based in part on the

needs of National Health Service Corps patients receiving care at the facility, on whether ample provision could be made for university-affiliated teaching programs conducted at the facility, and on comments from the local comprehensive health planning agencies.

I believe that this proposal provides a satisfactory solution to this issue and satisfies the interests of the Congress and the administration—and most importantly, the beneficiaries entitled to care at the facilities.

Mr. Speaker, I think this is one of the most important bills to pass out of the Public Health and Environment Subcommittee this year and I urge its adoption.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 16755, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3858) to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3858

An act to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Health Personnel Act Amendments of 1972".

SEC. 2. (a) Section 329(a) of the Public Health Service Act is amended to read as follows:

"SEC. 329. (a) There is established, within the Service, the National Health Service Corps (hereinafter in this section referred to as the 'Corps') which shall consist of those officers of the Regular and Reserve Corps of the Service and such other personnel as the Secretary may designate and which shall be utilized by the Secretary to improve the delivery of health care and services to persons residing in areas which have critical health manpower shortages."

(b) Section 329(b) of such Act is amended to read as follows:

"(b)(1) The Secretary shall (A) designate those areas which he determines have critical health manpower shortages, (B) conduct information programs in such areas as may be necessary to inform the public and private health entities serving those areas of the benefits available under this Act and to encourage their application for such benefits, and (C) assist such entities to apply for the assignment of Corps personnel and other benefits authorized under this Act.

"(2)(A) Upon request of a State or local health agency, or any public or nonprofit private health entity in an area designated by the Secretary under paragraph (1)(A), and upon certification to the Secretary by the State and the district medical societies (or dental societies, or other appropriate health societies as the case may be) for that area, and by the local government for that area, that such health personnel are needed for that area, the Secretary may assign personnel of the Corps to provide, under regulations prescribed by the Secretary, health care and services for all persons residing in such areas except that where all of the foregoing conditions are met in an area, except certification of need by the State and local medical, dental, or other health societies, and the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, then the Secretary may, after consultation with the appropriate medical, dental, or other health societies, assign such personnel to that area. Corps personnel shall be assigned to such area on the basis of the extent of the need for health services within the area and without regard to the ability of the residents of the area to pay for health services.

"(B) In providing health care and services under this section, Corps personnel shall utilize the facilities and organization forms adapted to the particular needs of the area and shall make services equally available to all persons in such area regardless of the ability of such person to pay for the care and services provided in connection with—

"(i) direct health care programs carried out by the Service;

"(ii) any direct health care programs carried out in whole or in part with Federal financial assistance; or

"(iii) any other health care activity which is in furtherance of the purposes of this section.

"(C) Any person who receives health care or services provided under this section shall be charged for such care or service at a rate and in a manner (including prepayment, capitation, incentive reimbursement, fee-for-service, or other basis) established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such care or service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge the Secretary shall provide for the furnishing of such care or service at a reduced rate or without charge. If a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of the care or service provided under this section if such care or service had not been provided under this section, the Secretary shall collect on a capitation, prepayment, incentive reimbursement, fee-for-service, or other basis from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subparagraph shall be deposited in the Treasury as miscellaneous receipts and funds allocated or obligated under this section shall not be dependent on or related to such fees collected in any way.

"(D) Notwithstanding the provisions of the Federal Property and Administrative Services Act (40 U.S.C. 471), the Secretary may transfer the title to any or all facilities, equipment, and supplies, belonging to the Service and being utilized by the Corps in a medically underserved area designated by the Secretary under subsection (a) to any public or private nonprofit institution which the Secretary determines will conform to minimum standards of operation prescribed by him. In a case where the Secretary determines, after a hearing on the record, that such real or personal property is not being utilized in conformance with such minimum standards, title shall revert (after payment of proper compensation for facility improvements, if any) to the United States. This paragraph shall not apply to any hospital or clinical facilities operated by the Service prior to December 31, 1971."

(c) Section 329(c) of such Act is amended by striking out "Service" and inserting in lieu thereof "Corps".

(d) Section 329(d) of such Act is amended—

(1) by striking out "Service" in the first sentence and inserting in lieu thereof "Corps", and by inserting before the period at the end of such sentence the following: ", except that if such area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the Service, the Secretary shall, in addition to such other arrangements as the Secretary may make to insure the availability of care or services by Corps personnel in the area, arrange for the utilization of such hospital or facility by Corps personnel in providing care and services in such area, but only if such utilization shall assure the continual provision of care to persons entitled to care and treatment at such facilities at such time.";

(2) by striking out "If there are no such facilities in such area" in the second sentence and inserting in lieu thereof "If there are no health facilities in or serving such area";

(3) by adding after the second sentence the following new sentence: "In providing such care and services, the Secretary may (A) make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of equipment and supplies, and (B) secure the temporary services of nurses and allied health professionals."; and

(4) by inserting "(1)" after "(d)" and by adding at the end the following:

"(2) The Secretary shall conduct at medical and nursing schools and other schools of the health professions and training centers for the allied health professions, recruiting programs for the Corps. Such programs shall include the wide dissemination of written information on the Corps and visits to such schools by personnel of the Corps.

"(3)(A) For the purpose of recruiting persons for the Corps who have gained experience in the provision of health services as a direct result of specialized military training, the Secretary, in cooperation with the Department of Defense and the Veterans' Administration shall develop a list of persons having such experience.

"(B) In the assignment of personnel to designated health manpower shortage areas, the Secretary shall give priority to persons recruited from the list developed under paragraph (A), with respect to such individuals' desires.".

(e) Section 329(f) of such Act is amended (1) by striking out "Service" in paragraphs (1) and (3) and inserting in lieu thereof "Corps", and (2) by striking out "to select commissioned officers of the Service and other personnel" in paragraph (2) and inserting in lieu thereof "to select personnel of the Corps".

(f) Subsection (g) of section 329 of such Act is redesignated as subsection (k) and the following new subsections are inserted after subsection (f) of such section:

"(g) The Secretary shall report to Congress no later than May 15 of each year—

"(1) the number of areas designated under subsection (b) in the calendar year preceding the year in which the report is made as having critical health manpower shortages and the number of areas which the Secretary estimates will be so designated in the calendar year in which the report is made;

"(2) the number and types of Corps personnel assigned in such preceding calendar year to areas designated under subsection (b), the number and types of additional Corps personnel which the Secretary estimates will be assigned to such areas in the calendar year in which the report is sub-

mitted, and the need (if any) for additional personnel for the Corps; and

"(3) the number of applications filed in such preceding calendar year for assignment of Corps personnel under this section and the action taken on each such application."

"(h) Section 5532 of title 5, United States Code shall not apply to a retired officer of a regular component of a uniformed service who holds a full-time position with the Corps, during the time he holds such position.

"(i) The Secretary may from time to time and for such period as he deems advisable, secure the assistance and advice of experts, scholars, and consultants, including the services of advertising and other public information specialists, to foster, promote, and improve the image of the Corps with regard to the provision of health services and with the further aim of emphasizing recruitment of new and retention of present members of the Corps.

"(j) The Secretary may reimburse applicants for positions in the Corps for actual expenses incurred in traveling to and from their place of residence to an area in which they would be assigned for the purpose of evaluating such area with regard to being assigned in such area. The Secretary shall not reimburse an applicant for more than one such trip."

(g) Section 329(k) as redesignated by this Act, of such Act is amended by striking out "and" after "1972;" and by striking out the period at the end and inserting in lieu thereof "; $30,000,000 for the fiscal year ending June 30, 1974; $40,000,000 for the fiscal year ending June 30, 1975, sums appropriated under this section shall remain available until expended."

(h) Section 329 of such Act is further amended by adding at the end thereof the following new subsection:

"(l) Where the Corps requires personnel assigned to designated shortage areas to obtain State and local licenses or permits, the Secretary shall pay the fees therefor."

SEC. 3. (a) The Secretary may not close or transfer control of a hospital or other health care delivery facility of the Public Health Service unless—

(1) he transmits to each House of Congress, on the same day and while each House is in session, a detailed explanation (meeting the requirements of subsection (b)) for the proposed closing or transfer, and

(2) a period of ninety calendar days of continuous session of Congress has elapsed after the date on which such explanation is transmitted.

For purposes of paragraph (2), 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 an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(b) Each explanation submitted under subsection (a) for closing or transferring control of a hospital or other health care delivery facility of the Public Health Service shall contain—

(1)(A) assurances that persons entitled to treatment and care at the hospital or other facility proposed to be closed or transferred and persons for whom care and treatment at such hospital or other facility is authorized will, after the proposed closing or transfer, continue to be provided such equivalent care and treatment through such hospital or other facility, or under such new arrangement and (B) a detailed explanation of how such care will be provided to such persons, and an estimate of the cost of providing such care and treatment to such persons after the proposed closing or transfer;

(2)(A) assurances that the capacity to supply health services to the critical manpower shortage areas near the facility will not be impaired by the closing or transfer and (B) a detailed explanation of how persons residing in such areas will be provided such care and treatment after the proposed closing or transfer;

(3)(A) assurances that any teaching program conducted at the hospital or other facility proposed to be closed may be conducted at other appropriate facilities, and (B) a detailed explanation of how such program will be conducted after the proposed closing or transfer; and

(4) the approval of those agencies established under section 314 (a) and (b) of the Public Health Service Act, having jurisdiction in the area in which such hospital or other facility is located, where both such agencies exist or the approval of only one such agency where only one exists in such area.

SEC. 4. Section 741(f) of the Public Health Service Act is amended (1) by striking out "The payments" in paragraph (2) and inserting in lieu thereof "Except as otherwise provided in this paragraph, the payments", and (2) by adding after and below subparagraph (C) the following:

"In the case of any individual who qualified under paragraph (1) for payments on the principal of and interest on a loan and who, as a member of the National Health Service Corps, practices his profession in an area designated under section 329(b), the portion of the principal of and interest on the loans for which payments may be made for and on his behalf under paragraph (1) shall, upon completion of the first year of such practice, be 50 per centum and, upon completion of the second year of such practice, be the remaining 50 per centum."

SEC. 5. Section 218 of the Public Health Service Act is amended to read as follows:

"PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM

"SEC. 218. (a) The purpose of the Public Health and National Health Service Corps scholarship training program (hereinafter referred to as 'such program') is to obtain trained physicians, dentists, nurses, and other health-related specialists for the National Health Service Corps and the Public Health Service Corps of the Department of Health, Education, and Welfare.

"(b) To be eligible for acceptance and continued participation in such program, each applicant must—

"(1) be accepted for enrollment, or be enrolled as a full-time student in an accredited (as determined by the Secretary) educational institution in the United States, or its territories or possessions;

"(2) pursue an approved course of study, and maintain an acceptable level of academic standing, leading to a degree in medicine, dentistry, or other health related specialty, as determined by the Secretary;

"(3) be eligible for, or hold an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or be selected for civilian service in the National Health Service Corps; and

"(4) agree in writing to serve in the Commissioned Corps of the Public Health Service or as a civilian member of the National Health Service Corps following completion of training as provided in subsection (f) of this section, in the National Health Service Corps, the Indian Health Service, the Federal Health Programs Service, and such other programs as the Secretary may designate.

"(c) Each participant in such program will be authorized a stipend for each approved academic year of training, not to exceed four years, in an amount prescribed by the Secretary and payable in monthly installments. The stipend shall not exceed an amount equal to the basic pay and allowances of a commissioned officer on active duty in pay grade O–1 with less than two years of service, plus an amount to cover the reasonable cost of books, supplies, equipment, student medical expenses, and other necessary educational expenses which are not otherwise paid as a part of the basic tuition payment.

"(d) The Secretary may contract with an accredited educational institution for the payment of tuition and other education expenses, not otherwise covered under subsection (c) of this section, for persons participating in such program. If necessary, persons participating in such program may be reimbursed for the actual cost of tuition and other educational expenses authorized in this subsection, in lieu of a contract with the educational institution.

"(e) A person participating in such program shall be obligated to serve on active duty as a commissioned officer in the Public Health Service or as a civilian member of the National Health Service Corps following completion of academic training, for a period of time prescribed by the Secretary which will not be less than one year of service on active duty for each academic year of training received under such program. For persons receiving a degree from a school of medicine, osteopathy or dentistry, the commencement of a period of obligated service can be deferred for the period of time required to complete internship and residency training. For persons receiving degrees in other health professions the obligated service period will commence upon completion of their academic training. Periods of internship or residency shall not be creditable in satisfying an active duty service obligation under this section except that if such residency is served in a Public Health Service facility or facility of the National Health Service Corps such residency shall be counted as satisfying the active duty service obligation under this section.

"(f) If, for any reasons, a person fails to complete an active duty service obligation under this section, he shall be liable for the payment of an amount equal to the cost of tuition, and other education expenses, and salary expenses, paid under this section plus interest at the maximum legal prevailing rate. Any amount which the United States is entitled to recover under this paragraph shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under this paragraph on account of any grant under this subpart is paid, there shall accrue to the United States interest on such amount at the same rate as that fixed by the Secretary of the Treasury with respect to the grant on account of which such amount is due the United States.

"(g) When a person undergoing training in such program is academically dismissed or voluntarily terminates academic training, he shall be liable for repayment to the Government for an amount equal to the cost of tuition and other educational expenses paid from Federal funds, plus all salary payment which he received under such program.

"(h) The Secretary shall by regulations provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(i) Notwithstanding any other provision of law, persons undergoing academic training under such program shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare.

"(j) The Secretary of Health, Education, and Welfare shall issue regulations governing the implementation of this section.

"(k) To carry out the purposes of this program, there are authorized to be appropriated $10,800,000 for the fiscal year ending June 30, 1974, and $11,500,000 for the fiscal year ending June 30, 1975."

SEC. 6. Section 2(f) of the Public Health

Service Act is amended by inserting after "Puerto Rico," the following: "Guam, American Samoa, and the Trust Territory of the Pacific Islands,".

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 3858 and to insert in lieu thereof the provisions of H.R. 16755, as passed.

The motion was agreed to.

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

A similar House bill (H.R. 16755) was laid on the table.

TOXIC SUBSTANCES CONTROL ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1478) to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes, as amended.

The Clerk read as follows:

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

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DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) man and the environment are being exposed to a large number of chemical substances each year;

(2) among the many chemical substances constantly being developed and produced are some which may pose an unreasonable risk to health or the environment; and

(3) the effective regulation of interstate commerce in such chemical substances necessitates the regulation of transactions in such chemical substances in intrastate commerce as well.

(b) It is the policy of the United States that—

(1) hazardous and potentially hazardous chemical substances should be adequately tested with respect to their safety to health and the environment and that such testing should be the responsibility of those who manufacture, import, or process such chemicals;

(2) adequate authority should exist to regulate the distribution and use of chemical substances found to pose an unreasonable risk to health or the environment, and to take action with respect to chemical substances which are imminent hazards;

(3) authority over chemical substances should be exercised in such a manner as not to unduly impede technological innovation while fulfilling the primary purpose of this Act to assure that such innovation and commerce in such chemical substances do not pose an unreasonable risk to health or the environment; and

(4) as set forth herein, citizens should be encouraged to participate in carrying out the purposes of this Act.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "chemical substance" means any organic or inorganic substance of a particular molecular identity, or any uncombined chemical radical or element;

(3) "environment" includes water, air, land, all living things therein, and the interrelationships which exist among these;

(4) "byproduct" means a chemical substance produced as a result of the manufacture, processing, use, or disposal of some other chemical substance;

(5) "importer" means any person who (A) imports a chemical substance for sale or distribution in commerce for commercial purpose, or (B) reimports a chemical substance, which was manufactured or processed in whole or in part in the United States for sale or distribution in commerce for commercial purpose;

(6) "manufacturer" means any person who manufactures a chemical substance;

(7) "processor" means any person engaged in the preparation of a chemical substance for distribution or use either in the form in which it is received or as part of another product, as defined by rule by the Administrator;

(8) "manufacture" means to produce or manufacture;

(9) "test protocol" means—

(A) a test designed to determine the effect of a chemical substance (or class of chemical substances) on health or the environment, including a test designed to determine the effect of the manufacture, processing, distribution, use, or disposal of such substance (or class of substances) on health or the environment,

(B) the procedures to be used in making such test, and

(C) the results to be achieved from such test which the Administrator determines are necessary to show that such chemical substance (or class of substances) does not pose an unreasonable risk to health or the environment;

(10) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, or the Trust Territories of the Pacific Islands;

(11) "to distribute in commerce" and "distribution in commerce" means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce;

(12) "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 between a place in a State and any place outside thereof; and

(13) "United States" when used in the geographic sense, means all of the States (as defined in paragraph (10)).

TEST PROTOCOLS

SEC. 4. (a) If the Administrator finds that testing of a chemical substance (or class of chemical substances) in accordance with a test protocol for such substance (or class of substances) is necessary to protect against unreasonable risk to health or the environment, he may, by rule, (1) prescribe a test protocol for such substance or class of substances, and (2) require, in accordance with subsection (d), that one or more persons perform the test called for in such protocol.

(b) In making the finding required under subsection (a), the Administrator shall consider all relevant factors, including—

(1) the effects of the chemical substance on health and the magnitude of human exposure;

(2) the effects of the chemical substance on the environment and the magnitude of environmental exposure;

(3) any benefit of the chemical substance and the availability of less hazardous substances for any use of such substance;

(4) the extent to which the test protocol is reasonably predictive of the potential adverse effects of the chemical substance on health or the environment; and

(5) any data concerning the safety of the chemical substance which may affect the requirements of the test protocol.

(c) Such test protocols may include tests for carcinogenesis, teratogenesis, mutagenesis, persistence, the cumulative and synergistic properties of the substance (or class of substances) and epidemiological studies of the effect of such substance (or class of substances).

(d) A rule under this section may require that any person who is a manufacturer, processor, or importer of the chemical substance (or class of substances) perform the test called for in the test protocol. In the case of a test protocol for a chemical substance (or class of substance) for which there is more than one manufacturer, processor or importer, the Administrator may, in appropriate cases, permit the manufacturers, importers or processors who are required to perform the tests called for in a test protocol to designate one or more of their number, or, to designate a qualified independent third party, to perform the required tests and permit the sharing of costs of such tests. If the manufacturers, importers or processors required to perform the tests are not able to agree upon a designee within a reasonable time, or if the agreed-upon designee is not acceptable to the Administrator, the Administrator may designate one or more of such manufacturers, processors or importers, or may designate a qualified independent third party, to perform the required test, and may require such manufacturers, processors or importers to contribute to the costs of such tests.

(e) After allowing a reasonable time for completion of the required tests, the Administrator may direct any manufacturer, processor, or importer who is required to perform the tests called for in a test protocol under this section to transmit to the Administrator the test data developed pursuant to such test protocol.

(f) Subject to section 15 (relating to the confidentiality of certain information), upon receipt of test data under subsection (e) the Administrator shall promptly publish in the Federal Register, notice which identifies the chemical substance for which test data have

been received; lists the uses or intended uses of such substance (or class of substances); and, describes the nature of the tests performed and the data which were developed. Such data shall be made available, consistent with the terms of section 15, for examination by interested persons. Notice under this subsection shall identify the chemical substance by generic class unless the Administrator determines that more specific identification is required in the public interest.

(g) Any rule under this section and any amendment or revocation of such a rule shall be promulgated pursuant to section 553 of title 5, United States Code, except that the Administrator 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.

LIMITED PREMARKET SCREENING OF SUBSTANTIALLY DANGEROUS CHEMICAL SUBSTANCES

SEC. 5. (a) Within eighteen months after the date of enactment of this Act, and from time to time thereafter, the Administrator shall, by rule, identify and publish in the Federal Register a list of chemical substances (or classes of chemical substances) which the Administrator finds are likely to pose substantial danger to health or environment. For the purposes of this section, "substantial danger to health or environment" means an unreasonable risk of death, severe personal injury or illness, or severe harm to the environment.

(b) In making the finding required under subsection (a), the Administrator shall consider all relevant factors including—

(1) the effects of the substance on health and the magnitude of human exposure;

(2) the effects of the substance on the environment and the magnitude of environmental exposure; and

(3) any benefit of the chemical substance and the availability of less hazardous substances for any use of such substance.

(c) A chemical substance listed under subsection (a) which was manufactured and distributed in commerce for commercial purpose prior to its listing (or the listing of a class of substances of which it is a member) may not be manufactured or distributed in commerce for a new use unless at least ninety days prior to such manufacture or distribution, the person intending to manufacture or distribute the chemical substance for such new use submits to the Administrator test data which show that the intended new use of the chemical substance would not pose an unreasonable risk to health or the environment.

(d) A chemical substance listed under subsection (a) which was not produced or distributed in commerce for commercial purpose prior to its listing (or the listing of a class of substances of which it is a member) may not be manufactured or distributed in commerce unless at least ninety days prior to such manufacture or distribution, the person intending to manufacture or distribute such substance, submits to the Administrator test data which show that the manufacture, distribution, use, and disposal of the chemical substance would not pose an unreasonable risk to health or the environment.

(e) If a test protocol has been prescribed under section 4 for a chemical substance or class of substances) which is listed pursuant to subsection (a) of this section and such protocol is applicable to the intended use of the chemical substance, test data satisfying such protocol may be submitted in satisfaction of the requirements of subsections (c) and (d) of this section. If no test protocol applies to the intended use of the chemical substance listed under subsection (a) of this section, the person intending to manufacture or distribute the chemical substance may, in satisfaction of the requirements of subsections (c) and (d) of this section, submit such test data as he believes are sufficient to make the showings required under those subsections. If no test protocol prescribed under section 4 is applicable to an intended use of such substance, the person intending to produce or distribute such chemical substance or member of a listed class of substances may petition the Administrator to develop and issue a test protocol for such substance (or class of substances) or for the intended use of such substance. The Administrator shall either grant or deny any such petition within sixty days of its receipt. If the petition is granted, the Administrator shall diligently proceed to develop a test protocol for such substance (or class of substances). If the petition is denied, the Administrator shall publish in the Federal Register the reasons for such denial.

(f) The Administrator may exempt any person from the requirements of subsections (c) and (d) of this section where he determines that the submission of test data by such person would be duplicative of data previously submitted in accordance with these subsections.

(g) The Administrator may for good cause shown extend the ninety-day period under subsection (c) or (d) of this section for an additional period not to exceed ninety days. Subject to section 15 of this Act, notice of such extension and the reasons therefor shall be published in the Federal Register and shall constitute a final agency action subject to judicial review.

(h) Subject to section 15 (relating to the confidentiality of certain information), upon receipt of test data under subsection (c) or (d) the Administrator shall promptly publish in the Federal Register, notice which identifies the chemical substance for which test data have been received; lists the uses or intended uses of such substance (or class of substances); and, describes the nature of the tests performed and the data which were developed. Such data shall be made available, consistent with the terms of section 15, for examination by interested persons. Notice under this subsection shall identify the chemical substance by generic class unless the Administrator determines that more specific identification is required in the public interest.

(i) If on the basis of available data or the absence of acceptable data under subsections (c) and (d), the Administrator proposes a rule to regulate such chemical substance under section 6 of this Act within the ninety-day period specified in subsections (c) and (d) or within the period as extended in accordance with subsection (g), such proposed rule may take immediate effect pending completion of the administrative proceeding required under section 6 of this Act. After such rule is proposed and takes effect, the Administrator may refer the rule to a committee formed under section 10(c) of this Act. The Administrator shall refer such rule to such committee if requested by any interested person.

(j) Rules under this section which identify chemical substances as likely to pose substantial danger to health or the environment or any amendment or revocation of such rules shall be promulgated pursuant to section 553 of title 5, United States Code, except that the Administrator 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.

(k) The Administrator may, upon application, exempt any person from the foregoing requirements of this section, for the purpose of permitting such person to manufacture and distribute in commerce a listed chemical substance for test marketing purposes; upon a showing by such person that the manufacture and distribution of such substance for those purposes would not pose an unreasonable risk to health or the environment; and under such restrictions as the Administrator considers appropriate.

REGULATIONS APPLICABLE TO A HAZARDOUS CHEMICAL SUBSTANCE OR CLASS OF SUBSTANCES

SEC. 6. (a) Upon a finding that a rule under this section is necessary to protect against unreasonable risk to health or the environment the Administrator may prescribe rules—

(1) prohibiting the manufacture or distribution in commerce of a chemical substance (or class of substances) or limiting the amount of such chemical substance (or class of substances) which may be manufactured or distributed in commerce;

(2) prohibiting the manufacture or distribution in commerce of a chemical substance (or class of substances) for a particular use or uses or limiting the amount of such chemical substance (or class of substances) which may be manufactured or distributed in commerce for such use or uses; and

(3) requiring that a chemical substance (or member of a class of substances) or article containing such substance be marked with or accompanied by clear and adequate warnings and instructions with respect to its use or disposal in such form and bearing such content as the Administrator determines to be appropriate.

(b)(1) Rules under this section may be limited in application to specified geographic areas.

(2)(A) Rules under subsection (a)(1) of this section which limit the amount of a chemical substance (or class of substances) which may be manufactured, imported, or distributed in commerce, and rules under subsection (a)(2) which limit the quantity which may be manufactured, imported, or distributed for a particular use or uses, shall include provision for assigning production, importation, or distribution quotas to persons who wish to manufacture, import, or distribute the chemical substance (or classes of substances). The permissible quota for each such person shall be determined in accordance with criteria prescribed under subparagrah (B).

(B) The Administrator shall by rule prescribe criteria which shall take into account all revelant factors, including—

(i) effects on competition,

(ii) the market shares, productive capacity, and product and raw material inventories of persons applying for quotas.

(iii) emergency conditions, such as fires or strikes, and

(iv) effects on technological innovation.

The last sentence of section 24(c) shall not apply to rules under this subparagraph (B).

(c) In issuing such rules under subsection (a) the Administrator shall consider all relevant factors including—

(1) the effects of the substance on health and the magnitude of human exposure;

(2) the effects of the substance on the environment and the magnitude of environmental exposure; and

(3) the benefits of the substance for various uses and the availability of less hazardous substances.

(d) The Administrator shall specify in any rule under subsection (a) the date on which it shall take effect, which shall be as soon as feasible. Where the Administrator determines that the manufacture, processing, distribution, use, or disposal of a chemical sub- the environment prior to the completion of a rulemaking proceeding under subsection (a) and where the Administrator determines that such action is necessary in the public interest, he may declare proposed rules under subsection (a) immediately effective pending completion of the rulemaking proceeding.

(e) If the Administrator has good cause

to believe that a particular manufacturer or processor is manufacturing or processing a chemical substance in a manner which permits or causes the adulteration of a chemical substance and if the Administrator determines that, as a result of such adulteration, the chemical substance poses an unreasonable threat to health or the environment—

(1) the Administrator may require such manufacturer or processor to submit a description of the relevant quality control procedures followed in the manufacturing or processing of such chemical substance; and

(2) if he thereafter determines that such quality control procedures are inadequate to prevent the adulteration of the chemical substance, the Administrator may, after notice and opportunity for hearing pursuant to section 554 of title 5, United States Code, order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

For the purposes of this subsection, a chemical substance shall be deemed to be adulterated if it bears or contains any added substance or contaminant which itself, or in combination with the chemical substance, presents an unreasonable risk to health or the environment.

(f) (1) Rules under subsection (a) shall be promulgated pursuant to section 553 of title 5 of the United States Code; except that in promulgating any such rule, (A) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to any opportunity to make written submissions; (B) a transcript shall be kept of any oral presentation; and (C) during any such oral presentation the Administrator shall include an opportunity for cross-examination as provided in paragraph (2).

(2) (A) Except as provided in paragraph (B), during any such oral presentation, the Administrator shall include an opportunity for cross-examination to such extent and in such manner as the Administrator considers necessary and appropriate in view of the nature of the issue or issues involved and the number of the participants and the nature of their interests.

(B) If only a single interested person participates in a proceeding to promulgate a rule under subsection (a), or if the Administrator determines that all participants are members of a single class sharing an identity of interest, the Administrator shall afford such single interested person or representative of such class (as designated by the participants of such class) an opportunity to conduct cross-examination to the same extent that cross-examination is permitted under section 556 of title 5, United States Code.

IMMINENT HAZARDS

SEC. 7. (a) The Administrator may file an action in United States district court—

(1) against an imminently hazardous chemical substance and any article containing such substance for seizure of such substance or article under subsection (b) (2) of this section, or

(2) against any person who is a manufacturer, processor, distributor, or retailer of such chemical substance or article.

Such an action may be filed notwithstanding the existence of a rule under sections 4, 5, or 6 of this Act, and notwithstanding the pendency of any administrative or judicial proceeding under any provision of this Act. As used in this section, the term "imminently hazardous chemical substance" which presents imminent and unreasonable risk to health or the environment. The risk to health or the environment shall be considered imminent if it is shown that the manufacture, processing, distribution, use, or disposal of a chemical substance will result in an unreasonable risk to health or the environment prior to the completion of an administrative proceeding under this Act.

(b) (1) The district court in which such action is filed shall have jurisdiction to grant such temporary or permanent relief as may be necessary to protect health or the environment from the unreasonable risk associated with the chemical substance or article containing such substance. Such relief may include (in the case of an action under subsection (a) (2)) a mandatory order requiring (A) notification of such risk to those purchasers of such chemical substance or an article containing such chemical substance which are known to the defendant; (B) public notice; (C) recall; and (D) the replacement or repurchase of such chemical substance or article containing such substance.

(2) In the case of an action under subsection (a) (1), the chemical substance or article containing such substance may be proceeded against by process of libel for the seizure and condemnation of such substance or such article in any United States district court within the jurisdiction of which such substance or article is found. Proceedings in cases instituted against a chemical substance or article containing such substance under the authority of this section shall conform as nearly as possible to proceedings in rem in admiralty.

(c) Where appropriate, concurrently with the filing of an action under this section or as soon thereafter as may be practicable, the Administrator shall initiate a rulemaking proceeding under section 6 of this Act.

(d) (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 Administrator shall take into account the convenience of the parties.

(2) Whenever proceedings under this section involving identical chemical substances or articles containing such substances 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 parties in interest.

(e) Notwithstanding any other provision of law, in any action under this section, the Administrator may direct attorneys employed by him to appear and represent him.

REPORTS

SEC. 8. (a) The Administrator may by rule require any manufacturer or importers of any chemical substance and, where appropriate, any processor of any chemical substance to submit reports to him annually, and at such more frequent time as he may reasonably require, containing any or all of the following——

(1) the names of any or all chemical substances manufactured, imported, or processed by the manufacturer, importer, or processor thereof;

(2) the chemical identity and molecular structure of such substances insofar as is known to such manufacturer, importer, or processor, or insofar as such are reasonably ascertainable;

(3) the categories of use of each such substance, insofar as they are known to such manufacturer, importer, or processor, or insofar as such are reasonably ascertainable;

(4) reasonable estimates of the amounts of each substance manufactured, imported, or processed for each such category of use; and

(5) a description of the byproducts, if any, resulting from the manufacture, processing, or disposal of each such substance, insofar as they are known to such manufacturer, importer, or processor, or insofar as such are reasonably ascertainable.

The Administrator may, by rule, exempt manufacturers, importers, or processors from all or part of the requirements of this section if he finds that such reports are not necessary to carry out the purposes of this Act.

(b) Whenever the Administrator determines that such action would be necessary to allow him to carry out his responsibilities and authorities under this Act, he may by publishing a notice in the Federal Register invite and afford all interested persons an opportunity to provide in writing information respecting the health or environmental effects of a chemical substance.

EXEMPTIONS AND RELATIONSHIP TO OTHER LAWS

SEC. 9. (a) This Act shall not apply to—

(1) tobacco and tobacco products, or

(2) foods, drugs, devices, or cosmetics (as such terms are defined in sections 201 (f), (g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act). The term "food" as used in this paragraph includes poultry and poultry products (as defined in section 4 (e) and (f) of the Poultry Products Inspection Act), meat and 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).

(b) The Administrator shall have no authority under this Act to take action to prevent or reduce an unreasonable risk to health or the environment associated with a particular chemical substance (or class of substances) or article containing such substance if such risk to health or the environment could be prevented or reduced to a sufficient extent by actions taken under any other Federal law, including the Federal Insecticide, Fungicide, and Rodenticide Act; the Atomic Energy Act of 1954; the Clean Air Act; the Federal Water Pollution Control Act; the Federal Hazardous Substances Act; and the Occupational Safety and Health Act of 1970.

(c) If it appears to the Administrator that any chemical substance may pose an unreasonable risk to health or the environment which could be prevented or reduced to a sufficient extent by actions taken under other Federal laws, he shall transmit any data received from manufacturers, importers, or processors, or data otherwise in his possession which is relevant to such risk to the Federal executive department or agency, independent regulatory agency or other authority of the Federal Government with authority to take legal action.

(d) In administering the provisions of this Act, the Administrator shall consult and coordinate with the Secretary of Health, Education, and Welfare and the heads of any other appropriate Federal executive department or agency, independent regulatory agency or other authority of the Federal Government. The Administrator shall report annually to the Congress on actions taken to coordinate with such other Federal agencies and actions taken to coordinate the authority under this Act with the authority granted under other Acts referred to in subsection (b) of this section.

CHEMICAL SUBSTANCES BOARD

SEC. 10. (a) There shall be established in the Environmental Protection Agency a Chemical Substances Board (hereinafter referred to in this section as the "Board") consisting of twelve scientifically qualified members. The Administrator shall appoint eleven members of the Board from a list of individuals recommended to him by the National Academy of Sciences, and the Sec-

retary of Health, Education, and Welfare shall appoint one member of the Board from whatever source he desires. Such Board shall include qualified scientists not more than one-third of which represent the chemical industry. None of the members of such Board, other than chemical industry representatives, shall have any significant economic interest in the chemical industry. Members of the Board shall serve one term of four years, except that one-half of the members initially appointed shall serve one term of two years. Thereafter, one-half of the members of the Board shall be appointed every two years. Members of the Board shall not be reappointed for consecutive terms. One of the members shall be designated by the Administrator to serve as Chairman of the Board.

(b) The National Academy of Sciences, in consultation with the Board, shall maintain a list of qualified scientists, to assist in carrying out the provisions of this section. Such scientists may also be utilized as consultants to the Chemical Substances Board.

(c) Except when acting under section 5(1) or the last sentence of 6(d) of this Act, before proposing any rules under section 4, 5, or 6 of this Act, the Administrator shall refer his proposed action and the available evidence to a committee selected by the Administrator from members of the Board and the list of consultants to the Board, except that the Secretary of Health, Education, and Welfare may appoint one member of such committee from whatever source he desires. Concurrently with such referral, the Administrator shall publish in the Federal Register a notice of the referral identifying the proposed action. Such committee shall include qualified scientists not more than one-third of which represent the chemical industry. None of the members of such committee shall have a significant economic interest in the manufacturing, processing, distribution, or sale of any chemical substance which may, directly or indirectly, be affected by the proposed action. The committee shall conduct an independent scientific review of the proposed action and shall report its views and reasons therefor in writing to the Administrator, within a reasonable time, not to exceed forty-five days as specified by the Administrator. Such time may be extended an additional forty-five days if the Administrator determines the extension necessary and such committee has made a good faith effort to report its views and reasons therefor within the initial forty-five day period. All such views shall be given due consideration by the Administrator. If the committee fails to report within the specified time, the Administrator may proceed to take action under this Act. Subject to section 15 of this Act, all proceedings and deliberations of such committees and their reports and reasons therefor shall be available for public examination. The report of the committee and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(d) The Administrator may also request the Board to convene a committee to consider other actions proposed to be taken under this Act. In such case all provisions of this section shall apply.

(e) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(f) Members of the Board or committees who are not regular full-time employees of the United States shall, while serving on business of the Board or committee, be entitled to compensation at rates fixed by the Administrator, but not exceeding the daily rate applicable at the time of such service to grade GS–18 of the classified civil service, 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, United States Code, for persons in the Government service employed intermittently.

RESEARCH

SEC. 11. The Administrator is authorized to conduct such research and monitoring as is necessary to carry out his functions under this Act. To the extent practicable, such research and monitoring shall not duplicate the efforts of other Federal agencies. In order to carry out the provisions of this section, the Administrator is authorized: (1) to make contracts and grants for such research and monitoring; and (2) to plan and design such research laboratories as may be necessary to carry out the purposes of this Act.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 12. (a)(1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this Act or for the purpose of otherwise facilitating the carrying out of his functions under this Act, the Administrator is authorized, in accordance with this section, to enter any factory, warehouse, or other premises in which chemical substances are manufactured, processed, stored, held or maintained, including retail establishments, and to conduct administrative inspections thereof.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Administrator. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) his administrative inspection warrant or a written notice of his other inspection authority, shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except when the owner, operator, or agent in charge of such premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipments data;

(C) pricing data;

(D) personnel data;

(E) research data (other than data required by this Act); or

(F) process technology other than that related to chemical composition or the industrial use of a chemical substance.

(b) A warrant under this section shall not be required for entries and administrative inspections (including seizures of chemical substances or products containing chemical substances manufactured in violation of rules issued under this Act)—

(1) conducted with the consent of the owner, operator, or agent in charge of such premises; or

(2) in any situation where a warrant is not constitutionally required.

(c) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title, and seizures of property appropriate to such inspections. For the purposes of this subsection the term "probable cause" means a valid public interest in the effective enforcement of this Act or rules thereunder sufficient to justify administrative inspections of the area, premises, building, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate, and establishing the grounds for issuing the warrants. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, or building, to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (a)(2) of this section to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, or building, identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date, unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

EXPORTS

SEC. 13. (a) This Act shall not apply to any chemical substance or article containing such substance if (1) it can be shown that such substance or article is manufactured, processed, sold, or held for sale for export from the United States (or that such chemical substance was imported for export), unless such chemical substance or article is, in fact, manufactured, processed, or distributed in commerce for use in the United States, and (2) such chemical substance or article containing such substance when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such chemical substance or article is intended for export, except that (1) any manufacturer, processor, or exporter of such chemical substance shall be subject to the reporting requirements of section 8 of this Act; and (2) no chemical substance or article containing such substance may be exported if the Administrator by rule finds that the chemical substance or article as exported and used will, directly or indirectly, pose an unreasonable risk to health within the United States or the environment of the United States.

(b) If submittal of test data is required for a chemical substance under section 4 or

5 of this Act, or rules applicable to such substance or article containing such substance have been prescribed or proposed under section 5 or 6 of this Act, the Administrator, subject to section 15 of this Act, shall furnish to the governments of the foreign nations to which such chemical substance is exported, or is intended to be exported, notice of the availability of the data submitted to the Administrator under section 4 or 5 concerning such chemical substance, and notice of any rule applicable to such substance or article containing such substance which has been prescribed or proposed by the Administrator under section 5 or 6 of this Act.

IMPORTS

SEC. 14. (a). The Secretary of the Treasury shall refuse entry into the United States of any chemical substance or article containing such substance offered for entry if it fails to conform with rules, promulgated under this Act. If a chemical substance or article is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any substance or article refused delivery which has not been exported by the consignee within three months from the date of receipt of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe, except that the Secretary of the Treasury may deliver to the consignee such substance or article pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such substance or article, together with the duty thereon, and on refusal to return such substance or article for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, such consignee shall forfeit the full amount of such bond. All charges for storage, cartage, and labor on substances or articles which are refused admission or delivery under this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

(d) The Secretary of the Treasury, in consultation with the Administrator, shall issue regulations for the enforcement of subsection (c) of this section.

CONFIDENTIALITY

SEC. 15. All information reported to or otherwise obtained by the Administrator or his 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 including the Chemical Substances Board and committees formed under section 10, or when relevant in any proceeding under this Act, except that disclosure in such a proceeding shall preserve the confidentiality to the extent possible without impairing the proceeding. All information reported to or otherwise obtained by the Administrator or his representative including information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be made available upon request of the duly authorized committees of the Congress.

PROHIBITED ACTS

SEC. 16. It shall be unlawful for any person to—

(1) fail or refuse to comply with section 4, 5, 6 or 8 of this Act or any rule prescribed under those sections, or with any restriction under section 5(k) of htis Act;

(2) fail or refuse to permit access to or copying of records, or fail or refuse to permit entry or inspection or take any other action as required under section 12 of this Act; or

(3) fail or refuse to comply with instructions with respect to the use or disposal of a chemical substance where such instructions are required by rule prescribed under section 6 of this Act and where such failure or refusal to comply results in or is likely to result in death, severe personal injury or illness, or severe harm to the environment.

PENALTIES

SEC. 17. (a) Any person who knowingly violates section 16 of this Act shall be subject to a civil penalty not to exceed $25,000 for each day of violation. For the purposes of this subsection, 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.

(b) Any person who willfully violates section 16 of this Act shall, in addition to or in lieu of a civil penalty imposed under subsection (a), on conviction, be fined not more than $25,000 for each day of violation or imprisoned for not more than one year, or both.

INJUNCTIVE ENFORCEMENT AND SEIZURE

SEC. 18. (a) Upon application by the Attorney General, the district courts of the United States shall have jurisdiction to restrain any violation of section 16 or to compel the taking of any action required by this Act or rule issued thereunder. Such actions may be brought by the Attorney General, on the request of the Administrator, in any United States district court of proper venue. 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, and subpenas for witnesses may run into any other district.

(b) Any chemical substance or article containing such substance which was manufactured or distributed in commerce in violation of an applicable rule prescribed under section 6, or in violation of section 5 of this Act, shall be liable to be proceeded against, by process of libel for the seizure and condemnation of such substance or such article in any United States district court within the jurisdiction of which such substance or article is found. Proceedings in cases instituted against a chemical substance or article containing such substance under the authority of this section shall conform as nearly as possible to proceedings in rem in admiralty. Actions under this subsection may be brought by the Attorney General on the request of the Administrator.

CITIZEN CIVIL ACTION

SEC. 19. (a) Except as provided in subsection (b) of this section, any interested and adversely affected person may commence a civil action for injunctive relief on his own behalf—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any rule promulgated under section 4, 5, or 6 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of the rule, or

(B) if the Administrator or Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the rule, but if such action is commenced after the giving of notice any such person giving such notice may intervene as a matter of right in such action.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award fees for expert witnesses to the prevailing party, whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any rule or order or to seek any other relief.

(f) For purposes of this section, the term "person" means an individual, corporation, partnership, or association, and (subject to subsection (a)(1)(B)) any State, municipality, or political subdivision of a State.

(g) When any actions brought under subsection (a)(1) of this section involving the same defendant and the same issues of violations are pending in two or more jurisdictions, such pending proceedings, upon application of the defendant reasonably made to the court of one such jurisdiction, may, if the court in its discretion so decides, be consolidated for trial by order of such court, and tried in (1) any district selected by the defendant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the defendant may apply to the court of one such jurisdiction, and such court (after giving all parties reasonable notice and opportunity to be heard) may by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the applicant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

ENVIRONMENTAL PREDICTION AND ASSESSMENT

SEC. 20. The Administrator shall, in cooperation with the Council on Environmental Quality and other Federal agencies, develop the necessary personnel and information resources to assess the environmental consequences of the introduction of new chemical substances into the environment.

COOPERATION OF FEDERAL AGENCIES

SEC. 21. Upon request by the Administrator, each Federal agency is authorized—

(a) to make its services, personnel, and facilities available with or without reimbursement to the Administrator to assist him in the performance of his functions; and

(b) to furnish to the Administrator such information, data, estimates, and statistics, and to allow the Administrator access to all information in its possession as the Administrator may reasonably determine to be necessary for the performance of his functions as provided by this Act.

HEALTH AND ENVIRONMENTAL DATA

SEC. 22. The Council on Environmental Quality, in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal, State, and local departments or agencies, the scientific community, and the chemical industry, shall coordinate a study of the feasibility of establishing (1) a standard classification system for chemical compounds and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such materials.

STATE REGULATIONS

SEC. 23. (a) Nothing in this Act shall affect the authority of any State or local government to regulate any chemical substance, or to establish and enforce standards for test protocols for chemical substances to protect health or the environment, except that—

(1) if the Administrator prescribes a rule under section 6 of this Act applicable to a chemical substance (or class of chemical substances), a State or local government may not establish or continue to enforce any restriction of its own applicable to such substance or class for purposes similar to such rule after the effective date of such rule, other than a total ban on use or distribution; and

(2) if the Administrator prescribes a rule under section 4 of this Act applicable to a chemical substance (or class of chemical substances), a State or local government may not after the effective date of such rule establish or continue to enforce any standards for test protocols applicable to such substance or class for purposes similar to those of a rule under section 4.

(b) The Administrator may by rule, upon the petition of any State or local government or at his own initiative, exempt State and local governments from the prohibitions of subsection (a) of this section with respect to a chemical substance if such exemption will not, through difficulties in marketing, distribution, or other factors, result in placing an unreasonable burden upon commerce.

JUDICIAL REVIEW

SEC. 24. (a) Not later than sixty days following promulgation of a rule under sections 4, 5, and 6 of this Act, any person adversely affected by such rule, or any interested person, may file a petition with the United States Court of Appeals for the District of Columbia or for the circuit in which such person 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 Administrator or other officer designated by him for that purpose and to the Attorney General. The Administrator shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Administrator based his rule as provided in section 2112 of title 28, United States Code, and shall include the transcript of any oral presentation of data, views, or arguments required under sections 4, 5, and 6.

(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 are reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Administrator, the court may order the Administrator to provide additional opportunity for 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 rules promulgated by the Administrator under sections 4, 5, and 6 in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief, including interim relief, as provided in such chapter. Rules promulgated by the Administrator under sections 4, 5, and 6 of this Act shall not be affirmed unless the findings required to be made under those sections are supported 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 rule promulgated by the Administrator which is reviewed in accordance with the terms of this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certified, as provided in section 1254 of title 28 of the United States Code.

(e) The remedies provided in this section shall be in addition to and not in lieu of any other remedies provided by law.

NATIONAL SECURITY WAIVER

SEC. 25. The Administrator may waive compliance with any provision of this Act upon request of the Secretary of Defense and upon a determination by the Administrator that the requested waiver is in the interest of national security. The Administrator shall maintain a written record of the basis upon which such waiver was granted and make such record available for in camera examination when relevant in a judicial proceeding under this Act. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for national security purposes unless, upon the request of the Secretary of Defense, the Administrator determines to omit such publication because the publication itself would be contrary to the interests of national security.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 26. (a) There is hereby authorized to be appropriated such sums as may be necessary, but not to exceed $8,000,000, $11,000,000, and $10,000,000 for the fiscal year ending on June 30, 1973, June 30, 1974, and June 30, 1975, respectively, for the purposes and administration of this Act. No part of the funds so authorized to be appropriated shall be used to plan, design, or construct any research laboratories.

(b) To help defray the expenses of implementing the provisions of this Act, the Administrator may, by rule, require the payment of a reasonable fee from any person required to submit test data under sections 4 and 5 of this Act. Such rules shall not provide for any fee in excess of $2,500. In setting the amount of such a fee, the Administrator shall take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. Such rules may provide for the sharing of the expense of such a fee in any case in which the expenses of testing are shared under section 4(d).

The SPEAKER. Is a second demanded?

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

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. SIKES. 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. 441]

Abourezk	Fisher	Myers
Abzug	Forsythe	Nichols
Alexander	Fountain	Patman
Anderson, Tenn.	Fuqua	Pelly
	Galifianakis	Pepper
Annunzio	Gallagher	Peyser
Ashley	Garmatz	Price, Tex.
Aspin	Giaimo	Pryor, Ark.
Baring	Gibbons	Pucinski
Blanton	Goldwater	Purcell
Blatnik	Gray	Rarick
Boland	Green, Oreg.	Reid
Bolling	Gross	Rhodes
Brademas	Haley	Roncalio
Broomfield	Halpern	Rooney, N.Y.
Broyhill, Va.	Hamilton	Rosenthal
Burke, Fla.	Hanna	Roush
Byrne, Pa.	Hansen, Wash.	Runnels
Cabell	Harsha	Sandman
Caffery	Hays	Scherle
Carey, N.Y.	Hébert	Scheuer
Celler	Holifield	Schmitz
Chappell	Horton	Schwengel
Clancy	Hungate	Scott
Clark	Hunt	Skubitz
Clay	Jarman	Smith, N.Y.
Collins, Ill.	Johnson, Pa.	Snyder
Conte	Jonas	Stanton, James V.
Corman	Jones, Ala.	
Cotter	Jones, Tenn.	Steiger, Ariz.
Crane	Keating	Stephens
Davis, S.C.	Kemp	Stokes
Davis, Wis.	Kuykendall	Stratton
Delaney	Landrum	Symington
Derwinski	Link	Talcott
Devine	Lujan	Teague, Calif.
Dickinson	McClure	Teague, Tex.
Dingell	McDonald, Mich.	Thompson, Ga.
Donohue		Thompson, N.J.
Dow	McMillan	Thone
Dowdy	Martin	Vigorito
Dwyer	Matsunaga	Waggonner
Edmondson	Melcher	Whitehurst
Eilberg	Minshall	Widnall
Erlenborn	Monagan	Wilson, Charles H.
Esch	Moorhead	
Evans, Colo.	Mosher	Winn
Fascell	Moss	Wolff
Fish	Murphy, N.Y.	Yatron

The SPEAKER. On this rollcall 288 Members have answered to their names, a quorum.

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

TOXIC SUBSTANCES CONTROL ACT OF 1972

The SPEAKER. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, this legislation is designed to give to the Environmental Protection Agency comprehensive authority to protect health and the environment from hazardous chemical substances. This bill is based upon legislative proposals submitted by the administration and is grounded on a detailed study prepared by the Council of Environmental Quality.

Despite the numerous laws which have been enacted over the last 10 years to safeguard health and the environment, many chemical substances continue to find their way into the marketplace and into the environment which pose great potential for harm. As evidenced by our experience with mercury poisoning and PCB contamination, there exist conspicuous gaps in the existing regulatory machinery.

This legislation is designed to fill those gaps by giving the Environmental Pro-

tection Agency a means of focusing on the entire range of activity by which chemical substances enter our environment—from extraction to production to consumer use and to disposal. As such, it will permit the Environmental Protection Agency to protect against hazardous chemicals which are not reachable under other Federal authority. Let me emphasize that this bill is not intended to duplicate or in any way conflict with the responsibilities of other Federal agencies under other laws. Section 9 specifically states that the Environmental Protection Agency may not act under this legislation if a risk to health or the environment associated with a particular chemical substance could be prevented under other Federal law.

This bill would authorize appropriations of $8 million for fiscal year 1973, $11 million for fiscal year 1974, and $10 million for fiscal year 1975. These amounts are consistent with cost estimates supplied to the committee by the Environmental Protection Agency.

The committee met over a 3-week period in executive sessions in consideration of this bill. In the end, we have agreed on legislation which, I believe, presents the most workable means of providing necessary protection for health and the environment without stifling technological innovation. The bill was reported by voice vote—without dissent. In its final form this bill has gained the active support of the Environmental Protection Agency and several major chemical manufacturers.

Mr. STAGGERS. Mr. Speaker, this bill came to our committee through the recommendation of the White House—as an administration proposal.

The gentleman from Illinois and I were cosponsors of the bill. The bill is principally the recommendations from the administration with one exception, and that exception is that there is a screening period of 90 days. But if the agency does not act within the 90 days, the manufacturer is permitted to go ahead and put his product on the market.

I think the bill is a good bill. I think it is an essential bill. I think it might help to save an awful lot of dangerous products from reaching the market and would help in our efforts to protect the environment.

Before I go any further I would like to announce to the House that several Members of the House have come to me and said that they do not want to take up a Senate version of this bill. I would like to assure the House now that at this late hour, if this bill passes this House today, that there will not be any conference with the Senate. I do not see how it can be done.

So with that assurance, I would like to proceed with the bill and explain what the provisions are.

As I said when I started, I have a letter from the President of the United States saying that he wished the bill to be passed. I would like to read just one paragraph, if I might put it into the RECORD.

This part of the President's letter is as follows:

> On February 8, 1971, I recommended to the Congress the enactment of a Toxic Substances Control Act. I greatly appreciated the fact that both you and Congressman Springer introduced bills embodying the Administration proposals.
>
> In the intervening year, the Senate Commerce Committee has devoted extensive hearings to similar legislation; we are now hopeful that the Senate bill will be reported out of Committee and passed in the near future. I am writing you to urge expeditious consideration by your Committee of this important legislation. Recognizing that your Committee has a very busy schedule, I still feel that the need for public protection against the rapidly increasing introduction of toxic substances into the environment gives this bill a special claim to prompt bipartisan action.

Some have said that there is some objection to the 90-day screening period—but let me emphasize that the premarket screen only applies to chemicals which are identified as posing substantial dangers to health or the environment. Those are the only ones that have to be screened.

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

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

Mr. WIGGINS. Mr. Speaker, if a chemical substance is determined under the terms of this bill to be a hazardous chemical substance and its distribution in commerce is prohibited, what will be the status of a manufacturer who has manufactured goods and inventory which were manufactured prior to that declaration, but which contained the dangerous substance?

Mr. STAGGERS. If they are dangerous and determined to be a dangerous product, they can be seized under the law; and I think the gentleman would want this to be done, if they were determined to be dangerous.

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

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

Mr. WIGGINS. Did I understand the gentleman to say prior inventory in manufactured goods could contain products containing a dangerous substance?

Mr. STAGGERS. Could not contain, if it is dangerous to the health of the Nation.

Mr. WIGGINS. Is such a manufacturer entitled to indemnity for goods he may have in inventory which he may have manufactured in good faith prior to the declaration that the contents thereof were dangerous?

Mr. STAGGERS. It seems to me that it would not be reasonable to seize a manufacturer's inventory unless it is extremely dangerous. But if it is, then I would say it would be taken off the market—and it should be taken off the market. I am sure that the agency under the bill would certainly use their discretion not to work any unnecessary hardship on any manufacturer.

Mr. WIGGINS. Mr. Speaker, if the gentleman would yield further, I am thinking specifically of the cyclamate situation. Had this bill been law, how would the cyclamate matter have been handled?

Mr. STAGGERS. This would not affect that. We have exempted tobacco, tobacco products, food, drugs, medical devices, and cosmetics.

Mr. WIGGINS. If the gentleman will yield further, is there any analogy that can be drawn?

Mr. Speaker, this bill requires appropriations of only $10 million or thereabouts, but, I regret, this Congress authorized and appropriated nearly $50 million in the case of one product which contained a substance which was determined to be hazardous to health.

I wonder if any analogy exists or might exist in the future if this bill were law to the product we got involved with in the case of cyclamates?

Mr. STAGGERS. One safeguard we have is that we require the Administrator to act by rule and to afford persons an opportunity to present views. Also, the Administrator is required to support his administrative findings with substantial evidence upon judicial review. But let me again say that the cyclamate situation would not have anything to do with what we are trying to do here.

Mr. WIGGINS. If the chairman would yield to one final comment, did I understand the chairman to say that a manufacturer who may have produced a product which thereafter was determined to contain a dangerous substance, and he has such product in his inventory, he would not be entitled to the indemnity even though he could be prohibited from distributing those products?

Mr. STAGGERS. No, we have not provided for that.

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

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. KYL. I have a number of serious questions about this legislation. The first deals with language on page 11 of the report on which I should like some clarification.

It provides that the Administrator shall have no authority under this bill to take action to prevent or reduce an unreasonable risk to health or the environment association with a chemical substance if such risk could be prevented or reduced to a sufficient extent by actions taken under any other Federal law.

For legislative history and for clarification, is that what this action means, that the EPA Director does not have the option to use the toxic substances law or the pesticide law, if the chemical involved is a pesticide?

Mr. STAGGERS. This is correct.

Mr. KYL. Would the gentleman turn to the language on page 13 of the report. It says:

> Section 10 establishes in the Environmental Protection Agency a Chemical Substances Board consisting of twelve scientifically qualified members, eleven members of the Board being appointed by the Administrator from a list of individuals recommended to him by the National Academy of Sciences,

Not more than one-third of the Board may represent the chemical industry. It is my understanding that these are to be not employees of the Government while they are working on this Board, but they would receive compensation at a set civil service level. Is that correct?

Mr. STAGGERS. They could get a per diem.

Mr. KYL. Yes. There would be industry representatives?

Mr. STAGGERS. There could be.

Mr. KYL. Leaving that and turning to the section on confidentiality, if this Board includes a man from the chemical industry and if they have all the basic information concerning the toxic substances and the generation of those substances, would not this provide the means of having one chemical company representative pirating information from another which had a product before the Board for review?

Mr. STAGGERS. No. The Board only gets the information that is given to it by the Administrator and certainly he would not be giving trade secrets to an industry that would be represented on the Board.

Mr. KYL. What is the exact duty this Board has?

Mr. STAGGERS. The Board is to help make rules and advise the Administrator. It has several different duties. We felt that the industry and others should be on the Board because it affects them and they should have the right to sit in when there are going to be rules made or standards set. We felt industry should be represented and that is the reason for them being on it.

Mr. KYL. One further question. This relates to the question asked earlier by the gentleman from California. I assume that the Federal Government under this act would be requiring the toxic substance to be withdrawn from the market immediately. Under this act, the Government has the power to seize, for instance, polychlorinated biphenols, whether someone is using them in plastics or as additives, et cetera. Under the law, whose responsibility would it be to dispose of those toxic substances?

Mr. STAGGERS. I would say it would have to be the Government's responsibility, but let me point out that the Environmental Protection Agency may only seize this after a rule has been made and after there has been a court order.

Mr. KYL. So suppose a rule has been made and the court order has been made and we have seized the polychlorinated biphenols, then whose duty is it to take these substances out and dispose of them in a satisfactory fashion?

Mr. STAGGERS. It would have to be the Government.

Mr. KYL. Does the Government today have the equipment necessary to do this kind of work?

Mr. STAGGERS. I do not envision any great amount of this after we have set up the rules and everybody is conforming with what the standards and rules are that have been set. I just cannot believe any manufacturer in this Nation would manufacture anything that could be harmful if it knew that it was dangerous.

Mr. KYL. If the gentleman will yield, I do not think he means that, because the report shows there are thousands of toxic substances which are manufactured today, and obviously if there is a reason for this bill some action has to be contemplated to stop this sort of thing.

Mr. STAGGERS. That is the reason I am convinced we should have this and that is the reason we should set up the machinery to set standards and rules to conform to, and then after there is a determination that there is a violation, and even on the old ones, then there has to be a finding that they violate the standards, then the manufacturer may take it to court, and then by substantial evidence it has to be shown that the substance is harmful.

I believe after the standards are set up there is a lag time, and by the time the standards are set up I believe that the manufacturer could certainly take cognizance of the standards which have been set.

Mr. STAGGERS. There is going to be a list of them, and certainly they are not going to then be producing something that is in opposition to the rules.

Mr. CEDERBERG. Will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, we are dealing here, as I see it, with a bill that is very complicated. It is late in the afternoon, and very, very late in this session.

The Interstate and Foreign Commerce Committee has held hearings on the bill; there is a different version in the Senate. From the colloquy that has taken place so far, we can see that there are real problems and real questions involved in this legislation.

To bring this legislation up under suspension, which limits the time in which it can be discussed and prevents any amendments to this legislation, just seems to me a bad way to legislate.

I can appreciate the problem the chairman has. I have had discussions with him on this subject.

Mr. STAGGERS. Let me explain that when we got this out of committee, we did not have time to get to the Committee on Rules.

I would have brought it up under the regular procedure, since I have always believed in this, but we did not have that avenue available to us.

The only open avenue which we had, and because of the request of the President and how important this is to America, I told my committee that we should do everything possible to get it before this House. They considered it for 3 weeks and marked it up and went over it as carefully as any bill we have ever had before our committee.

When you only have one alternative, that is what you have to do.

Mr. CEDERBERG. I do appreciate that, but there are other alternatives. I do not think legislation necessarily has to be concluded in this section.

Mr. STAGGERS. The gentleman's opinion differs from the White House. The President says it is so important to America to have this done now.

Mr. CEDERBERG. I can understand that, but I understand that there are some differences in the House version.

Mr. STAGGERS. I told the gentleman that we will not take the Senate version. We will not have a conference because it is too late in the session, and there will be no conference.

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

Mr. STAGGERS. I yield.

Mr. ECKHARDT. Mr. Speaker, I understand that this bill as it has been drawn is one of the most carefully drafted bills to protect the rights of those controlled under it that has ever been devised, and particularly with respect to rulemaking.

I am sure that my colleagues on the other side of the aisle will agree with me that there is no other piece of legislation passed in this House at any earlier time that affords as much protection or cross-examination even in the rulemaking processes as does this bill.

Mr. BROYHILL of North Carolina. Will the gentleman yield?

Mr. STAGGERS. Yes.

Mr. BROYHILL of North Carolina, Mr. Speaker, on that point I wanted to agree with the gentleman from Texas that the committee very carefully drew these rulemaking sections. I hope he will have an opportunity to study them and to read them. The affected industries, regulated industries here——

Mr. SPRINGER. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL) who is the ranking member of the subcommittee.

Mr. BROYHILL of North Carolina. If I may continue my statement, this rule is very carefully drawn to give protection to the affected industries, to provide them hearing opportunities, opportunities for cross-examination.

I agree with the gentleman from Texas that all of their rights are going to be protected here.

There is a section in this bill which deals, one might say, harshly, but if it does it is with the dangerous chemicals, with those chemicals most dangerous to health and the environment. So far as the other chemicals are concerned, the bill does not deal in any way harshly with them.

It may require labeling, for example.

The bill as written is very similar to the bill that the administration spokesmen requested. The administration spokesmen have been anxious to get the bill before the House and enacted into law before we adjourn.

The bill before us today, S. 1478, is designed to provide Federal control over toxic chemicals which pose a danger to health and the environment. It is concerned with the control of potentially dangerous chemicals such as mercury, lead, and other heavy materials, and polychlorinated biphenyls—PCB's.

The initial legislative proposal was made by the administration and grew out of a report published in April 1971 by the Council on Environmental Quality. This bill, which is the result of long and detailed deliberation, represents an accommodation between the legislative recommendations of the administration embodied in H.R. 5276 and the provisions of a Senate-passed bill (S. 1478).

In order to accomplish the objectives

of the bill the Administrator of the Environmental Protection Agency is given a broad range of authorities. Under section 4 of the act, he is authorized to require testing of chemical substances and to require the submission of this test data by manufacturers, processors, and importers.

Section 5 of the act directs the Administrator to establish a list of substantially dangerous chemical substances. The act requires that persons intending to manufacture or distribute a chemical substance which has been identified as substantially dangerous and which is contained on the published list to submit test data to the Administrator prior to the manufacture or distribution of such substance so that the Administrator would have an opportunity to determine whether the intended manufacture and distribution would pose an unreasonable risk to health and to the environment.

Under section 6 of the Act the Administrator may, if he finds that it is necessary to protect against unreasonable risk to health or to the environment, prescribe rules:

First. Prohibiting the manufacture or distribution in commerce of a chemical substance;

Second. Prohibiting the manufacture or distribution in commerce of a chemical substance for a particular use or limiting the amount of a substance which may be produced; and

Third. Require that a chemical substance be labeled with appropriate warnings. Rules under this section may be geographically limited.

Other provisions of the act are:

First. Permit the Administrator to apply to U.S. district court to protect the public from imminently hazardous chemical substances;

Second. Establish a system for the accumulation of data on the numbers, quantity, uses, and byproducts of chemical substances which are manufactured in or imported into the United States;

Third. Establish a Chemical Substances Board to advise the Environmental Protection Agency in the exercise of authority under this bill; and

Fourth. Permit administrative inspections and seizure of nonconforming chemical substances.

Enforcement of the bill may be obtained through court injunctions or through imposition of criminal and civil penalties. Private persons are also permitted to bring court action to compel compliance with the requirements of this act.

I sincerely believe that this legislation is needed to protect the health and environment of this country and I recommend it to my colleagues for their approval.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Texas.

(Mr. MOSS, at the request of Mr. ECKHARDT, was granted permission to extend his remarks at this point in the RECORD.)

Mr. MOSS. Mr. Speaker, this legislation is designed to give the Environmental Protection Agency the tools to adequately protect our Nation's environment. We can no longer be satisfied with repairing environmental damage after it has been done. We cannot continue to allow our environment or our population to be used as a laboratory. This legislation is designed to insure that testing and evaluation of chemical substances will precede, not follow, their commercial use.

The need for a Toxic Substances Control Act is apparent. In the last 20 years the Nation's consumption of metals and new metallic compounds has dramatically increased. For example, in the 20-year period from 1948 to 1968 U.S. consumption of beryllium is estimated to have increased by 7,300 tons or 507 percent; our consumption of cadmium increased by 2,700 tons or 70 percent. The commercial use of synthetic organic compounds is growing at an even more startling rate. There are over 9,000 synthetic compounds used commercially each year in amounts of 1,000 pounds or more. In 1968 these totaled nearly 120 billion pounds—a 15 percent increase over 1967 and 161-percent increase over 1958.

The chemical abstracts registry system has registered approximately 1.8 million chemical compounds. Each year approximately 250,000 chemicals are added to this list and between 300 and 500 new chemical substances are actually introduced into commercial use each year.

The Toxic Substances Control Act gives the Administrator of the Environmental Protection Agency a variety of tools to insure that these chemical substances do not unreasonably harm the environment. The bill provides that the Administrator may prescribe test protocols for chemical substances or classes of chemical substances necessary to protect against unreasonable risk to health or to environment. The legislation also authorizes the promulgation of regulations restricting the manufacture or use of chemical substances where this is necessary to protect the environment. Further, it provides that the Administrator may require reports on the identity of chemical substances from manufacturers, creates a chemical substances board of balanced representation to advise the Administrator and authorizes research into the effects of chemical substances on the environment.

Mr. Speaker, the legislation which was recommended by the administration was significantly improved in committee. Some of the things which the committee did to strengthen it are as follows:

First, the bill authorizes limited premarket screening of those chemical substances which the Administrator finds may be substantially dangerous to health or to the environment. Under such circumstances prior to marketing a manufacturer must submit test data to the Administrator, which establishes that the intended use of the chemical substance will not pose an unreasonable risk to health or to the environment.

Second. Where a substantially dangerous chemical substance is about to be marketed, the Administrator may propose a regulation of production or use of the substance and may make it effective immediately pending completion of a rulemaking proceeding. This provision is designed to protect health and the environment until administrative proceedings can be completed.

Third. The bill provides that where the Administrator has good cause to believe that a manufacturer is processing or manufacturing a substance in a manner in which permits adulteration he may require adequate quality control procedures to prevent adulteration, after a hearing pursuant to section 554 of title 5 of the United States Code.

Fourth. The committee also strengthened the legislation by adding a provision authorizing citizens civil actions to assist in the enforcement of the law. The bill provides that interested and adversely affective persons may commence actions for injunctive relief against any person alleged to be in violation of an Environmental Protection Agency rule or against the Administrator where he failed to perform any act which is not discretionary. The court may in such actions award a reasonable attorney's fee to any party.

Mr. Speaker, it is generally accepted that as we greatly increase the number of chemical substances in commercial use we increase the risk of producing substances which will cause serious and irreversible environmental damage. This legislation is designed to reduce that risk and to preserve our environment for the benefit of the citizens of the United States and future generations.

Mr. SPRINGER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. MCCOLLISTER) a member of the committee.

Mr. McCOLLISTER. Mr. Speaker, if I may have the attention of the chairman of the committee, the chairman will recall the concern that was expressed in the full committee on our markup of this bill concerning reports. This is under section 8.

Remembering that the definition of chemical substances is very broad and all-inclusive, I should like to have the chairman express himself regarding the possibility of these reports being required by the Administrator from every manufacturer of every chemical substance in the United States. Would the chairman have any remarks to reassure me as to the reporting being carried that far?

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

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

Mr. STAGGERS. We changed the word "shall" and said that the Administrator "may". We have a section in the report concerning these reports.

When the bill came up it had the word "shall" in it, and the committee, in its wisdom, made it "the Administrator may".

Mr. McCOLLISTER. Would the chairman respond further? Surely it is not our intention to require every manufacturer, distributor or importer of chemical substances to report to the Administrator in every case of production that can have any possible bearing or adverse effect on health and the environment.

Mr. STAGGERS. That is right. In our report, on page 11, we recognize this fact. We say:

> Recognizing that such reports can be burdensome to the manufacturers of chemical substances, especially small businesses, your committee cautions the Administrator to only require such reports, in such detail, as may be required for the purposes of this Act.

Mr. McCOLLISTER. I thank the chairman for his comments.

Mr. SPRINGER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, we are obviously all tired. Certainly the press and squeeze is on for legislation, including the good and including the "cats and dogs."

In retrospect we obviously erred in making everything from Tuesday on eligible under suspension of the rules without declaring a sine die date certain. This I predicted.

Mr. Speaker, we need this additional legislation just to prove that we are in favor of a good environment, like we need extra holes in the head. This is one of the worst pieces of legislation that I have heard in 12 years here.

The report itself admits it is duplicative, overlapping, biased, and not thought out as to whose responsibility is what. Certainly there are several basic things wrong with it.

There were too few hearings, and there is a bill in the other body lurking in the wings which, of course, I know the chairman of the committee has said he will not accept, but paradoxically that puts us in the position of forcing this down their throats.

It is very redundant. It is redundant as stated by the committee's own report on page 2, I believe, where it lists all of the overlapping agencies. Just to mention a few, there are the FDA, the Food, Drug, and Cosmetic Act, the Hazardous Substances Act, the Pesticide Act—which we just put through here this week—the Anti-Air Pollution law, the anti-water pollution law, the various State laws, and the Products Safety Act whose conference we agreed to today—to say nothing of many other acts.

But, Mr. Speaker, the main thing wrong with this bill is that it will take all chemical manufacturing, research, development and production of needed toxic substances out of the United States of America, and send them overseas because of the requirement of premarket screening and because of the need for clearances in advance, prior even to research and, certainly, prior to marketing.

Premarketing screening is unnecessary because the other provisions of the bill would give the Administrator of EPA more than adequate authority to prevent the adverse consequences against which the screening is directed. I am not even sure that chemical research and development or control should be under the EPA; I am not sure but what it should not be under HEW or the Department of Commerce.

But outside of the question of the jurisdictional fight between EPA and the Department of Commerce or others, and maybe even committee jurisdictions, there are many things wrong with this bill. I repeat that we should not have premarketing screening and clearances.

Second, Mr. Speaker, this screening would drastically change the concept of regulation and make the Government responsible, as has been brought out here, not only for the safety of chemical substances and the users and the land, but it imposes severe penalties up to $25,000 a day and criminal penalties, including imprisonment for a period up to a year. We should never use taxpayers funds for reimbursement of legislatively ordained set asides. We should never countenance such legislation.

Mr. Speaker, I just cannot imagine why, with limited hearings, and with this redundancy, and including the need for premarketing clearances, and the overlapping, we want to give the administration the power to impose a quota system—a quota system, if you please. This is a subject for the law of supply and demand and the open marketplace, when did we go to quota systems in America?

Mr. Speaker, this will cause a 2 to 3-year delay in production of needed and worthwhile substances for production and growth, and we are going to have to decide whether we want power and food or whether we want a plus-perfect environment.

I do not think the Chemical Manufacturers Association is opposed to this bill, because I suspect they are afraid to take a stand in either direction.

Mr. Speaker, I strongly recommend that this bill not be passed by a two-thirds margin.

The SPEAKER. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Speaker, I will yield 1 additional minute to by distinguished colleague so that the gentleman from Indiana (Mr. DENNIS) may direct a question.

Mr. DENNIS. Mr. Speaker, I thank the gentleman from Illinois (Mr. SPRINGER) for yielding, and I also thank the gentleman from Missouri.

Mr. Speaker, I merely want to say I do not know whether I would be for this bill or against it under normal circumstances. Unlike the gentleman from Missouri (Mr. HALL), I have not had a chance to study it. I do not think many of the Members have studied it. Obviously, it is a very important bill, and I object to being put in this situation.

I do not think it is fair to Members of the House either to require them to buy a pig in a poke and take what this committee says on faith, all of which might be perfectly true, or else to perhaps vote against a bill which, it may be, under reasonable circumstances, one might favor. I think it is a very, very objectionable procedure.

Mr. HALL. It certainly is. And the arrangements that have been made in advance leave much to be desired. All you have to do is read the report of the committee itself, which points out the vacillation and the backing and filling in this area.

Mr. SPRINGER. Mr. Speaker, I yield the gentleman an additional minute to respond to a question of the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Will the gentleman yield?

Mr. HALL. I am glad to yield to my friend from Texas.

Mr. ROBERTS. I appreciate the gentleman yielding.

I represent an area that has one of the largest chemical plants in the country making photographic supplies and chemicals. I am told that these photographic supplies and equipment were not even considered and this would actually put them out of business, and they are one of the largest in the country.

Mr. HALL. If you pass this bill, you will see an exodus from this country of many big manufacturing plants. But more serious than that, you may eliminate "PCV" or others, but it will be 3 years before you get something to replace it, and then it will come from foreign manufacturers.

Mr. SPRINGER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. ECKHARDT) who wishes to be heard.

Mr. ECKHARDT. Mr. Speaker, I would like to speak on this particular point, and I would like to point out there is absolutely nothing in this bill that would deal with photographic substances unless they create a poison, a dangerous poison, that when passing through the use of the consumer would ultimately reach the environment. I do not know how they would, and I do not believe any commission, after the careful rule-making procedures in this bill, would so determine.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, there are thousands of small chemical companies in this country, and each of them has innumerable customers who are users, processors, or consumers of chemicals. Does this bill apply to all of these people? How on earth can these small businesses keep themselves informed and the Administrator of EPA informed about all of the details which must be sanctioned and approved for every chemical substance they handle. It boggles the mind.

I believe we are just going to move into another OSHA. Instead of promoting safety, I am afraid we are going to promote a small business revolt—if this bill is passed. It should be defeated.

Mr. STAGGERS. Mr. Speaker, would the gentleman yield me 2 minutes?

Mr. SPRINGER. Mr. Speaker, I yield the chairman of the committee 2 minutes.

Mr. STAGGERS. I thank the gentleman from Illinois for his generosity.

In closing, Mr. Speaker, let me say to all of the Members of the House that the only reason this bill is before the House today is because the President of the United States requested it.

I quoted from a letter he wrote to me saying it was one of the important bills that should be passed during this session of Congress, and we have altered the bill he sent up so slightly from what he had, with just one single point, really.

Mr. HALL. Would the gentleman yield on that?

Mr. STAGGERS. Very briefly, because I want to make another point.

Mr. HALL. What was the date of the President's letter?

Mr. STAGGERS. April 24, 1971.

Mr. HALL. That is correct.

Mr. STAGGERS. No. It was 1972. I am sorry. The letter is——

Mr. HALL. The letter itself was in 1972.

Mr. STAGGERS. Yes. The letter is dated April 24, 1972.

Mr. HALL. How many other similar bills, then, have we passed for like purposes, including the ones that I related in the well?

Mr. STAGGERS. I have no other bill that the President wrote me about.

For that reason I insisted on the full committee staying in executive session for 3 weeks to work the bill over fully and to get it finally worked out. If it had not been for that, this bill would not have been brought to the floor of the House because we did work hard and long, as I say, in the full committee. The hard work is, of course, immaterial, but I think the House ought to have a chance to vote on this. I have also given the House the assurance that we will not go to conference on it, and hope that the Senate will accept our version.

I might add that several major chemical manufacturers in the country, including Union Carbide and du Pont, have said they are in favor of the bill. In the face of this I think the bill should be passed on a two-thirds vote.

Mr. MONAGAN. Mr. Speaker; I support S. 1478, Toxic Substances Control Act, which is similar to legislation which I had introduced to provide a system for the regulation of the distribution and use of toxic chemicals.

U.S. manufacturers produce hundreds of new organic and inorganic chemical substances each year. It is shocking to realize that many of these chemical substances, whether distributed in their existing form or utilized in the manufacture of other products, are available to the general public without having been adequately tested for their impact upon human health or the environment through the existing regulatory authority of the Department of Agriculture, Food and Drug Administration, or the Environmental Protection Agency.

Both the general public and the manufacturer suffer from the absence of adequate pretesting of these chemical substances before they are placed on the market. Authorizing the Environmental Protection Agency to develop a systematic approach to the task of protecting health and the environment from hazardous chemical substances as provided in this legislation is a substantial step in the right direction. The need for effective uniform regulation and testing of all these chemicals has been graphically demonstrated by several incidents which have occurred in the past year.

A growing environmental awareness on the part of the purchasing-public created a demand for a substitute for phosphates in laundry detergents. This substitute had to work as effectively as phosphates and the manufacturers hit upon NTA—Sodium Nitrilotriacetate. Substantial sums were spent for the alteration of manufacturing processes, advertisement and distribution. Subsequent testing revealed that the breakdown products of NTA could cause birth defects rashes and other adverse effects. As a result of these shocking disclosures, the product was removed from the market. The manufacturers lost their substantial investment, and at the same time the general public was exposed to this potentially dangerous product for a substantial time before its removal.

More recently it was learned that PCB's—polychlorinated biphenyls—had been found in chickens, eggs, turkeys, breakfast cereals and other foods. These ubiquitous industrial chemicals are similar to DDT in the ecological systems and are toxic in the food chain. Feed grains of these animals had been contaminated by a leakage of PCB's from electrical control units. The primary use of PCB's is as an insulating material in electric transformers but they have also been used in a wide variety of products including newsprint. Greater knowledge of the potential effect of chemical substances must be available so that they will be used in a proper manner and all necessary precautions taken.

Incidents such as these have occurred too often. Implementation of the Toxic Substances Control Act would provide an effective mechanism for preventing similar dangerous situations in the future.

Both the general public and the manufacturers would benefit from the registration and testing procedures embodied in this proposed legislation. From a pretesting of new organic and inorganic chemical substances for environmental consequences and effects on humans before they are placed on the market, the general public would be protected from exposure to hazardous products. Manufacturers would also be saved the expense of producing a product which would never be pressed to completion if there were adequate testing.

I urge my colleagues to support S. 1478 to provide a comprehensive system for the regulation of the distribution and use of toxic substances.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 1478, as amended.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 240, nays 61, not voting 130, as follows:

[Roll No. 442]

YEAS—240

Abzug	Barrett	Boggs
Adams	Begich	Brasco
Addabbo	Bennett	Brinkley
Anderson, Calif.	Bergland	Brooks
Ashley	Biaggi	Brotzman
Aspinall	Biester	Brown, Ohio
Badillo	Bingham	Broyhill, N.C.
Barrett	Blatnik	Broyhill, Va.
Begich	Boggs	Buchanan
Bennett	Brasco	Burke, Mass.
Bergland	Brinkley	Burlison, Mo.
Biaggi	Brooks	Burton
Biester	Brotzman	Carey, N.Y.
Bingham	Brown, Ohio	Carlson
Blatnik	Broyhill, N.C.	Carney
Boggs	Broyhill, Va.	Carter
Brasco	Buchanan	Chamberlain
Brinkley	Burke, Mass.	Chisholm
Brooks	Burlison, Mo.	Clausen, Don H.
Brotzman	Burton	Cleveland
Brown, Ohio	Carey, N.Y.	Collier
Broyhill, N.C.	Carlson	Colmer
Broyhill, Va.	Carney	Conover
Buchanan	Carter	Conyers
Burke, Mass.	Chamberlain	Coughlin
Burlison, Mo.	Chisholm	Culver
Burton	Clausen, Don H.	Curlin
Carey, N.Y.	Cleveland	Daniels, N.J.
Carlson	Collier	Danielson
Carney	Colmer	de la Garza
Carter	Conover	Dellenback
Chamberlain	Conyers	Dellums
Chisholm	Coughlin	Denholm
Clausen, Don H.	Culver	Dent
Cleveland	Curlin	Diggs
Collier	Daniels, N.J.	Drinan
Colmer	Danielson	Dulski
Conover	de la Garza	du Pont
Conyers	Dellenback	Eckhardt
Coughlin	Dellums	Edwards, Ala.
Culver	Denholm	Edwards, Calif.
Curlin	Dent	Erlenborn
Daniels, N.J.	Diggs	Eshleman
Danielson	Drinan	Fish
de la Garza	Dulski	Flood
Dellenback	du Pont	Foley
Dellums	Eckhardt	Ford, Gerald R.
Denholm	Edwards, Ala.	Ford, William D.
Dent	Edwards, Calif.	Fraser
Diggs	Erlenborn	Frelinghuysen
Drinan	Eshleman	Frenzel
Dulski	Fish	Frey
du Pont	Flood	Fulton
Eckhardt	Foley	Garmatz
Edwards, Ala.	Ford, Gerald R.	Gaydos
Edwards, Calif.	Ford, William D.	Gonzalez
Erlenborn	Fraser	Grasso
Eshleman	Frelinghuysen	Gray
Fish	Frenzel	Green, Pa.
Flood	Frey	Griffiths
Foley	Fulton	Grover
Ford, Gerald R.	Garmatz	Gubser
Ford, William D.	Gaydos	Gude
Fraser	Gonzalez	Halpern
Frelinghuysen	Grasso	Hamilton
Frenzel	Gray	Hanley
Frey	Green, Pa.	Hansen, Idaho
Fulton	Griffiths	Harrington
Garmatz	Grover	Harsha
Gaydos	Gubser	Harvey
Gonzalez	Gude	Hastings
Grasso	Halpern	Hathaway
Gray	Hamilton	Hawkins
Green, Pa.	Hanley	Hechler, W. Va.
Griffiths	Hansen, Idaho	Heinz
Grover	Harrington	Helstoski
Gubser	Harsha	Henderson
Gude	Harvey	Hicks, Mass.
Halpern	Hastings	Hicks, Wash.
Hamilton	Hathaway	Hillis
Hanley	Hawkins	Hogan
Hansen, Idaho	Hechler, W. Va.	Holifield
Harrington	Heinz	Hosmer
Harsha	Helstoski	Howard
Harvey	Henderson	Hutchinson
Hastings	Hicks, Mass.	Ichord
Hathaway	Hicks, Wash.	Jacobs
Hawkins	Hillis	Jarman
Hechler, W. Va.	Hogan	Johnson, Calif.
Heinz	Holifield	Jones, Ala.
Helstoski	Hosmer	Jones, N.C.
Henderson	Howard	Karth
Hicks, Mass.	Hutchinson	Kastenmeier
Hicks, Wash.	Ichord	Kazen
Hillis	Jacobs	Kee
Hogan	Jarman	Keith
Holifield	Johnson, Calif.	Kluczynski
Hosmer	Jones, Ala.	Koch
Howard	Jones, N.C.	Kyl
Hutchinson	Karth	Kyros
Ichord	Kastenmeier	Landrum
Jacobs	Kazen	Latta
Jarman	Kee	Leggett
Johnson, Calif.	Keith	Lennon
Jones, Ala.	Kluczynski	Lent
Jones, N.C.	Koch	Lloyd
Karth	Kyl	Long, Md.
Kastenmeier	Kyros	Lujan
Kazen	Landrum	McClory
Kee	Latta	McCloskey
Keith	Leggett	McCollister
Kluczynski	Lennon	McCormack
Koch	Lent	McCulloch
Kyl	Lloyd	McDade
Kyros	Long, Md.	McFall
Landrum	Lujan	McKay
Latta	McClory	McKevitt
Leggett	McCloskey	Macdonald, Mass.
Lennon	McCollister	Madden
Lent	McCormack	Mailliard
Lloyd	McCulloch	Mann
Long, Md.	McDade	Mathias, Calif.
Lujan	McFall	Mayne
McClory	McKay	Mazzoli
McCloskey	McKevitt	Meeds
McCollister	Macdonald, Mass.	Melcher
McCormack	Madden	Metcalfe
McCulloch	Mailliard	Michel
McDade	Mann	Mikva
McFall	Mathias, Calif.	Miller, Calif.
McKay	Mayne	Miller, Ohio
McKevitt	Mazzoli	Mills, Ark.
Macdonald, Mass.	Meeds	Mills, Md.
Madden	Melcher	Minish
Mailliard	Metcalfe	Mink
Mann	Michel	Minshall
Mathias, Calif.	Mikva	Mitchell
Mayne	Miller, Calif.	Mizell
Mazzoli	Miller, Ohio	Mollohan
Meeds	Mills, Ark.	Morgan
Melcher	Mills, Md.	Mosher
Metcalfe	Minish	Murphy, Ill.
Michel	Mink	Natcher
Mikva	Minshall	Nedzi
Miller, Calif.	Mitchell	Nix
Miller, Ohio	Mizell	Obey
Mills, Ark.	Mollohan	O'Hara
Mills, Md.	Morgan	O'Konski
Minish	Mosher	O'Neill
Mink	Murphy, Ill.	Patten
Minshall	Natcher	Pepper
Mitchell	Nedzi	Perkins
Mizell	Nix	Pettis
Mollohan	Obey	Pickle
Morgan	O'Hara	Pike
Mosher	O'Konski	Powell
Murphy, Ill.	O'Neill	Preyer, N.C.
Natcher	Patten	Price, Ill.
Nedzi	Pepper	Quie
Nix	Perkins	Railsback
Obey	Pettis	Randall
O'Hara	Pickle	Rangel
O'Konski	Pike	Rees
O'Neill	Powell	Reuss
Patten	Preyer, N.C.	Riegle
Pepper	Price, Ill.	Robison, N.Y.
Perkins	Quie	Rodino
Pettis	Railsback	Roe
Pickle	Randall	Rogers
Pike	Rangel	Rooney, Pa.
Powell	Rees	Rosenthal
Preyer, N.C.	Reuss	Rostenkowski
Price, Ill.	Riegle	Roy
Quie	Robison, N.Y.	Roybal
Railsback	Rodino	Ruppe
Randall	Roe	St Germain
Rangel	Rogers	Sarbanes
Rees	Rooney, Pa.	Saylor
Reuss	Rosenthal	Scheuer
Riegle	Rostenkowski	Schneebeli
Robison, N.Y.	Roy	Sebelius
Rodino	Roybal	Seiberling
Roe	Ruppe	Shipley
Rogers	St Germain	Shoup
Rooney, Pa.	Sarbanes	Shriver
Rosenthal	Saylor	Sikes
Rostenkowski	Scheuer	Sisk
Roy	Schneebeli	Smith, Iowa
Roybal	Sebelius	Springer
Ruppe	Seiberling	Staggers
St Germain	Shipley	Stanton, J. William
Sarbanes	Shoup	Steele
Saylor	Shriver	Steiger, Wis.
Scheuer	Sikes	Stokes
Schneebeli	Sisk	Stubblefield
Sebelius	Smith, Iowa	Stuckey
Seiberling	Springer	Sullivan
Shipley	Staggers	Taylor
Shoup	Stanton, J. William	Teague, Calif.
Shriver	Steele	Terry
Sikes	Steiger, Wis.	Tiernan
Sisk	Stokes	Udall
Smith, Iowa	Stubblefield	Ullman
Springer	Stuckey	Van Deerlin
Staggers	Sullivan	Vanik
Stanton, J. William	Taylor	Veysey
Steele	Teague, Calif.	Waldie
Steiger, Wis.	Terry	Wampler
Stokes	Tiernan	Ware
Stubblefield	Udall	Whalen
Stuckey	Ullman	Whalley
Sullivan	Van Deerlin	White
Taylor	Vanik	Williams
Teague, Calif.	Veysey	Wilson, Bob
Terry	Waldie	Wilson, Charles H.
Tiernan	Wampler	Wright
Udall	Ware	Wyatt
Ullman	Whalen	Wydler
Van Deerlin	Whalley	Wylie
Vanik	White	Wyman
Veysey	Williams	Yates
Waldie	Wilson, Bob	Young, Tex.
Wampler	Wilson, Charles H.	Zablocki
Ware	Wright	Zion
Whalen	Wyatt	Zwach
Whalley	Wydler	
White	Wylie	
Williams	Wyman	
Wilson, Bob	Yates	
Wilson, Charles H.	Young, Tex.	
Wright	Zablocki	
Wyatt	Zion	
Wydler	Zwach	
Wylie		
Wyman		
Yates		
Young, Tex.		
Zablocki		
Zion		
Zwach		

NAYS—61

Abbitt	Conable	Mathis, Ga.
Andrews, Ala.	Daniel, Va.	Montgomery
Archer	Davis, Ga.	Passman
Arends	Dennis	Poage
Ashbrook	Dorn	Quillen
Baker	Downing	Roberts
Belcher	Duncan	Robinson, Va.
Betts	Evins, Tenn.	Rousselot
Bevill	Findley	Runnels
Blackburn	Flynt	Ruth
Bow	Gettys	Satterfield
Bray	Goodling	Slack
Breaux	Griffin	Smith, Calif.
Brown, Mich.	Hagan	Spence
Burleson, Tex.	Hall	Steed
Byrnes, Wis.	Hammer-schmidt	Stephens
Camp	King	Vander Jagt
Casey, Tex.	McEwen	Whitten
Cederberg	Mahon	Wiggins
Clawson, Del	Mallary	Young, Fla.
Collins, Tex.		

NOT VOTING—130

Abernethy	Andrews, N. Dak.	Blanton
Abourezk	Annunzio	Boland
Alexander	Aspin	Bolling
Anderson, Ill.	Baring	Brademas
Anderson, Tenn.	Bell	Broomfield
		Burke, Fla.

Byrne, Pa.	Goldwater	Pirnie
Byron	Green, Oreg.	Podell
Cabell	Gross	Price, Tex.
Caffery	Haley	Pryor, Ark.
Celler	Hanna	Pucinski
Chappell	Hansen, Wash.	Purcell
Clancy	Hays	Rarick
Clark	Hébert	Reid
Clay	Heckler, Mass.	Rhodes
Collins, Ill.	Horton	Roncalio
Conte	Hull	Rooney, N.Y.
Corman	Hungate	Roush
Cotter	Hunt	Sandman
Crane	Johnson, Pa.	Scherle
Davis, S.C.	Jonas	Schmitz
Davis, Wis.	Jones, Tenn.	Schwengel
Delaney	Keating	Scott
Derwinski	Kemp	Skubitz
Devine	Kuykendall	Smith, N.Y.
Dickinson	Landgrebe	Snyder
Dingell	Link	Stanton, James V.
Donohue	Long, La.	Steiger, Ariz.
Dow	McClure	Stratton
Dowdy	McDonald, Mich.	Symington
Dwyer	McKinney	Talcott
Edmondson	McMillan	Teague, Tex.
Eilberg	Martin	Thompson, Ga.
Esch	Matsunaga	Thompson, N.J.
Evans, Colo.	Monagan	Thomson, Wis.
Fascell	Moorhead	Thone
Fisher	Moss	Vigorito
Flowers	Murphy, N.Y.	Waggonner
Forsythe	Myers	Whitehurst
Fountain	Nelsen	Widnall
Fuqua	Nichols	Winn
Galifianakis	Patman	Wolff
Gallagher	Pelly	Yatron
Giaimo	Peyser	
Gibbons		

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

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Anderson of Illinois.
Mr. Thompson of New Jersey with Mr. Rhodes.
Mr. Hébert with Mrs. Dwyer.
Mr. Hays with Mr. Conte.
Mr. Wolff with Mr. Pirnie.
Mr. Nichols with Mr. Martin.
Mr. Rooney of New York with Mr. Kuykendall.
Mr. Roush with Mr. Johnson of Pennsylvania.
Mr. Fascell with Mr. Pelly.
Mr. Celler with Mr. Sandman.
Mr. Moorhead with Mr. Schwengel.
Mr. Murphy of New York with Mr. Talcott.
Mr. Waggonner with Mr. Winn.
Mr. Teague of Texas with Mr. Goldwater.
Mr. Boland with Mr. Devine.
Mr. Brademas with Mr. Crane.
Mr. Cabell with Mr. Burke of Florida.
Mr. Chappell with Mr. Bell.
Mr. Matsunaga with Mr. Andrews of North Dakota.
Mr. Podell with Mr. McDonald of Michigan.
Mr. Reid with Mr. Kemp.
Mr. Fuqua with Mr. Horton.
Mr. Roncalio with Mr. Myers.
Mr. Clark with Mr. Broomfield.
Mr. James V. Stanton with Mr. Scherle.
Mr. Caffery with Mr. Smith of New York.
Mr. Cotter with Mr. Thone.
Mr. Delaney with Mr. Price of Texas.
Mr. Davis of South Carolina with Mr. McKinney.
Mr. Dingell with Mr. Esch.
Mr. Donohue with Mr. Clancy.
Mr. Dow with Mr. Nelsen.
Mr. Eilberg with Mr. Landgrebe.
Mr. Fountain with Mr. Hunt.
Mr. Giaimo with Mrs. Heckler of Massachusetts.
Mr. Gibbons with Mr. Peyser.
Mr. Hull with Mr. McClure.
Mr. Blanton with Mr. Jonas.
Mr. Anderson of Tennessee with Mr. Steiger of Arizona.
Mr. Alexander with Mr. Forsythe.
Mrs. Hansen of Washington with Mr. Dickinson.
Mr. Hanna with Mr. Scott.
Mr. Byron with Mr. Thompson of Georgia.
Mr. Link with Mr. Derwinski.
Mr. Vigorito with Mr. Keating.
Mr. Stratton with Mr. Davis of Wisconsin.
Mr. Hungate with Mr. Whitehurst.
Mr. Collins of Illinois with Mr. Widnall.
Mr. Pucinski with Mr. Snyder.
Mr. Flowers with Mr. Skubitz.
Mr. Fisher with Mr. Thomson of Wisconsin.
Mr. Purcell with Mr. Schmitz.
Mr. Rarick with Mr. Patman.
Mr. Monagan with Mr. McMillan.
Mr. Edmondson with Mr. Evans of Colorado.
Mr. Clay with Mr. Gallagher.
Mr. Moss with Mr. Long of Louisiana.
Mr. Symington with Mr. Jones of Tennessee.
Mr. Aspin with Mr. Baring.
Mr. Abernethy with Mr. Abourezk.
Mr. Corman with Mrs. Green of Oregon.
Mr. Haley with Mr. Pryor of Arkansas.
Mr. Byrne of Pennsylvania with Mr. Dowdy.
Mr. Galifianakis with Mr. Yatron.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to regulate commerce to protect health and the environment against toxic chemical substances."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2087, PUBLIC SAFETY OFFICERS BENEFITS ACT OF 1972

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the gentleman from New Jersey (Mr. RODINO) under my reservation, will explain the Senate amendments, as to whether they are germane or not, what they do add and any additional costs.

Mr. RODINO. There are a number of differences in the Senate version, Mr. Speaker.

There is a difference in cost, and it is for that reason that the House wanted to insist on the House version, which was well considered, and I believe that the House can, with a conference, arrive at some agreement.

Mr. HALL. Did the gentleman ask for a conference?

Mr. RODINO. Yes, sir.

Mr. HALL. Mr. Speaker, I am awfully sorry. I understood that the gentleman requested that we concur in the Senate amendments.

Mr. RODINO. No, sir; Mr. Speaker.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and appoints the following conferees: Messrs. RODINO, SEIBERLING, DANIELSON, DENNIS, and MAYNE.

CONFERENCE REPORT ON S. 4018, FLOOD CONTROL ACT OF 1972

Mr. ROBERTS. Mr. Speaker, I call up the conference report 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, 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 12, 1972.)

Mr. ROBERTS (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. ROBERTS. Mr. Speaker, the conference report which is before the House is the report on S. 4018, "The Flood Control Act of 1972." The bill as agreed to by the conferees is a sound measure which will continue the vitally important water resources development program of the Corps of Engineers.

The Joint Subcommittee on Rivers and Harbors and Flood Control and Internal Development held 3 weeks of hearings on this bill. We received testimony from the Corps of Engineers on the projects that we have included. Private citizens, organizations, and various Members of Congress testified before the committee on projects which they were interested in.

The conferees from the House and Senate met in a spirit of cooperation. As in most conferences, on some issues the House prevailed; and on some issues the Senate prevailed. I believe we have put together an outstanding bill, one which I can recommend wholeheartedly to this body.

I am happy to say that the differences with the Senate were few. We still have before us today one of the smallest Flood Control Acts in history. The compromise legislation that the conferees have worked out is still less than one-third the size of the 1968 act which totaled over $1,000,000,000.

We have kept intact the House provision for developing the water resources in Appalachia but we have added more

funds for the initiation of these badly needed projects.

The conferees decided that the important section in the House bill that will prevent anyone but the Congress from raising the interest rates on water resource projects should remain in the compromise with a slight technical modification.

Projects in the Senate bill that were under $10,000,000 do not appear in the conference report. These projects are handled by a committee resolution under the authority of section 201 of Public Law 89-298. This has now been completed by both the House and Senate Public Works Committee and these 10 projects are not authorized.

I would conclude by thanking all the members of the conference on both sides of the aisle for their outstanding efforts on this legislation. I sincerely appreciate the support given to me by the gentleman from South Carolina (Mr. DORN), the gentleman from North Carolina (Mr. HENDERSON); the gentleman from California (Mr. CLAUSEN); and the gentleman from Kentucky (Mr. SNYDER).

I yield to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Speaker, I do not think I could pay a high enough compliment to the gentleman from Texas (Mr. ROBERTS) for the great work he has done through the long number of months that he has dealt with this proposition. I think he has given prompt and studious consideration to all of the proposals submitted to the Committee on Public Works regarding this matter. I believe the gentleman from Texas deserves a special commendation for the outstanding job he has done. I am certainly proud of the work that he and his subcommittee has performed in bringing out this fine report and this splendid piece of work, recognizing the great problems and pressures that Mr. ROBERTS has been faced with. Again Mr. Speaker I want to commend the gentleman from Texas on the job he has done.

Mr. ROBERTS. Mr. Speaker, I yield to the chairman of the full committee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I want to join my right-hand man, BOB JONES, in commending the very modest gentleman from Texas (RAY ROBERTS) the chairman of the subcommittee of which I was chairman for a long time, the Subcommittee on Rivers and Harbors.

Of course, BOB JONES was chairman of the Subcommittee on Flood Control for many years.

However, in all of the years we worked on that committee we never were able to do a finer piece of work than the distinguished gentleman from Texas (Mr. ROBERTS).

Mr. Speaker, at this point let me say that, as the Members undoubtedly know, we do work well as a team, by and large, on our committee. Of course, we have differences, but almost always, with very few exceptions, we resolve them in the committee between the majority and the minority without burdening the membership of the full House.

The gentleman from Texas, the chairman of the Rivers and Harbors and Flood Control Subcommittee, in my opinion, conducted these hearings in the most responsible, thorough, and honorable way. He gave serious attention to every detail and gave the most thorough consideration to everyone's point of view and kept everyone informed as I believe it has never been done previously.

Mr. Speaker, I am very happy to join at this point in extending on the record my heartfelt congratulations to the gentleman from Texas for a job exceptionally well done.

Mr. ROBERTS. Mr. Speaker, I thank the distinguished chairman.

I now yield to the gentleman from California (Mr. DON H. CLAUSEN), the ranking minority member, who did a great job on this report.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the conference report on S. 4018, the Flood Control Act of 1972. The House-Senate conference met on Tuesday of this week and agreed on a bill that will serve the pressing needs to control flooding, mitigate streambank erosion where serious erosion exists, undertake a shoreline erosion control demonstration program, make necessary changes in ongoing projects, give the Corps of Engineers more discretionary authority for emergency situations, and make other necessary revisions.

I am pleased to report that the Senate agreed to the House provision to authorize the water resource development projects in Appalachia. The Senate authorized specific projects included in the recommendations by the Secretary of the Army, but agreed to the House approach to authorize all recommended projects, except Royal Glen, as a unit. The conference agreed to emphasize certain projects that merit priority funding because of local problems that require immediate attention.

The conferees agreed to authorize $50,000,000 for initiation of these projects representing a $29,908,000 reduction from the amount authorized in the Senate bill.

The conferees agreed to delete the projects at Sixes Bridge and Verona until the Corps has an opportunity to resubmit them to Congress. The conferees thought it necessary in view of the low-flow augmentation provisions in the projects. There is great interest in this project but there is also evidence of controversy. I hope these divergent views can be ameliorated so the committees can consider the projects on their merits.

The conferees also deleted Highland Lake project from the bill to assure adequate hearings on the project before authorization.

Many areas of the country are experiencing serious streambank erosion problems, due to altered streamflow, as well as natural erosion. The conferees agreed to authorize projects where streambank erosion is threatening homes, buildings, and facilities. It is hoped that the committee can address the problem of streambank erosion on a national scale, rather than a case-by-case approach, to effectively prevent further erosion and subsequent loss of property, tax revenue, and provide safety to those along the banks of our rivers.

The shoreline erosion control demonstration program authorizes the Corps of Engineers to plan, construct, operate, evaluate, and demonstrate prototype shoreline erosion control devices, both engineered and vegetative. This program will last 5 years and $6 million is authorized for these purposes.

Many ongoing projects have from time to time needed revision or modification to meet current circumstances, when such circumstances did not prevail at the time of authorization of the resource projects. The conferees agreed to many such changes, some of which were in the House-passed bill and others were in the Senate bill. All of these modifications are worthy of authorization and will enhance the original projects to create a better, more comprehensive purpose.

I would like to comment specifically on one particular provision in this bill—the authorization for the San Francisco Bay delta hydraulic model which the Corps of Engineers operates in Sausalito, Calif.

Maintenance of the model will be an invaluable environmental tool whose use will not be limited to the Federal Government. It can be used by State, local, regional, and private bodies as it has been in the past. Its use has already resulted in the development of master planning on a regional scale which has prevented continuing degradation of many areas of San Francisco Bay.

If we expect to be able to prevent further environmental degradation of the bay and if we hope to move now to permit the bay to achieve its full enviromental, economic, recreational, esthetic, and natural potential it is important that we have the means to assess scientifically every proposal for use or protection of the bay that is made. The bay delta model will provide the means to this end.

The Senate conferees also accepted an important provision in the House-passed bill, concerning the policies, standards, and procedures in the formulation, evaluation, and review of water and water related resources and land related resources. The intent of this provision is to allow Congress an opportunity to review the resource project criteria and make appropriate recommendations. I am sure my colleagues will agree that the congressional review and comment is necessary to formulate a new set of rational and reasonable project criteria guidelines. It is necessary to have all benefits and all costs be reflected in these guidelines, taking into account the total environment and environmental impact of the important resource development projects, quantify them and expand project purposes that will genuinely reflect the very obvious total benefits.

Finally, I wish to congratulate my colleagues, Mr. ROBERTS, chairman of the conferees, Mr. DORN, Mr. HENDERSON, and Mr. SNYDER, the other House conferees for the outstanding work they performed in the conference.

Mr. ROBERTS. Mr. Speaker, I now yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, on page 16 of the report, section 61, I have discovered

an old friend which was sent to the Committee on Interior and Insular Affairs of the House by the Speaker as a bill to establish a national recreation area. I think that the House ought to understand what is being done here. I am not laying any blame at the doorstep of the House conferees in this matter, but I want to point out that the Secretary of the Army in this instance shall establish the Big South Fork National River and Recreation Area, by publication of notice thereof in the Federal Register, a job which is properly the job of the House Committee on Agriculture, and the House Committee on Interior and Insular Affairs.

I point out further that in section 61 we find this language:

... the Corps of Engineers, the Department of the Interior, and the Department of Agriculture as modified by this act....

And this section of the bill does provide a major modification of law. If this were a House bill it would clearly be nongermane. I do want to call the attention of the House to this matter because as soon as the Congress reconvenes there ought to be action taken to straighten this matter out. At this time it would kill the whole bill if we objected.

Mr. ROBERTS. Mr. Speaker, I would say to the gentleman from Iowa that I do not disagree with the gentleman, and I would say to the gentleman from Iowa that section 61 originated in the Senate bill and not the House bill. This will take the place of a project called Devils Jump, a recreation project. I agree that perhaps next Congress we can take a closer look at this proposal.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to join in with and to back up what the gentleman from Iowa has stated. Serving as I do on the Committee on Interior and Insular Affairs with the gentleman, I raised this point with the gentleman in the conference, and also the fact that the Agricultural Department and the Interior Department both do not appreciate the preemption of their own prerogatives. But as the Senator from Kentucky, Senator COOPER, quite candidly insisted upon this being in the legislation, therefore in the spirit of compromise we found ourselves in the situation of either getting the bill out or not, and that is the reason that is in the bill.

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

Mr. ROBERTS. I yield to the distinguished gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Speaker, I too want to join in commending the distinguished and able gentleman from Texas (Mr. ROBERTS) for the excellent work that the gentleman has done, and for the way that the gentleman has conducted the conference. I have never seen a conference on a bill that was handled better than this was under the gentleman's great leadership.

Mr. Speaker, I especially want to pay tribute to the gentleman from Texas (Mr. ROBERTS) who provided such splendid leadership throughout consideration of this legislation and in the conference. This is a good bill, with many worthwhile and necessary projects, and it is a tribute to RAY ROBERTS. May I commend the able and distinguished gentleman from California (Mr. DON H. CLAUSEN), the great gentleman from Kentucky (Mr. SNYDER), and my dear friend from North Carolina (Mr. HENDERSON), as well as my colleagues from the other body, the able chairman of the conference, EVERETT JORDAN, JOHN SHERMAN COOPER, and LLOYD BENTSEN from the great State of Texas.

Mr. Speaker, never have I participated in a more efficient and productive conference than the one we just completed on this bill. In this connection I would like to call to the House's attention the simply superb job rendered by our counsel, Les Edelman. His wise counsel and knowledge of every detail of the bill was invaluable to the conferees and greatly expedited the success of the conference. We are greatly indebted to Les Edelman for this outstanding service.

Mr. ROBERTS. 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.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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.

AIRCRAFT LOAN GUARANTEE PROGRAM

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14740) to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes", approved September 7, 1957 (49 U.S.C. 1324 note), is amended—

(1) in section 4(d) by striking out "$10,000,000" and inserting in lieu thereof "$30,000,000"; and

(2) in section 8 by striking out "fifteen" and inserting in lieu thereof "twenty".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, this legislation provides for a 5-year extension of the Government Guarantee of Equipment Loans Act of 1957. The original act (Public Law 85–307), was for a 5-year period and it was renewed for additional 5-year periods in the 89th and 90th Congresses. It was used to secure the purchase of 81 aircraft. Under this program a total of $55,200,000 has been borrowed and 90 percent of this amount has been guaranteed. There has never been a default by a carrier and the Government has collected over $500,000 in guarantee fees. The carriers represented in our hearings made two very convincing points which we believe fully warrant this extension.

First. The mere presence of the law enables the carriers to get loans at lower interest rates than would otherwise be available if the guarantee program was not there as a backup.

Second. Several of the carriers plan to use the program to purchase equipment in the extended period.

This bill will also increase the guarantee available to any one carrier at any one time from $10 million to $30 million. We believe that this is desirable because of the revolutionary changes in aircraft from the 1950's to the 1970's. For example, a 1958 F–27 cost about $700,000; in 1966 a Lockheed Hercules cost approximately $2,775,000. Today a DC–9 or Boeing 737 costs over $4 million. This bill will help the carriers and should not cost the Government any money and I urge its passage.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. VANIK. I have a question about this whole business of Government guarantees by various agencies of the Government.

I appreciate the work that the gentleman's committee has done. The chairman always goes over legislation very thoroughly. But I am very much concerned about all of the various agencies of Government. There must now be in the neighborhood of 40 agencies that have the right to issue guarantees and have the right to increase the debt of the United States.

A few days ago, earlier this week, this House passed an expenditure ceiling, a bill giving the President the right to hold expenditures to $250 billion.

Now there is a tremendous amount of borrowing that is outside of the Federal debt, and this is that kind of borrowing.

That borrowing in this year totaled $28.2 billion, which is uncontrolled by the Congress and uncontrolled by the Executive.

At the present rate, we expect this borrowing that is outside of the debt will total $224 billion at the end of 1973. When there is borrowing outside of the national debt, it causes a drain on the money markets, it affects the Government's credit when it comes to borrowing within the debt, and has the effect of spiraling inflation.

I am a little bit concerned. I am afraid that this bill rather than being a bill to help the carriers and rather than being a bill to help the aircraft industry might end up being a bill to help the

banks. The banks have most of the paper on the construction of aircraft, and they enjoy the tax investment credit. They have all the benefits of the tax writeoff.

Now that the benefit of the investment credit is used up, they want to transfer this obligation into another market and let it now become a government guaranteed loan.

I am very much afraid that this legislation might end up being a bankers' bill rather than a bill to stimulate the aircraft industry, or to make our local carriers more self-sufficient.

Can the gentleman, my good friend, the chairman of the committee, the gentleman from West Virginia, give me the assurance that this will not move in that direction?

Mr. STAGGERS. I listened carefully to the gentleman's very good comments about the running of the Government, but I do not think it applies at all to this program here. This has been in effect for over 15 years and there has never been a default on it. Instead the Government has increased their money by over $500,000 in fees from the loans. It is only to help those smaller companies that need it, and it enables them to get a better loan than they could otherwise be able to get.

I can assure the gentleman, from all of the past history, that this would have no effect on the debt limit or have any thing to do with it because the Government does not do it. They go to the banks and they get a better rate there.

Mr. VANIK. Mr. Speaker, if the gentleman will yield further, we had exactly the identical situation with the Overseas Investment Corporation. They were making a lot of money. They were building up a fund, and then suddenly their investments in South America were subject to expropriation, and all of a sudden then they were faced with the obligation we are faced with here, the obligation of replenishing and making up the Government's promise to pay on the overseas investment insurance loans in South America.

Mr. STAGGERS. Would the gentleman let me just explain this. The gentleman is talking about some overseas foreign aid, and that does involve money which is appropriated. This involves no appropriated money.

Mr. VANIK. I understand it does not involve appropriated money.

Mr. STAGGERS. This money only affects our banks here. As I say, it has been a very successful program. Over 15 years there has never been a default, and actually the Government has made money.

Mr. VANIK. I appreciate the tremendous work that the gentleman, the chairman, and his committee have done on this matter. I am getting around to the point where I think that this entire guarantee program, instead of being scattered around the whole spectrum of the Congress, ought to be acted upon by one committee so that there is some centralization of the responsibility. I will carefully watch this program to see how it moves, and I certainly hope it will not involve any outside funding or the selling of bonds or the borrowing outside of the debt.

Mr. STAGGERS. There is no way that can be done.

Mr. VANIK. I am glad to have the gentleman's assurance, but I am certainly going to watch the program. I want to thank the gentleman from West Virginia.

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

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

Mr. HALL. I wonder if the distinguished Chairman of the Committee on Interstate and Foreign Commerce would explain why, in the face of the GAO, the OMP, and the Department of Transportation, and the General Counsel for the Treasury, all being in opposition to this extension, we still find it is necessary and must legislation. In passing, I will say, of course, that that is the only reason it is on the suspension calendar instead of on the Consent Calendar, because it did not meet the criteria because of the departmental adverse report.

Mr. STAGGERS. I might say to the gentleman that the testimony of everyone who came before the committee was that it was needed, with the exception of the reports that came before our committee. The only reason they are opposed to it is the fact that they say it is not needed; but it is needed, and it is needed today as much as it was in 1957.

Mr. HALL. There is just one loan outstanding at this time; is there not? It is Alaska Airlines, Inc.?

Mr. STAGGERS. One loan is outstanding, but there are several who say that they do need it and do want it.

Mr. HALL. I just want to be sure that we are not up against a situation that only those who testify in favor thereof are the ones with their hats in hand.

Mr. STAGGERS. No. I will say to the gentleman that the bill and its history would not show this at all.

Mr. HALL. I have never seen a case before where we have extended 15-year-old legislation. It has been a record. The gentleman's word is good enough for me, but where all departments having jurisdiction therein were opposed to it, still we bring it up as emergency legislation.

Mr. STAGGERS. I can understand this. We have done this each 5 years, and they say they do need it—several of these companies—and that is the reason for it.

Mr. SPRINGER. Mr. Speaker, I yield myself 3 minutes only with respect to this point.

First of all, this loan cannot be obtained except under certain conditions. This is only being used by feeder airlines. Those members who come in here on feeder airlines and not main trunks are advised that this is legislation which helps those feeder lines to stay on their feet.

It is true at the present time Alaska Airlines is the only one that is using this loan at this time, but there are others that I know who do want to use it at this time in order to expand their equipment. So all of the Members who use feeder airlines should know this is their only source of staying in business, for some of these would have been out of business if they had not had this loan for them, because a bank would not make it. Under this they have to prove that other financing is not available. If there is financing available from some other loan source, they cannot get it.

This has not been a loss program. This has been a profit program all the way through. They have to pay the going rate of interest. This is the most successful loan guarantee program I know of in the Federal Government. Mr. Chairman, not only is this needed, but this is good legislation in behalf of helping to keep the airplanes on the ground in the smaller feeder airlines. If we do not have this, I know there are several that simply would not survive.

The gentleman from Missouri I believe has raised a question, and he has Ozark Airlines in his territory which has been borrowing under this program and probably would not have made it without this kind of loan guarantee.

I just want to be sure everybody understands this is not a give-away program. It is a profitable program for us. It is simply to provide loans they are not able to get from the banks. This is all paid back, every nickel of it, plus a fee. This is good legislation. I certainly defend it.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 14740, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2741) to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such Act.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

An act to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes," approved September 7, 1957 (49 U.S.C. 1324 note), is amended—

(1) in section 4(d) by striking out "$10,000,000" and inserting in lieu thereof "$30,000,000"; and

(2) in section 8 by striking out "fifteen" and inserting in lieu thereof "twenty".

AMENDMENT OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 2741 and insert in lieu thereof the provisions of H.R. 1470, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 14740) was laid on the table.

EXTENSION OF COMMUNITY MENTAL HEALTH CENTERS ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16676) to amend the Community Mental Health Centers Act to extend for 1 year the programs of assistance for community mental health centers, alcoholism facilities, drug abuse facilities, and facilities for the mental health of children.

The Clerk read as follows:

H.R. 16676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 201 of the Community Mental Health Centers Act (relating to construction grants) is amended (A) by striking out "and" after "1972,", and (B) by inserting before the period at the end thereof the following: ", and $40,000,000 for the fiscal year ending June 30, 1974".

(2) Section 207 of such Act is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) (1) Section 224(a) of such Act (relating to staffing grants) is amended (A) by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years", and (B) by striking out "each of the thirteen succeeding years" and inserting in lieu thereof "for each of the next fifteen fiscal years".

(2) Section 221(b) of such Act is amended by striking out "1973" each place it occurs and inserting in lieu thereof "1974".

(c) Section 246 of such Act (relating to special projects for alcoholism) is amended by striking out "1973" and inserting in lieu thereof "1974".

(d) Section 247(d) of such Act (relating to grants for prevention and treatment of alcoholism) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years".

(e) Section 252 of such Act (relating to special projects for drug abuse) is amended by striking out "1973" and inserting in lieu thereof "1974".

(f) Section 253(d) of such Act (relating to drug abuse education) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years".

(g) (1) Section 261(a) of such Act (relating to authorization of appropriations for drug abuse and alcoholism programs) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years".

(2) Section 261(b) of such Act is amended (A) by striking out "each of the next nine fiscal years" and inserting in lieu thereof "for each of the next eleven fiscal years" and (B) by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(h) Section 264(c) of such Act (relating to grants for consultation services) is amended (1) by striking out "and June 30, 1973" and inserting in lieu thereof "June 30, 1973, and June 30, 1974", (2) by striking out "next eight fiscal years" and inserting in lieu thereof "next ten fiscal years", and (3) by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(i) (1) Section 271(d) (1) of such Act (relating to grants for mental health of children) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years".

(2) Section 271(d) (2) of such Act is amended (A) by striking out "each of the next eight fiscal years" and inserting in lieu thereof "for each of the next ten fiscal years", and (B) by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(3) Section 272 of such Act (relating to grants for training and evaluation) is amended by striking out "1973" and inserting in lieu thereof "1974".

(4) Section 271(a) of such Act is amended by striking out "section 272(a)" and inserting in lieu thereof "subsection (d)".

(j) (1) Sections 220(b) (1) and 242(b) (1) of the Community Mental Health Centers Act are each amended by striking out "eight years" and inserting in lieu thereof "nine years"; and section 220(b) (1) of such Act is amended by striking out "four years" and inserting in lieu thereof "five years".

(2) Sections 220(b) (2), 242(b) (1), and 242(b) (2) of such Act are each amended by striking out "three years" and inserting in lieu thereof "four years".

(3) Section 256(b) of such Act is amended (A) by striking out "eight years", in paragraph (1) and inserting in lieu thereof "nine years", and (B) by striking out "three years" in paragraphs (2) and (3) and inserting in lieu thereof "four years".

(4) The amendments made by paragraphs (1), (2), and (3) of this subsection shall apply with respect to the period of each staffing grant first made under sections 220, 242, 243, 251(a), 264, and 271 of the Community Mental Health Centers Act after June 30, 1973, and to the period of each special project grant first made under section 256 of such Act after such date. The period of each staffing grant and of each special project grant first made under such section 220, 242, 243, 251(a), 256, 264, or 271 before such date shall end on the date prescribed by the applicable provisions of section 220(b), 242(b), or 256(b) of such Act as amended by this subsection if under such provisions in effect before the amendments made by this subsection the period of the grant ended on a date after June 30, 1972.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 16676, a bill to amend the Community Mental Health Center Act to extend for 1 year the programs of assistance for community mental health centers, alcoholism facilities, drug abuse facilities, and facilities for the mental health of children.

As we all know, this program, first authorized by the Congress in 1963, has become one of the Nation's most valuable resources for the provision of mental health services. At the present time our committee feels that the legislation for this program warrants a simple 1-year extension and H.R. 16676 is intended to accomplish this. The bill makes one substantive change in the existing legislation in that it extends the period for which Federal support for community mental health centers staffing is available from 8 to 9 years. The authorizations in this bill are the same as were available for fiscal year 1973 except that the authorization for construction grants is reduced from $100 million to $40 million to reflect the realities of recent appropriations. The total authorization in this bill for fiscal year 1974 is $279 million, plus the sums necessary for continuing staff grants to centers presently funded under the act.

Mr. Speaker, this bill was reported unanimously after hearings from both our Subcommittee on Public Health and Environment and the full Committee on Interstate and Foreign Commerce. I urge its passage at this time.

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

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

Mr. SPRINGER. Mr. Speaker, I will just run briefly through several salient points about this bill.

The first point is construction grants. The present authorization for fiscal year 1973 is $100 million. The appropriations have fallen far below this figure and the reported figure takes this into account. For the second year, fiscal year 1974, the authorization is $40 million.

The second point is staffing grants. There is a straight 1-year extension of the authorization for fiscal year 1973, for one more year, of $60 million.

A second point under staffing grants is that such initial staffing grants have been previously authorized for a total of 8 years. This bill makes a substantive change in the law to extend this to a maximum of 9 years per project. The cost of these later years is never detailed but covered by a provision which authorizes whatever funds are necessary to carry them out. We do not know how much these run-downs really cost or how much the addition of 1 year will add.

The third point is alcoholism projects, and under this we have for counseling, education in communities and cooperation with schools, courts and penal institutions, a straight 1-year extension of $50 million.

A fourth point is construction and staffing for alcolohism and drug abuse. This includes funds for special projects, training, demonstrations and surveys. There is a straight 1-year extension for fiscal year 1974 of $80 million. The facilities may be part of community health centers but not necessarily.

A fifth point is drug abuse information and education. Under this we have grants to States or cities plus public or nonprofit agencies, a 1-year extension for fiscal year 1974, of $14 million.

Sixth, grants to pay for professional consultation services for alcoholics, drug addicts and children, straight 1-year extension, $5 million.

Seventh, construction, staffing, training, surveys for children's mental health, straight 1-year extension, $30 million.

Eighth, total authorization, $279 million.

We went into this very carefully. We tried to keep the figures as best we could with the others and with the Senate. I believe we have.

The legislation is necessary. It is in the public interest. I recommend passage of the legislation.

Mr. HALL. Mr. Speaker, I have no requests for time. I appreciate the explanation that both gentlemen have made on this bill.

I object to it, because I think it is too much of an increase, too precipitous, and there are no departmental reports. Of course, the program is just getting started, and where I have seen it in operation, it has evidenced that it will in due course yield returns to our own people.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. FINDLEY. I wonder if the distinguished Chairman of the Committee on Interstate and Foreign Commerce could explain why there is no administration request for this legislation, and if there was no request pending when the report was made, can we really consider it to be emergency type legislation?

Mr. STAGGERS. I might answer the gentleman's question this way: Next year we have 16 health bills to extend. We just took two or three of them which we thought we could get out of the Rules Committee this year and do them so that we would not have all this piled up next year, which is going to just be almost prohibitive.

Mr. FINDLEY. Is the administration aware that this legislation is pending?

Mr. STAGGERS. Yes.

Mr. FINDLEY. Have you had any reading from them as to their position?

Mr. STAGGERS. No. They would have no opposition to this, I am sure.

Mr. HALL. I appreciate the gentleman asking that question. It is why I raised the question of no departmental report.

As for the 16 health bills that have to be extended next year, I could advise the gentleman that that is 16 sacred cows the 93d Congress will be considering in a row.

Mr. SPRINGER. Next year I am not going to be here.

Mr. HALL. Neither am I.

Mr. SPRINGER. But I do know this, the legislation turned out in this Congress over the last Congress was three times over that.

The gentleman may disagree with the legislation, but I want to say to you, the way this Congress is going at the present time, the demand for the programs by the administration now as well as by the public generally is tremendous.

It is loading onto this committee. They come in and are asked why in thunder they do not do a better job. They just sit there day after day with nothing but testimony. They are asked to take up 16 bills on this one subject alone in 1973, and it just is not right. That is why they are in here with this bill today.

Mr. HALL. Mr. Speaker, I say to the gentleman, my fellow lame duck, welcome to the club, because this is the wine press of forced legislation if I ever saw it.

Mr. SPRINGER. To that extent, I want to agree with the gentleman. I admit that I hate to see all of this legislation coming in during the last 72 hours. I am only defending the legislation which comes from my committee.

Mr. HALL. Would the gentleman care to alter his remark and make it, "the last 24 to 36 hours"?

I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I rise in support of H.R. 16676 which would provide a simple, 1-year extension to the Community Mental Health Centers Act at 1973 authorization levels.

In October 1963, Congress established the community mental health centers program by authorizing grants to meet part of the costs of constructing facilities to house comprehensive programs of mental health services, tailored to meet the needs of individual communities. Since that time, the act has been revised on five occasions to allow community mental health centers to respond to special national and local needs. In their 9-year history community mental health centers have become a major factor in the delivery of mental services in this country.

Action on this legislation is necessary at this time, Mr. Speaker, because the Subcommittee on Public Health and Environment is faced with the responsibility for 16 separate bills which expire on the same date—June 30, 1973. The burden this creates makes it necessary to extend authorizations for some of the programs this year. Because we only found time to hold a 1-day hearing on extension legislation, the subcommittee felt that it should report only a 1-year extension and conduct a more thorough review of the community mental health centers programs in late 1974.

Mr. Speaker, I urge adoption of H.R. 16676.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 16676.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECURITIES PROCESSING ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16946) to amend the Securities Exchange Act of 1934 to provide for the regulation of securities depositories, clearing agencies, and transfer agents, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Securities Processing Act".

SEC. 2. Section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b) is amended by striking the word "and" immediately before the phrase "to impose requirements necessary to make such regulations and control reasonably complete and effective," and by adding the following immediately after that phrase: "and to provide for the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions,".

SEC. 3. Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)) is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, banker's acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) to regulate the time and method of making settlements, payments, and deliveries and of closing accounts; and

"(B) to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances. Such rules and regulations shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations.

Nothing in subparagraph (A) of this paragraph shall be construed (i) to affect the authority of the Board of Governors of the Federal Reserve System, pursuant to section 7 of this title, to prescribe rules and regulations for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, or (ii) to authorize the Commission to prescribe such rules or regulations for such purpose."

SEC. 4. Section 15A(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(k)(2)) is amended by inserting after clause (D) the following:

"(E) the time and method of making settlements, payments, and deliveries and of closing accounts."

SEC. 5. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraphs:

"(22)(A) The term 'clearing agency' means any person who acts as an intermediary in making payments or deliveries (or both) in connection with transactions in securities, or who provides facilities, (i) to reduce the number of settlements of securities transactions, or (ii) for the allocation of securities settlement responsibilities.

"(B) The term 'securities depository' means any person who acts as a custodian of securities in connection with a system which permits securities so held to be transferred, loaned, or pledged without physical delivery of securities certificates, or which otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates.

"(C) The terms 'clearing agency' and 'securities depository' shall not include (i) Federal Reserve Banks, Federal Home Loan Banks, Federal Land Banks, or any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States, and (ii) banks, brokers, building and loan, savings and loan, and homestead associations and cooperative banks by reason of lending, fiduciary, correspondent, or safekeeping functions commonly performed by them on the date of enactment of this paragraph.

"(D) The terms 'clearing agency' and 'securities depository' shall not include (i) life insurance companies, or their registered separate accounts, by reason of functions commonly performed by such entities in connection with variable annuity contracts issued by insurance companies; or, (ii) registered open end investment companies or unit investment trusts by reason of functions commonly performed by such entities in connection with shares in registered open end investment companies or unit investment trusts.

"(23) The term 'participant', when used with respect to a clearing agency or securities depository, means any person who uses a clearing agency or securities depository for

the purpose of settling or comparing transactions in securities or making or receiving payment for or delivery, lending, or hypothecation of securities; but does not include a person whose only use of a clearing agency or securities depository is through another person.

"(24) The term 'transfer agent' means any person who engages, on behalf of an issuer, or on behalf of itself as an issuer, of securities registered under section 12 of this title or of securities which would be required to be so registered except for the exemption from registration provided by sections 12(g)(2)(B) or 12(g)(2)(G) of this title, in: (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; or (D) exchanging or converting such securities. The term 'transfer agent' shall not include any person who performs such functions solely with respect to variable annuity contracts issued by insurance companies.

"(25) The term 'appropriate regulatory agency', when used with respect to a clearing agency, securities depository or transfer agent required to be registered under this title means—

"(A) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

"(B) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System or a subsidiary thereof;

"(C) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) or a subsidiary thereof; and

"(D) the Commission, in the case of all other transfer agents, clearing agencies, and securities depositories."

SEC. 6. The Securities Exchange Act of 1934 is amended by inserting after section 17 (15 U.S.C. 78q) the following new section:

"PROCESSING OF SECURITIES TRANSACTIONS

"SEC. 17A. (a)(1) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a clearing agency, securities depository or transfer agent with respect to any security unless such person is registered under this section. The Commission, by rules and regulations or by order, upon its own motion, or upon application, may conditionally or unconditionally exempt any person, security, transaction, clearing agency, securities depository, transfer agent, or any class or classes of persons, securities, transactions, clearing agencies, securities depositories or transfer agents from any provision or provisions of this section or of any rule or regulation prescribed under this section if the Commission specifically finds that the application of such provision or provisions to such person, security, transaction, clearing agency, securities depository, transfer agent, or class or classes of persons, securities, transactions, clearing agencies, securities depositories or transfer agents is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The Commission shall include in its annual reports to Congress required by section 23(b) of this title information concerning the number of requests for exemptions received, the number granted, and the basis or bases upon which the exemptions were granted.

"(b) Any transfer agent may be registered for the purposes of this section by filing with the Commission a registration statement which shall state the address of its principal office or offices for transfer agent activities, the identity of the issuers and issues of securities for which it is then acting as transfer agent, and such other information in such detail as the Commission may by rule require as necessary or appropriate in the public interest or for the protection of investors.

"(c) Any person may register with the Commission as a clearing agency or a securities depository under the terms and conditions hereinafter provided in this section by filing with the Commission a registration statement in such form as the Commission may prescribe setting forth the following information and accompanied by the following documents:

"(1) Copies of its constitution, articles of incorporation, bylaws, or rules or instruments corresponding to the foregoing, and its stated policies and practices relating to its organization, participation, rules of procedure, financial condition, methods of safekeeping, transferring, hypothecating, lending and accounting for funds and securities, hereinafter collectively referred to in this section as the 'rules of the clearing agency or securities depository'.

"(2) Such other information as the Commission may, by rule, require.

"(d) An applicant shall not be registered as a clearing agency or a securities depository unless the Commission finds that—

"(1) such clearing agency or securities depository is organized so as to facilitate the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, and to comply with the provisions of this title and the rules and regulations thereunder, and to carry out the purposes of this section;

"(2) the rules of the clearing agency or securities depository provide that (A) all registered brokers or dealers, (B) other registered clearing agencies or securities depositories, (C) registered investment companies, (D) banks (as defined in section 2(a)(5) of the Investment Company Act of 1940), and (E) such other persons or classes of persons as the Commission may from time to time designate by rule as necessary in the public interest, are eligible to become participants in such clearing agency or securities depository, subject only to such other rules of the clearing agency or securities depository as are expressly permitted under this paragraph. The rules of the clearing agency or securities depository may restrict or condition participation on the geographical location of participants or upon deposit with the clearing agency or securities depository of an amount which bears a reasonable relationship to the value of positions maintained and transactions processed by the participant, and may deny participation to persons who have been expelled or suspended by a registered clearing agency or securities depository during the period of such expulsion or suspension. With respect to persons not included in clauses (A) through (D) above, the rules of the clearing agency or securities depository may also restrict or condition participation on the basis of the ability of the participants to meet reasonable requirements as to financial condition or operations capability and may provide for the exclusion of persons not included in clauses (A) through (D) who have been convicted within ten years preceding the filing of the application for participation of any felony or misdemeanor which the clearing agency or securities depository finds—

"(i) involves the purchase or sale of any securities, or

"(ii) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or

"(iii) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code;

"(3) the rules of the clearing agency or securities depository assure a fair representation of its shareholders (or members) and participants in the adoption of rules of the clearing agency or securities depository and any amendment thereto, the selection of its officers and directors, and in all other phases of the administration of its affairs;

"(4) the rules of the clearing agency or securities depository provide for the equitable allocation of dues, fees, and other charges among its participants;

"(5) the rules of the clearing agency or securities depository do not impose any schedule of prices, or fix minimum rates or charges, for services rendered by its participants;

"(6) the rules of the clearing agency or securities depository are designed to promote the prompt and orderly settlement of securities transactions, to provide safeguards for securities and funds which are in its custody, to foster cooperation and coordination with national securities exchanges, national securities associations, other clearing agencies or securities depositories, and with other members of the financial community, and to protect investors and the public interest; and do not have the effect of unfairly discriminating in the admission of participants or among participants in the use of such clearing agency or security depository;

"(7) the rules of the clearing agency or securities depository provide that its participants and officers, directors, employees, and agents of participants shall be appropriately disciplined for any violation of its rules by expulsion, suspension, fine, or censure, or in the case of an officer, director, or employee of a participant, by being suspended or barred from being associated with participants; and

"(8) the rules of the clearing agency or securities depository provide a fair and orderly procedure with respect to the disciplining of participants and officers, directors, employees, and agents of participants and the denial of participation to any person seeking participation therein. In any proceeding to determine whether a participant or officer, director, employee, or agent of a participant should be disciplined, such rules shall require that specific charges of any rule violation be brought; that such participant or officer, director, employee, or agent of such participant shall be notified of and be given an opportunity to defend against such charges; that a record shall be kept; and that the determination shall include—

"(A) a statement setting forth any act or practice in which such participant or officer, director, employee, or agent of such participant may be found to have engaged, or which such participant or officer, director, employee or agent of a participant may be found to have omitted;

"(B) a statement setting forth the specific rule or rules of the clearing agency or securities depository which any such act or practice, or omission to act, is deemed to violate; and

"(C) a statement setting forth the penalty imposed.

In any proceeding to determine whether a person shall be denied participation, such rules shall provide that the prospective participant shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial which are under consideration; that a record shall be kept and that the determination shall set forth the specific grounds on which the denial is based. Notwithstanding any other provision of this section, the rules of the clearing agency or securities depository may provide for the temporary suspension of a participant and the closing of its accounts pending determination on the merits of any disciplinary

proceeding if, in the opinion of the clearing agency or securities depository, such suspension and closing of accounts are necessary for the protection of investors, or participants of the clearing agency or securities depository, or to facilitate the orderly and continuous performance of the clearing agency's or securities depository's services. The rules shall afford the participant an expedited hearing on the merits in the case of any temporary suspension.

"(e) Within thirty days of the filing of an application for registration pursuant to subsection (b) or (c) the Commission shall:

"(1) by order grant such registration if the Commission finds that the requirements of this section are satisfied, or

"(2) institute appropriate administrative action to determine whether the application should be denied. If, after appropriate notice and opportunity for hearing, it appears to the Commission that any requirement of this section is not satisfied, or, in the case of an applicant who is a transfer agent, that the applicant does not have procedures or the means to be able to comply with the provisions of this section and the rules and regulations promulgated under those provisions, the Commission shall by order deny such registration.

"(f) A clearing agency, securities depository, or transfer agent, registered under this section may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any such registrant or such other person for whom an application of registration is pending is no longer in existence or has ceased to do business in the capacity specified in the registration statement, the Commission shall by order cancel or deny the registration.

"(g) No clearing agency, securities depository, or transfer agent registered under this section shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, to engage in any activity as clearing agency, securities depository, or transfer agent with respect to any security in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(h) If any registered clearing agency or securities depository takes any disciplinary action against any participant therein, or any officer, director, employee, or agent of such a participant, or denies admission to any person seeking participation therein, such action shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of such action, unless the Commission otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

"(i) (1) If, in a proceeding to review disciplinary action taken by a registered clearing agency or a securities depository against a participant or an officer, director, employee, or agent, of a participant the Commission, after notice and opportunity for hearing and upon consideration of the record before the clearing agency or securities depository and such other evidence as it may deem relevant—

"(A) finds that such person has engaged in such acts or practices, or has omitted such acts, as the clearing agency or securities depository has found him to have engaged in or to have omitted, and

"(B) determines that such acts or practices, or omission to act, are in violation of such rules of the clearing agency or securities depository as have been designated in the determination of the clearing agency or securities depository,

it shall by order dismiss the proceedings, unless it appears to the Commission that such action should be modified in accordance with paragraph (2) of this subsection. If it appears to the Commission that the evidence does not warrant the finding required in clause (A), or if the Commission determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the clearing agency or securities depository or that such act as is found to have been omitted is not required by such designated rule or rules, the Commission shall by order set aside the action of the clearing agency or securities depository.

"(2) With respect to any penalty imposed by a clearing agency or a securities depository upon a participant or an officer, director, employee, or agent of a participant the Commission may, having due regard to the public interest, affirm, increase, or decrease the penalty.

"(j) If, in any proceeding to review the denial of participation in a registered clearing agency or a securities depository, the Commission, after appropriate notice and opportunity for hearing and upon consideration of the record before the clearing agency or securities depository and such other evidence as it may deem relevant, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, it shall by order dismiss the proceeding; otherwise, the Commission shall by order set aside the action of the clearing agency or securities depository and require it to admit the applicant to participation therein.

"(k) (1) Each registered clearing agency or securities depository shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any changes in, additions to, or amendments to the rules of the clearing agency or securities depository, and each registered clearing agency, securities depository and transfer agent shall file with the Commission, in accordance with such rules as the Commission may prescribe, such other information and documents as the Commission may require to keep current or to supplement the registration statement and documents filed pursuant to subsection (b) or (c).

"(2) The Commission shall publish notice of changes in, additions to, or amendments to the rules of any clearing agency or securities depository, and such changes, additions, or amendments shall take effect sixty days after publication of such notice by the Commission, unless the Commission disapproves such change, addition, or amendment as inconsistent with the purposes of this section or otherwise inconsistent with the public interest.

(l) The appropriate regulatory agency may, after appropriate notice and opportunity for hearing, by order, censure, bar, suspend for a period not exceeding twelve months, or place limitations upon any transfer agent, or any officer, director, or employee of any such transfer agent, or revoke the registration of any transfer agent, if the appropriate regulatory agency finds that such censure, barring, suspension, placing of limitations, or revocation is in the public interest or necessary for the protection of investors and that such transfer agent or any officer, director, or employee thereof has willfully violated or is unable to comply with any provision of this section or any rule or regulation promulgated thereunder.

"(m) The appropriate regulatory agency is authorized, if such action appears to it to be necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of this section—

"(1) after appropriate notice and opportunity for hearing, by order suspend for a period not exceeding twelve months or revoke the registration of a registered clearing agency or a securities depository or impose limitations with respect to such clearing agency or securities depository, if the appropriate regulatory agency finds that such clearing agency or securities depository has violated any provision of this title, or any rule or regulation thereunder, or has failed to enforce compliance with its own rules, or has engaged in any other activity tending to defeat the purposes of this section;

"(2) after appropriate notice and opportunity for hearing, by order suspend for a period not exceeding twelve months or expel from a registered clearing agency or securities depository any participant therein, or suspend for a period not exceeding twelve months or bar any officer, director, employee, or agent of the participant, if the appropriate regulatory agency finds that such person has violated any provision of this title or any rule or regulation thereunder or any rule of the clearing agency or securities depository; and

"(3) after appropriate notice and opportunity for hearing, by order remove from office any officer or director of a registered clearing agency or a securities depository who, the appropriate regulatory agency finds, has willfully failed to enforce the rules of the clearing agency or securities depository, or has willfully abused his authority.

"(n) If a proceeding under subsection (m) (1) of this section results in the suspension or revocation of the registration of a clearing agency or a securities depository, the Commission shall, upon notice to such clearing agency or securities depository, apply to any court of competent jurisdiction specified in section 21(e) or 27 of this title for the appointment of a trustee. In such event, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of the clearing agency or securities depository involved, and the books, records, and assets thereof, wherever located; and the court shall appoint the Commission or a person designated by the Commission as the trustee with the power to take possession and to continue to operate or to terminate the facilities of such clearing agency or securities depository in an orderly manner, for the protection of participants and public investors, subject to such terms and conditions as the court may prescribe.

"(o) Each registered clearing agency, securities depository, and transfer agent shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest, or to facilitate cooperation among clearing agencies and securities depositories and the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, or for the protection of investors. Such accounts, correspondence, memorandums, papers, books, and other records shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as the appropriate regulatory agency may deem necessary or appropriate in the public interest or for the protection of investors. Appropriate regulatory agencies other than the Commission shall make a full and detailed report of all examinations conducted by them of a registered clearing agency, securities depository, or transfer agent and shall immediately furnish to the Commission a copy of the portion of any such report which is relevant to functions regulated under this section.

"(p) The appropriate regulatory agencies

shall consult and cooperate with each other, as may be appropriate, toward the end that their mutual regulatory needs and responsibilities be fulfilled to the maximum extent practicable.

"(q)(1) In the case of any disagreement between the Commission and any other appropriate regulatory agency concerning any rule of the Commission with respect to any clearing agency, securities depository, or transfer agent, the determination of the Commission shall be definitive.

"(2) In the case of a clearing agency, securities depository, or transfer agent for which the Commission is not the appropriate regulatory agency, the Commission shall rely on the appropriate regulatory agency for the conduct of routine or periodic inspections or examinations under this section, except that, notwithstanding any provision of this section, the Commission shall have authority to make special or other examinations and to require reports of such clearing agencies, securities depositories, or transfer agents in those situations where the Commission determines that such action would be appropriate.

"(r) Compliance with the requirements of this section may be enforced under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) by the appropriate regulatory agencies other than the Commission. For the purpose of the exercise by the appropriate regulatory agency of its powers under section 8 of the Federal Deposit Insurance Act, a violation of any requirement imposed under this section is a violation of the requirements imposed under the Federal Deposit Insurance Act and shall constitute adequate basis for the issuance of orders under section 8(b) and 8(c) of that Act. In addition to its power under section 8 of the Federal Deposit Insurance Act, each of such appropriate regulatory agencies may, for the purpose of enforcing compliance with this section (or any rule thereunder), exercise any other authority conferred on it by law.

"(s) The provisions of this section 17A or of any rule or regulation thereunder shall not apply to any person acting as transfer agent with respect to securities transactions which occur without the jurisdiction of the United States, unless such person acts in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of this title."

SEC. 7. Section 24 of the Securities Exchange Act of of 1934 (15 U.S.C. 78x) is amended to read as follows:

"INFORMATION FILED WITH THE COMMISSION

"SEC. 24. (a) Any person filing information contained in a registration statement, document, report, contract, correspondence or other paper filed with the Commission pursuant to this title may make written objection to the public disclosure of such information stating the grounds for such objection. The Commission is authorized to hear objections in any such case where it deems it advisable. The Commission shall grant confidential treatment to such information for which application has been made if it finds (1) that disclosure is not in the public interest, and (2) that disclosure would (A) jeopardize the safety of funds or securities, (B) require the revealing of trade secrets or processes, or (C) impair the value of a contract.

"(b) The Commission is authorized to treat such information as confidential pending the findings required by subsection (a), but if the Commission does not make such a finding within thirty days from the date the information is received by the Commission, then the information shall cease to be afforded confidential treatment.

"(c) Nothing in this section shall prohibit the Commission from disclosing any information in any administrative or judicial proceeding.

"(d) Nothing in this section shall authorize the Commission to withhold information from the duly authorized committees of the Congress.

"(e) It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any registration statement, document, report, contract, correspondence, or other paper filed with the Commission which is not made available to the public pursuant to subsection (a) of this section: Provided, That the Commission may make available to an appropriate regulatory agency any information requested by such agency for the purpose of enabling it to perform its duties under this title."

SEC. 8. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) is amended by inserting after subsection (i) the following new subsection:

"(j) It shall be unlawful for an issuer, any class of whose securities is registered under this section or which would be required to be so registered except for the exemption from registration provided by paragraph (2)(B) or (2)(G) of subsection (g), by the use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, such securities whose form or format contravenes such rules and regulations as the Commission may prescribe as necessary for the prompt and accurate processing of transactions in securities."

SEC. 9. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by inserting after subsection (e) the following new subsections:

"(f) The Commission shall, on or before December 31, 1976, take such steps as are within its power to bring about elimination of the stock certificate as a means of settlement among brokers or dealers in transactions consummated on national securities exchanges or by means of the mails or other means or instrumentalities of interstate commerce. On or before December 31 of each year, commencing in 1972 and ending in 1976, the Commission shall report to the the Congress (1) the steps it has taken and progress it has made toward elimination of the stock certificate as a means of settlement, and (2) its recommendations, if any, for further legislation to eliminate the stock certificate.

"(g) The Commission is authorized and directed to make a study and investigation of the practice of registration of securities other than in the name of the beneficial owner and to determine (1) whether such registration is consistent with the policies and purposes of this title, with particular reference to section 14, and (2) if consistent, whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of such registration. The Commission shall report to the Congress its preliminary findings within six months after the date of enactment of this subsection, and its final results and recommendations within one year of such date."

SEC. 10. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended by inserting after subsection (b) the following new subsection.

"(c) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered clearing agency or securities depository or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or depository or any nominee thereof or custodian therefor, unless such transfer or delivery or receipt would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or securities depository or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered clearing agency or securities depository or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or securities depository or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision."

SEC. 11. Section 6(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by inserting before the period at the end thereof the following: ", except that no registered national securities exchange shall by constitution, bylaw, rule or otherwise prohibit any of its members from participating in any clearing agency or securities depository registered under this title".

SEC. 12. Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by adding at the end thereof the following new subsection:

(o) No registered national securities association shall by constitution, bylaw, rule or otherwise prohibit any of its members from participating in any clearing agency or securities depository registered under this title."

SEC. 13. This Act shall become effective on the date of its enactment, except that section 17A(a)(1) of the Securities Exchange Act of 1934 (as added by this Act) shall become effective on July 1, 1973.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

This legislation is designed to strengthen Federal control over the clearance and settlement of securities transactions for the purpose of developing a modernized national system for the prompt and accurate processing of transactions in securities.

In very brief summary this bill would—

First. Give to the Securities and Exchange Commission direct rulemaking authority over all participants in the clearance and settlement process;

Second. Require clearing agencies, securities depositories and transfer agents to register with the Securities and Exchange Commission;

Third. Direct the Securities and Exchange Commission to take appropriate steps to eliminate the use of the stock certificate as a means of settlement of securities transactions between brokers and dealers;

Fourth. Prohibit the imposition of certain State and local taxes which may unnecessarily inhibit the development of a modernized national securities processing system; and

Fifth. Direct the Securities and Exchange Commission to conduct a study to consider the public policy implications of the growing practice of registering securities in "street name."

As most Members are aware the securities industry, in 1968 through 1970, suffered the most prolonged and severe crisis experienced in the last 40 years. During this period—in the words of the

Securities and Exchange Commission—a "veritable explosion in trading volume clogged an inadequate machinery for control and delivery of securities."

In the end, Congress was required to enact legislation to safeguard investors from loss in the event of brokerage house failures. In passing this legislation, I announced to the Members on the floor that we would take steps to find out what went wrong and bring legislation to the floor which would assure that this crisis would not be repeated.

The bill before you today is the first step in that effort. Studies by both the Securities and Exchange Commission and your committee have identified the industry's inability to process transactions expeditiously as the principal cause contributing to the financial difficulties of the 1960's. This bill proposes to make more efficient the system for clearance, settlement, delivery, and transfer of securities by providing a mechanism for the development of a modernized national system for the prompt and accurate processing of transactions in securities.

I would like to emphasize that the bill before the House was reported by your committee's Subcommittee on Commerce and Finance unanimously and carries the names of each member of the subcommittee. It was reported by the full committee without amendment by a voice vote.

I believe this is important legislation, and I urge its favorable consideration.

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

Mr. Speaker, there are four things this bill will do. I believe it is important for Members to know them.

The Chairman of the Securities and Exchange Commission came down and said to us, "Please, if you expect us to do a job you have to give us more authority. If we are not going to have a breakdown, such as we had in the past 3 years, we need more authority."

There were some 15 companies, not only in New York but all over the country, that failed.

This was a unanimous request of the Commission, with three Republicans now and two Democrats. It was a unanimous recommendation on the part of all that they need this legislation.

This bill is the result of a year-long exhaustive study of the securities markets. It does not purport to tackle or to solve all of the problems presented, but it does get to the principal ones, puts them on top of the table, and attempts to settle them.

Second, the main problem the bill aims at is the settlement and clearance process, which almost broke down in the past 3 years. Members who have dealt in the market in the past 3 years know that is true.

Third, to do this the bill provides:

Authority to the SEC to make rules on clearance and processing;

Registration and reports by clearing agencies, depositories and transfer agents;

A direction to the SEC to work toward a settlement system which does not require certificate shuffling;

A stopping of State taxes which make modernization difficult;

And a study of the implication of the use of "street name."

Fourth, banks, being used for many of these functions, I believe are going along with this. There was some opposition, but for the most part I believe they are going along.

The bill does allow the SEC to make special examinations. This is intended to be used only where banking agencies fail or refuse to act.

All I can find, from what was presented, is that this legislation is needed. I believe that in order to do the job down there properly they do have to have the additional authority contained in this bill.

(Mr. MOSS (at the request of Mr. STAGGERS) was granted permission to extend his remarks at this point in the RECORD).

Mr. MOSS. Mr. Speaker, as the gentleman from West Virginia has indicated, this bill has its origins in the great paperwork crisis that struck the securities industry in the late 1960's. One consequence of that crisis was that over 180 stock brokerage firms went out of business, causing financial hardship to their customers and endangering this country's securities markets themselves. It was not just the small firm, or the new firm that went "belly up," to use the phrase heard too often during those troubled times. No, indeed, some old, large brokerage houses also succumbed to the paperwork blitz. Finally it was necessary for the Congress to step in and pass the Securities Investor Protection Act to provide Federal insurance for customers of brokerage firms, much the way the FDIC insures customers of banks. This Federal insurance is backed by $1 billion of U.S. Treasury credits. At the time that legislation was passed, the chairman of this committee, the distinguished gentleman from West Virginia, pledged that this committee would undertake a study of the securities industry to determine the causes of the crisis and to recommend appropriate solutions.

For the past year and one-half, the committee, through its Subcommittee on Commerce and Finance, which I have the privilege to chair, has undertaken such a study. One of the first problems to come to our attention was the inability of brokerage firms to process the mounds of paperwork involved in transferring stock certificates from seller to buyer. The subcommittee heard testimony from representatives of the securities industry and the banking industry. We heard from accountants, transfer associations, and systems analysts. We heard from the Securities and Exchange Commission. And we heard from investors. Our hearings covered numerous days, and the printed hearings, with exhibits, cover hundreds of pages.

The clear consensus arising out of those hearings was the long-term need to abolish the stock certificate and the immediate need to create one central authority to have control over the industry's paperwork process, with the goal of creating a single national system for clearance and settlement of securities transactions. In issuing its report on its study of the securities industry, the subcommittee unanimously concluded that:

The development and implementation of a national system of clearance and settlement integrated with a network of depositories is urgently needed to remedy the problems associated with the physical handling of stock certificates.

The bill now pending before the House, H.R. 16946, seeks to accomplish these ends. It reflects features of three bills that were referred to the subcommittee—one submitted by the Securities Exchange Commission, one passed by the other body, and one introduced by myself and the gentleman from North Carolina (Mr. BROYHILL). The bill as reported reflects the unanimous judgment of the subcommittee based on the many days of hearings held during the course of its study, and the additional days of hearings held specifically to deal with this legislation.

The bill directs the Securities and Exchange Commission to take steps to start us down the road toward the certificateless society, and gives the SEC rulemaking authority over the entire spectrum of the securities paperwork process. There was a strong feeling on the subcommittee that there should be only one Federal authority involved in the securities handling process and that that authority should be the Securities and Exchange Commission. Others argued, however, that entities involved in the securities handling process that are organized as banks should be regulated by the Federal banking authorities, rather than the SEC.

The bill as reported reflects an accommodation between those viewpoints by giving the SEC rulemaking power over all entities, but leaving inspection and enforcement of rules with respect to banks with the Federal bank regulators. It is my judgment, and I believe the judgment of every member of the subcommittee, that this bill goes as far as we can go in splintering authority in this area and still achieve a workable single national securities processing system.

The SEC has estimated that the enactment of this bill will save the securities industry between $400 and $700 million a year—savings that can be passed on to the investing public in the form of lower charges. I commend this bill to the house and recommend its swift passage.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 16946, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3876) to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and

transfer agents, to create a National Commission on Uniform Securities Laws, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3876

An act to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to create a National Commission on Uniform Securities Laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b) is amended by striking out "and to impose requirements necessary to make such regulation and control reasonably complete and effective," and inserting in lieu thereof "to impose requirements necessary to make such regulation and control reasonably complete and effective, and to provide for the development of an integrated national system for the prompt and accurate processing, clearance, and settlement of securities transactions,".

SEC. 2. Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)) is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) to regulate the time and method of making settlements, payments, and deliveries and of closing accounts; and

"(B) to provide safeguards with respect to the financial responsibilities and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers securities, and the carrying and use of customers' deposits or credit balances. Such rules shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations.

Nothing in this section shall be construed (1) to affect the authority of the Board of Governors of the Federal Reserve System, pursuant to section 7 of this title, to prescribe rules and regulations with respect to the extension, maintenance, or arranging of credit to purchase or carry any security, or (2) to authorize the Commission to prescribe such rules or regulations."

SEC. 3. Section 15A(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(k)(2)) is amended by inserting after clause (D) the following:

"(E) the time and method of making settlements, payments, and deliveries and of closing accounts."

SEC. 4. Section 3(a) of the Securities Exchange Act of 1934 (5 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraphs:

"(22) The term 'clearing agency' means any person who acts as intermediary among participants in making payments or deliveries in connection with transactions in securities or who engages in providing facilities for participants for netting of purchases and sales of specific securities to reduce the number of settlements of individual transactions, or for allocation of cash and securities settlement responsibilities among itself and participants. Such term also means a person who is the custodian of securities in accordance with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery thereof. The term 'clearing agency' does not include (i) Federal Reserve banks, Federal home loan banks, or Federal land banks, or (ii) banks, brokers, life insurance companies or their registered separate accounts, registered open end investment companies or unit investment trusts, building and loan, savings and loan, and homestead associations, and cooperative banks by reason of the lending, fiduciary, correspondent, or safekeeping functions commonly performed by them.

"(23) The term 'participant', when used with respect to a clearing agency, means any person who maintains one or more accounts with a clearing agency for the purpose of settling or comparing transactions in securities or making or receiving payment for or delivery or hypothecation of securities.

"(24) The term 'transfer agent' means any person who engages, on behalf of an issuer (including itself) of securities, in (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; or (D) exchanging or converting such securities. Such term does not include any person who performs such functions solely with respect to variable annuity contracts issued by insurance companies.

"(25) The term 'appropriate regulatory agency', when used with respect to a clearing agency or a transfer agent required to be registered under this title, means:

"(A) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary thereof other than a nonbank subsidiary of a bank holding company;

"(B) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a nonbank subsidiary of a bank holding company;

"(C) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) or a subsidiary thereof other than a nonbank subsidiary of a bank holding company; and

"(D) the Commission, in the case of all other transfer agents and all other clearing agencies.

"As used in this paragraph, the terms 'bank holding company' and 'subsidiary' have the meaning given them in section 2 of the Bank Holding Company Act of 1956, as amended."

SEC. 5. The Securities Exchange Act of 1934 is amended by inserting after section 17 (15 U.S.C. 78q) the following new section:

"REGISTRATION OF CLEARING AGENCIES

"SEC. 17A. (a) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a clearing agency with respect to any security (other than an exempted security) unless such person is registered under this section. The Commission, by rules and regulations or by order, upon its own motion, or upon application, may conditionally or unconditionally exempt any person, security, transaction or clearing agency, or any class or classes of persons, securities, transactions, or clearing agencies from any provision or provisions of this section or of any rule or regulation prescribed under this section if the Commission specifically finds that the application of such provision or provisions to such person, security, transaction, clearing agency, or class or classes of persons, securities, transactions, or clearing agencies is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(b) Any clearing agency may be registered with the Commission under the terms and conditions hereinafter provided in this section by filing with the Commission a registration statement in such form as the Commission may prescribe setting forth the following information and accompanied by the following documents:

"(1) Such data as to its organization, participation, rules of procedure, financial condition and results of operation, methods of safekeeping, transferring, hypothecating and accounting for funds and securities as the Commission may by rules and regulations require.

"(2) Copies of its constitution, charter, or articles of incorporation or association, with all amendments thereto, and of its existing bylaws, operational rules, forms, and procedures and of any rules or instruments corresponding to the foregoing, whatever the name, hereafter in this section collectively referred to as the 'rules of the clearing agency'.

"(3) Such other information as the Commission may by rule require.

"(c) An applicant shall not be registered as a clearing agency unless it appears to the Commission that—

"(1) by reason of the number of its participants, the scope of their transactions, and the geographical distribution of its participants such clearing agency will be able to comply with the provisions of this title and the rules and regulations thereunder and to carry out the purposes of this section;

"(2) such clearing agency is so organized, is of such a character and its rules applicable to the handling of securities transactions by and for participants are so structured as to facilitate the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, and to comply with the provisions of this title and the rules and regulations thereunder, and to carry out the purposes of this section;

"(3) the rules of the clearing agency provide that all brokers or dealers making use of a national securities exchange or of the mails or any means or instrumentality of interstate commerce to effect any transaction in any security, other clearing agencies, registered investment companies, banks (as defined in section 2(a)(5) of the Investment Company Act of 1940), and such other classes of persons as the Commission may from time to time designate by rule as necessary to facilitate the prompt and orderly settlement of securities transactions, are eligible to become participants in such clearing agency, subject only to such other rules of the clearing agency as are expressly permitted under this paragraph. The rules of the clearing agency may restrict or condition participation in such agency on the geographical location of participants, on the type of business done by participants, and upon deposit with the clearing agency of an amount which bears a reasonable relationship to the value of positions maintained and transactions processed by the participant, and may deny participation to persons who have been expelled or suspended by a registered clearing agency during the period of such expulsion or suspension;

"(4) the rules of the clearing agency assure a fair representation of its shareholders or members and participants in the adoption of rules of the clearing agency and amendments thereto, the selection of its officers and directors, and in all other phases of the administration of its affairs;

"(5) the rules of the clearing agency provide for the equitable allocation of dues, fees, and other charges among its participants;

"(6) the rules of the clearing agency do not impose any schedule of prices, or fix minimum rates or charges, for services rendered by its participants;

"(7) the rules of the clearing agency are designed to promote the prompt and orderly settlement of securities transactions, to provide safeguards for securities and funds which are in its custody, to foster cooperation and coordination with national securities exchanges, national securities associations, brokers, dealers, banks, registered investment companies, with other clearing agencies, and with other persons engaged in the settlement of securities transactions, and to protect investors and the public interest; and do not have the effect of unfairly discriminating in the admission of participants or among participants in the use of such clearing agency;

"(8) the rules of the clearing agency provide that its participants shall be appropriately disciplined by expulsion, suspension, fine, or censure, for any violation of its rules; and

"(9) the rules of the clearing agency provide a fair and orderly procedure with respect to the disciplining of participants and the denial of participation to any person seeking participation therein. In any proceeding to determine whether a participant should be disciplined, such rules shall require that specific charges be brought; that such participant shall be notified of and be given an opportunity to defend against such charges; that a record shall be kept; and that the determination shall include—

"(A) a statement setting forth any act or practice in which such participant may be found to have engaged, or which such participant may be found to have omitted;

"(B) a statement setting forth the specific rule or rules of the agency of which any such act or practice, or omission to act, is deemed to be in violation; and

"(C) a statement setting forth the penalty imposed."

In any proceeding to determine whether a person shall be denied participation, such rules shall provide that the prospective participant shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial which are under consideration; that a record shall be kept and that the determination shall set forth the specific grounds on which the denial is based. Notwithstanding any other provision of this section, the rules of the clearing agency may provide for the temporary suspension of a participant and the closing of its accounts pending determination on the merits of any disciplinary proceeding if, in the opinion of the clearing agency, such suspension and closing of accounts are necessary for the protection of investors or of the clearing agency or to facilitate the orderly and continuous performance of its services. The rules of the clearing agency shall afford the participant an expedited hearing on the merits in the case of any temporary suspension.

"(d) Within thirty days following the filing of an application for registration pursuant to subsection (b), the Commission shall by order grant such registration if the requirements of this section are satisfied. If after appropriate notice and opportunity for hearing it appears to the Commission that any requirement of this section is not satisfied, the Commission shall by order deny such registration.

"(e) A registered clearing agency may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, or for the facilitation of prompt and accurate processing and settlement of securities transactions withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any such registrant or such other person for whom an application of registration is pending is no longer in existence or has ceased to do business in the capacity specified in the registration statement, the Commission shall by order cancel the registration.

"(f) Each registered clearing agency shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, copies of any changes in, additions to, or deletions from the rules of the clearing agency, and such other information and documents as the Commission may require to keep current or to supplement the registration statement and documents filed pursuant to subsection (b). Upon the filing of any change in, addition to, or deletion from the rules of a registered clearing agency the Commission shall, after opportunity for public comment, by order declare such change, addition, or deletion effective if the rules of the clearing agency, as so changed, satisfy the requirements of this section relating to registration of clearing agencies. The Commission shall, after notice and opportunity for hearing, disapprove the change, addition, or deletion in whole or in part if it is contrary to the public interest or contrary to the purposes of this section. If the Commission does not declare the change, addition, or deletion to be effective or institute a proceeding for its disapproval within thirty days from the date it is filed, the change, addition, or deletion shall become effective on such thirtieth day with the same force and effect as though it had been declared effective by the Commission.

"(g) The Commission may, after notice and opportunity for hearing, and upon a determination that such action is necessary or appropriate in the public interest or to effectuate the purposes of this section, by order require the adoption, amendment, alteration of or supplement to, or rescission of any rule of a registered clearing agency.

"(h) Each registered clearing agency shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest, or to facilitate cooperation among clearing agencies and the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, or for the protection of investors. Such acounts, correspondence, memorandums, papers, books, and other records shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as the appropriate regulatory agency may deem necessary or appropriate in the public interest or for the protection of investors. The appropriate regulatory agency shall make a full and detailed report of any examination made of a registered clearing Commission shall immediately furnish to the Commission a copy of any such report. The Commission shall immediately furnish to the appropriate regulatory agency any report which is received from a registered clearing agency and is required under this section.

"(i) Each clearing agency shall, at the time of filing a registration statement with the Commission pursuant to subsection (b), file a copy of such registration statement with the appropriate regulatory agency. Each registered clearing agency shall, at the time of filing a notice of withdrawal, amendment, or supplement to its registration statement, or copies of any changes in, additions to, or deletions from the rules of the clearing agency, file copies of such documents with the appropriate regulatory agency.

"(j) If any registered clearing agency takes any disciplinary action against any participant therein, or denies admission to any person seeking participation therein, such action shall be subject to review by the appropriate regulatory agency, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the appropriate regulatory agency may determine. Application to the appropriate regulatory agency for review, or the institution of review by such agency on its own motion, shall not operate as a stay of such action unless such agency otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

"(k)(1) If in a proceeding to review disciplinary action taken by a registered clearing agency against a participant the appropriate regulatory agency, after notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant—

"(A) finds that such participant has engaged in such acts or practices, or has omitted such act, as the clearing agency has found him to have engaged in or omitted, and

"(B) determines that such acts or practices, or omission to act, are in violation of such rules of the clearing agency as have been designated in the determination of the clearing agency,

it shall by order dismiss the proceedings, unless it appears to such agency that such action should be modified in accordance with paragraph (2) of this subsection. If it appears to such agency that the evidence does not warrant the finding required in clause (A), or if such agency determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the clearing agency or that such act as is found to have been omitted is not required by such designated rule or rules, such agency shall by order set aside the action of the clearing agency.

"(2) If after appropriate notice and opportunity for hearing the appropriate regulatory agency finds that any penalty imposed upon a participant is excessive or oppressive, having due regard to the public interest, such agency shall by order cancel, reduce, or require the remission of such penalty.

"(3) If in any proceeding to review the denial of participation in a registered clearing agency the appropriate regulatory agency, after appropriate notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, it shall by order dismiss the proceeding. Otherwise, the appropriate regulatory agency shall by order set aside the action of the clearing agency and require it to admit the applicant to participation therein.

"(l) The appropriate regulatory agency is authorized, if such action appears to be necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of this section—

"(1) after appropriate notice and opportunity for hearing, by order, to suspend for a period not exceeding twelve months or revoke the registration of a registered clearing agency, or place limitations upon the activities, operations or policies of such

clearing agency if the appropriate regulatory agency finds that such clearing agency has violated any provision of this title, or any rule or regulation thereunder, or has failed to enforce compliance with its own rules, or has engaged in any other activity tending to defeat the purposes of this section;

"(2) after appropriate notice and opportunity for hearing, by order, to suspend for a period not exceeding twelve months or expel from a registered clearing agency any participant therein if the appropriate regulatory agency finds that such participant has violated any provision of this section or any rule or regulation thereunder or any rule of the clearing agency; and

"(3) after appropriate notice and opportunity for hearing, by order, to remove from office any officer or director of a registered clearing agency who, the appropriate regulatory agency finds, has willfully failed to enforce the rules of the clearing agency, or has willfully abused his authority.

"(m) If a proceeding under subsection (l)(1) of this section results in the suspension or revocation of the registration of a clearing agency, the appropriate regulatory agency may, upon notice to such clearing agency, apply to any court of competent jurisdiction specified in section 27 or 21(e) of this title for the appointment of a trustee or may avail itself of any other procedures available under relevant laws. In such event, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of the clearing agency involved, and the books, records, and assets thereof, wherever located; and the court shall appoint the appropriate regulatory agency or its designee as the trustee who, with the approval of the court, shall have the power to take possession and to continue to operate or to terminate the facilities of such clearing agency in an orderly manner, for the protection of participants and public investors, subject to such terms and conditions as the court may prescribe.

"(n) The agencies enumerated in section 3(a) (25) of this title shall consult and cooperate with each other and shall advise one another promptly of the pendency or determination of any proceedings, of the promulgation of any rules, and of the entry of any order relating to a clearing agency, participant, class of clearing agencies, or class of participants. At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding clearing agencies pursuant to this section, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3(a) (25) so that rules and regulations applicable to bank clearing agencies may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable. Nothing in this section shall impair the authority of any State banking authority or other State or Federal regulatory authority having jurisdiction over a person registered as a national securities clearing agency from making or enforcing rules governing such person which are not inconsistent with this section or any rules promulgated hereunder.

"(o) The Commission shall, on or before December 31, 1976, take such steps as are within its power to bring about the elimination of the negotiable stock certificate as a means of settlement among brokers or dealers of transactions consummated on national securities exchanges or by means of the mails or other means or instrumentalities of interstate commerce. On or before December 31 of each year, commencing in 1972 and ending in 1976, the Commission shall report to the Congress (1) the steps it has taken and the progress it has made toward the elimination of the negotiable stock certificate as a means of settlement, and (2) its recommendations, if any, for further legislation to eliminate the negotiable stock certificate."

SEC. 6. The Securities Exchange Act of 1934 is further amended by inserting after section 17A (added by section 5 of this Act) the following new section:

"TRANSFER AGENTS AND THE FORM AND FORMAT OF SECURITIES

"SEC. 17B. (a)(1) Except as otherwise provided in this subsection, no person shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, in order to perform the function of a transfer agent with respect to any security unless such person is registered in accordance with this section. The Commission, by rules and regulations or by order, upon its own motion or upon application, may conditionally or unconditionally exempt any transfer agent or class of transfer agents or security or class of securities from any provision or provisions of this section or any rule or regulation if the Commission specifically finds that the application of such provision or provisions to such transfer agent or class of transfer agents or such security or class of securities is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The provisions of this section shall apply only to securities and to persons performing the function of transfer agent with respect to securities which are registered under section 12 of this title or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of that section. The provisions of this section shall not apply to variable annuity contracts issued by insurance companies.

"(b) Any transfer agent may be registered for the purposes of this section by filing with the appropriate regulatory agency a registration statement which shall state the address of its principal office or offices for transfer agent activities, the length of time it has been acting as a transfer agent, and the identity of the issuers and issues of securities for which it is acting as transfer agent, and shall contain such other information in such detail as the appropriate regulatory agency may require as necessary or appropriate with regard to performance capability, standards and procedures for safe handling and custody of securities and funds, and operational compatibility of the transfer agent with other persons involved in the securities handling process. A regulatory agency other than the Commission shall file with the Commission for any transfer agent required to register with such regulatory agency under this section, a notice which shall state the name of such transfer agent, the address of its principal office or offices for transfer agent activity, the identity of the issuers and issues of securities for which it is then acting as a transfer agent, and shall file with the Commission such information as the Commission shall require to keep reasonably current the information and documents required to be filed with the Commission under this subsection. Except as otherwise provided in subsection (d) of this section, a registration of a transfer agent filed under this subsection shall become effective thirty days after the receipt of the registration statement by the appropriate regulatory agency or within such shorter period of time as such agency may determine.

"(c) The appropriate regulatory agency shall, after appropriate notice and opportunity for hearing, by order, deny registration to any transfer agent seeking registration if it finds that such denial is in the public interest and that such transfer agent does not have procedures or the means to be able to comply with the provisions of this section and the rules and regulations prescribed under this section.

"(d) Pending final determination whether any registration of a transfer agent under this section shall be denied, the appropriate regulatory agency may by order postpone the effective date of such registration for a period not to exceed ninety days, but if, after appropriate notice and opportunity for hearing (which may consist solely of affidavits and oral arguments), it appears to such agency to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, such agency shall so order.

"(e) Any transfer agent registered under this section may, upon such terms and conditions as the appropriate regulatory agency may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with such agency. If such agency finds that any such transfer agent for whom a registration statement is pending is no longer in existence or has ceased to do business as a transfer agent, it shall by order revoke, deny, or cancel the registration.

"(f) Every transfer agent required to be registered pursuant to this section shall file with the appropriate regulatory agency, in accordance with such rules or regulations as such agency may prescribe as necessary or appropriate to carry out the objectives of this section, such information and documents as such agency shall require to keep reasonably current the information and documents required to be included in or filed with the registration statement.

"(g) Every transfer agent required to register pursuant to this section shall make, keep, and preserve such accounts, correspondence, memorandums, papers, books, records, and other data for such periods and shall make such reports and file such information and documents with the appropriate regulatory agency, as such agency by rule or regulation may prescribe as necessary or appropriate to carry out the objectives of this section. Such accounts, correspondence, memorandums, papers, books, records, and other data shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate to carry out the objectives of this section.

"(h) No transfer agent shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, to engage in any activity as transfer agent in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate with regard to minimum standards for the performance of transfer functions, measures and personnel standards for safe handling and custody of securities and funds, and operational compatibility of the transfer agent with other persons involved in the securities handling process.

"(i) The appropriate regulatory agencies shall consult and cooperate with each other and, as may be appropriate, with State banking authorities having supervision over banks so that the accounts, correspondence, memorandums, papers, books, records, and other data required of banks acting as transfer agents, and the inspections thereof, may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable. Nothing in this section shall be construed to impair the authority of any State banking authority or of any other State or Federal regulatory authority which has jurisdiction of a person registered as a transfer agent to make or enforce rules governing such person if such

rules are not inconsistent with this section or any rules prescribed under this section.

"(j) Compliance with the requirements imposed by this section shall be enforced under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the case of—

"(1) national banks or banks operating under the Code of Law for the District of Columbia, or subsidiaries thereof other than nonbank subsidiaries of bank holding companies, acting as transfer agents, by the Comptroller of the Currency;

"(2) State member banks of the Federal Reserve System, subsidiaries thereof, bank holding companies, or nonbank subsidiaries of bank holding companies, acting as transfer agents, by the Board of Governors of the Federal Reserve System; and

"(3) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) or subsidiaries thereof other than nonbank subsidiaries of bank holding companies, acting as transfer agents, by the Federal Deposit Insurance Corporation.

For the purpose of the exercise by any bank regulatory agency referred to in this subsection of its powers under section 8 of the Federal Deposit Insurance Act, a bank holding company and a nonbank subsidiary of a bank holding company, acting as a transfer agent, shall be considered a bank; and a violation of any requirement imposed under this section upon banks, bank holding companies, or non-bank subsidiaries of bank holding companies registered as transfer agents is a violation of the requirements imposed under the Federal Deposit Insurance Act. In addition to its power under section 8 of the Federal Deposit Insurance Act, each of such bank regulatory agencies may exercise, for the purpose of enforcing compliance with any requirement imposed under this section, any other authority conferred on it by law.

"(k) All of the functions and powers of the Commission under this title are available to the Commission to enforce compliance by any person with the requirements imposed under this section. Except to the extent that enforcement of the requirements imposed under this section is specifically committed to some bank regulatory agency under subsection (j), the Commission shall enforce such requirements.

"(l) The Commission may, after appropriate notice and opportunity for hearing, by order, censure, or bar or suspend or place limitations upon any transfer agent, other than a transfer agent referred to in subsection (j), or any officer, director, or employee of any such transfer agent, or revoke the registration of any transfer agent, other than a transfer agent referred to in subsection (j), if the Commission finds that such censure, barring, suspension, placing of limitations, or revocation is in the public interest or for the protection of investors and that such transfer agent or any officer, director, or employee thereof has willfully violated or is unable to comply with any provision of this section or any rule or regulation promulgated thereunder pertaining to such transfer agent or any officer, director, or employee thereof.

"(m) At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding transfer agents pursuant to this section, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3 (a) (25) so that rules and regulations applicable to bank transfer agents may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable.

"(n) It shall be unlawful for an issuer, by use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, any securities to which this section applies, whose form or format contravenes such rules and regulations as the Commission may prescribe as necessary or appropriate for the prompt and accurate processing of transactions in such securities."

SEC. 7. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by adding at the end thereof the following new subsection:

"(f) The Commission is authorized and directed to make a study and investigation of the practice of registration of securities other than in the name of the beneficial owner and to determine (1) whether such registration is consistent with the policies and purposes of this Act, with particular reference to section 14, and (2) if consistent, whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of such registration. The Commission shall report to the Congress its preliminary findings within six months after the date of enactment of this section, and its final results and recommendations within one year of such date.

SEC. 8. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended by inserting after subsection (b) the following new subsection:

"(c) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered clearing agency or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or any nominee thereof or custodian therefor, unless such transfer or delivery or receipt would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered clearing agency or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision."

NATIONAL COMMISSION ON UNIFORM SECURITIES LAWS

SEC. 9. (a) There is established the National Commission on Uniform Securities Laws (hereinafter referred to as the "Commission").

(b) (1) The Commission shall consist of fourteen members to be appointed by the President as follows:

(A) two from among persons who represent the securities industry;

(B) two from among persons who represent organizations or associations which are engaged in the preparation of uniform State laws;

(C) two from among persons who represent the private investor;

(D) two from among persons who administer State laws relating to securities;

(E) two from among persons who represent the banking industry;

(F) two representatives of the Securities and Exchange Commission; and

(G) two from among persons who represent issuing corporations.

(2) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(c) (1) The Commission shall—

(A) determine the necessity for revising State laws to facilitate the establishment of an effective network of securities depositories;

(B) furnish advice and assistance in the planning, development, and execution of methods to evidence ownership of securities by means other than paper certificates;

(C) prepare, in cooperation with such other organizations or persons as may be appropriate, such amendments or revisions to those laws as may be necessary; and

(D) prepare and circulate such reports, drafts, or other papers as may be necessary to facilitate the enactment of any such amendments or revisions in any State.

(2) The Commission shall make such interim reports of its findings and recommendations as it deems advisable, and it shall make a final and complete report of its findings and recommendations to the Congress and the President not later than February 1, 1975. Sixty days after the submission of its final report the Commission shall cease to exist.

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings and sit and act at such times and places as the Commission may deem advisable.

(e) (1) A member of the Commission who is otherwise an officer or employee of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Commission.

(2) A member of the Commission from private life shall receive $125 per diem when engaged in the actual performance of duties of the Commission, and shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(f) Each department, agency, and instrumentality of the United States and of any State, is urged to furnish to the Commission, upon request made by the Chairman, such information and services as the Commission deems necessary to carry out its functions under this section.

(g) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

SEC. 10. This Act shall become effective on the date of its enactment, except that sections 17A(a) and 17B(a) of the Securities Exchange Act of 1934 (as added by this Act) shall become effective on July 1, 1973.

AMENDMENT OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: strike out all after the enacting clause of S. 3876 and insert in lieu thereof the provisions of H.R. 16946, as passed.

The amendment was agreed to.

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

The title was amended so as to read: "To amend the Securities Exchange Act

of 1934 to provide for the regulation of securities depositories, clearing agencies, and transfer agents, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16946) was laid on the table.

CARGO SECURITY

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10295) to establish a Commission on Security and Safety of Cargo, as amended.

The Clerk read as follows:

H.R. 10295

That this Act may be cited as the "Cargo Security Act of 1972."

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that one of the fundamental bases for the development and growth of commerce and trade on an interstate and international basis is the security and safety of movement of property by the various modes of transportation. The Congress has become aware that there is an alarming growth of criminal activity which results in loss of and damage to property moving in interstate and foreign commerce. Losses resulting from such activity are increasing to a degree that represents a clear and present danger to the national economy. The Congress finds that there is an urgent need for Federal coordination of an effort to assist carriers involved in the transportation of property by air, truck, rail, and water to establish deterrents and preventive measures and utilize available resources to combat criminal activity. The Congress further finds that the State and local governments have an equal responsibility in stimulating measures to improve the safety and security of property moving in interstate and foreign commerce by the various modes of transportation, and that attempts by the Federal Government to deter and curb losses of and damage to such property should be coordinated at all levels of government.

(b) It is the purpose of this Act to establish a program of uniform Federal regulation, under the direction of a single Federal agency, designed to assure maximum security and safety of properly moving in interstate and foreign commerce by any of the various modes of transportation, including the security and safety of such property while in storage in the course of any such movement in interstate and foreign commerce. It is further the purpose of this Act to provide for coordination with and between the carriers and their agents, as well as appropriate Federal, State, and local governmental agencies having jurisdiction to enforce criminal statutes and ordinances relating to the subject of theft of property.

CARGO SECURITY REGULATIONS

SEC. 3. (a) The Secretary of Transportation shall, after notice and opportunity for public hearing in accordance with section 553 of title 5 of the United States Code, establish such regulations as he may deem necessary to assure the security and safety of property in transportation (including at terminals) by all carriers (including freight forwarders) subject to the Federal Aviation Act of 1958, the Interstate Commerce Act, or the Shipping Act of 1916.

(b) In establishing regulations under subsection (a) of this section, the Secretary of Transportation shall take into consideration, among other things—

(1) the differences between the various modes of transportation and between the various types of carriers (including freight forwarders) subject to regulation;

(2) the geographical area within which transportation subject to regulation is conducted;

(3) the cost to carriers (including freight forwarders) of compliance with such regulations; and

(4) the economic loss to be prevented or reduced by such regulations.

(c) In carrying out the provisions of subsection (a) of this section, the Secretary of Transportation shall consult with and consider the views of the Attorney General, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Defense, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission.

CIVIL PENALTIES

SEC. 4. (a) Whoever, being a terminal operator or a carrier (including a freight forwarder) subject to the Federal Aviation Act of 1958, the Interstate Commerce Act, or the Shipping Act of 1916, violates any regulation issued under this Act shall be assessed a civil penalty by the Secretary of Transportation of not less than $100 nor more than $300 for the first violation and not less than $200 nor more than $500 for any subsequent violation.

No civil penalty shall be assessed by the Secretary under this subsection unless the person charged is given notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

(b) Any order of the Secretary of Transportation assessing a civil penalty under subsection (a) of this section shall be subject to review by the courts of appeals of the United States in accordance with chapter 7 of title 5, United States Code, upon petition filed within sixty days after the entry of such order by any person aggrieved thereby. A petition under this subsection shall be filed in the court of appeals of the United States for the circuit in which the act or omission constituting the violation occurred, or in which the petitioner is an inhabitant or transacts business, or in the United States Court of Appeals for the District of Columbia. A copy of the petition shall, upon filing, be forthwith transmitted to the Secretary by the clerk of the court, and the Secretary shall thereupon file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.

(c) Any such civil penalty may be compromised by the Secretary of Transportation. In determining the amount of such penalty, or the amount agreed upon in compromise, the Secretary shall consider the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance after notification of a violation.

(d) The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any amount owed by the United States to the person charged or may be recovered in a civil action in a United States district court.

INJUNCTIONS AND RESTRAINING ORDERS

SEC. 5. (a) The United States district courts shall have jurisdiction, subject to rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of or to enforce regulations established under this Act upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary of Transportation shall give notice to a person against whom an action for injunctive relief is contemplated and afford an opportunity to present his views, and, except in the case of a knowing and willful violation shall give him reasonable opportunity to achieve compliance. However, the failure to give that notice and opportunity does not preclude the granting of appropriate relief.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of a regulation established under this Act, trial shall be by the court or, upon demand of the accused, by a jury. The trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(c) Actions under this section or to collect a penalty assessed under section 4 of this Act may be brought in the district in which the act or omission constituting the violation occurred, or in the district in which the defendant is found or is an inhabitant or transacts business, and process may be served in any other district of which the defendant is an inhabitant, transacts business, or may be found.

(d) In any action referred to in subsection (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

AUTHORITY OF SECRETARY OF THE TREASURY

SEC. 6. Nothing in this Act shall be construed to affect the authority of the Secretary of the Treasury with respect to terminals within ports of entry and shipments in customs bond to and from such terminals of merchandise imported into the United States.

REPORTS

SEC. 7. The Secretary shall prepare and submit to the Congress, not later than one year after the date of enactment of this Act and annually thereafter, a comprehensive report on the administration of this Act. Each report shall contain such recommendations for additional legislation as the Secretary deems necessary to carry out the purposes of this Act.

ECONOMIC REGULATION

SEC. 8. Nothing in this Act shall be construed to authorize the Secretary of Transportation to issue any regulation relating to the operating authority or tariffs of any carrier or freight forwarder subject to the Federal Aviation Act of 1958, the Interstate Commerce Act, or the Shipping Act of 1916.

COOPERATION WITH FEDERAL, STATE, AND LOCAL AGENCIES

SEC. 9. (a) In carrying out the provisions of this Act, the Secretary of Transportation shall, to the maximum extent practicable, cooperate with and utilize the services and facilities of other Federal departments and agencies and of State and local agencies.

(b) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this Act.

APPROPRIATIONS AUTHORIZED

SEC. 10. For the purpose of carrying out the provisions of this Act there are authorized to be appropriated not to exceed $1,000,000 for the fiscal year ending June 30, 1973; not to exceed $1,000,000 for the fiscal year ending June 30, 1974; and not to exceed $1,000,000 for the fiscal year ending June 30, 1975.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from West Virginia, Mr. STAGGERS, is recognized.

Mr. STAGGERS. Mr. Speaker, this legislation as introduced and as passed

by the Senate (S. 942) would establish a 2-year presidentially appointed commission to make a study of all aspects of cargo security. The Subcommittee on Transportation and Aeronautics and the Committee on Interstate and Foreign Commerce determined that a temporary commission is not necessary and substituted a permanent program in the Department of Transportation.

A brief description of the committee action follows:

1. *Findings and Purpose.*—Section 2 recites a need for regulation and generally describes the program.
2. *Regulations.*—Section 3 requires the Secretary of Transportation to issue cargo security regulations under administrative procedures.
3. *Penalties.*—Section 4 with an amendment provides for civil penalties of $100 to $300 for a first violation, and from $200 to $500 for any subsequent violation.
4. *Injunctive Relief.*—Section 5 provides that injunctions may be granted by U.S. district courts to enforce regulations.
5. *Treasury Authority.*—Section 6 disavows any intent to affect authority of Treasury Department.
6. *Reports.*—Section 7 requires annual reports to Congress.
7. *Economic Regulation.*—Section 8 prohibits any economic regulation of carriers under this bill.
8. *Cooperation of Government Agencies.*—Section 9 requires coordination between Federal, State and local agencies.
9. *Authorizations.*—Section 10 authorizes $1 million for each of 3 years.

Mr. SPRINGER. Mr. Speaker, there are six things that this bill does, and I will go through them rather quickly. I think the House should have some more complete knowledge of what the bill encompasses.

Mr. Speaker, the Department of Transportation makes the rules for cargo protection;

Second, we have provision for civil penalties up to $2,500 per day for violations;

Third, we do have enforcement by injunction. You can get an injunction under certain circumstances;

Fourth, the Treasury keeps its authority in customs as it is at the present time;

Now, fifth, we do provide $1 million per year for 3 years.

In September, 1971, the other body passed a bill to establish a 10-member commission with no rule-making power, and to expire in 2 years. The administration proposed the commission approach also, and we felt that this ought to be pinned down.

Mr. Speaker, we believe the Department of Transportation is the proper place to put this. Most of us are familiar with the thefts that have been going on for the past 3 years. This has reached a sizeable proportion in our metropolitan areas, and we felt there was a direct need for this, and we could not do it in any other way.

In view of the fact so much of this was taking place, in the theft of cargoes, in the Air Force especially, we felt there was no other approach to this except at the Federal level.

For this reason, Mr. Speaker, we have brought this bill before the Members, and we believe it is in the public interest.

Mr. PICKLE. Mr. Speaker, I rise in support of H.R. 10295.

I introduced H.R. 10295, the Cargo Security Act, early this year. In its original form, H.R. 10295 was similar to S. 942, which passed the Senate over 18 months ago.

The Senate bill, and my original version called for the creation of a Commission to study the cargo security crisis. The study was to recommend steps that the Department of Transportation could take to conquer this problem.

I think that this was a sound approach.

The crisis is so great, and so evident, however, that the Transportation Subcommittee of the House Interstate and Foreign Commerce Committee felt that immediate action was needed.

For my proposal, the subcommittee substituted language that would give the Department of Transportation immediate authority to issue rules and regulations for cargo security.

Mr. Speaker, my purpose today is singleminded—I ask this body to pass H.R. 10295. It is imperative that we act today.

I realize that H.R. 10295 is not what I proposed; but I say that cargo theft is so great a problem that the particular vehicle used to fight this problem is not all important.

We must have a vehicle. I do not nitpick over whether my proposal or the subcommittee's proposal is better. I preferred the commission approach. I now support this legislation fully.

Mr. Speaker, I do not hesitate in saying that H.R. 10295 is one of the most important pieces of consumer legislation this Congress could enact.

Who pays for the estimated $1.47 billion worth of cargo pilfered from our trucks, our planes, our ships, and our loading docks? The consumer.

Mr. Speaker, the consumer is being fleeced by organized crime, and flimflammed by those who should do something about it.

When I hear that people in the Garment District of New York pack six-shooters, and that one trucking company has an armored car escort its trucks, I know that the only people really doing their job where cargo theft is concerned is organized crime.

Mr. Speaker, I have spoken many times and in many places on this problem.

In doing so, I have highlighted nine suggestions that could be solutions in this fight against cargo crime.

In capsule form, here are these suggestions:

MANDATORY REPORTING

Let us have it. And let us have it for all the transportation industry, not just 12 percent here and there. Let us find out the actual value of how much is being stolen, where it is stolen, and what kind of things are being stolen. We have got to identify the problem and its scope before we can attack it. Failure to report losses is nothing but a cover-up, just barely short of a crime itself. I think there must be some kind of mandatory reporting system to get information and to indicate the performance records of individual carriers.

UNIFORM CARRIER LIABILITY

Liability rates should apply equally throughout the entire industry. We have regulations left over from the Wells Fargo days. The airlines' reimbursements of 50 cents per pound not to exceed $50 per package is a perfect example.

We need to get domestic rates in line with overseas rates.

And liability rates should be published on the bill of lading so shippers will know exactly where they stand.

ENFORCEMENT

The Federal Government is lax—there is no other word for it. That is one of the big reasons I introduced my legislation. We need a big umbrella for cargo security encompassing the ICC, the FMC, the CAB, Customs, the Coast Guard, Treasury—and there is still enough room for the Keystone Cops—about the only thing we have right now. It is not enough to say that we need more law enforcement officers. In New York City alone there are nine—count them—nine different police jurisdictions which investigate cargo theft. More important than just adding more policemen is better cooperation among the police we now have. And we need the FBI on the job even at the smallest level. Then perhaps we could get real interstate action. A crime is a crime is a crime whether it is above or below an arbitrary dollar value.

In a coordinated matter, let's bring in the Feds almost from the beginning.

MINIMUM PHYSICAL SECURITY REQUIREMENTS

I realize the small shipper and carrier can stand just so much overhead, but I think DOT is on target with recommendations for security guidelines. Security is too lax, although some progress is being made. Some carriers are realizing higher profits now by instituting some capital improvements for better security instead of writing off losses as business expenses. Let us hope the word will spread.

But where the spotlight dims, security fades. New York airports actually reduced their losses last year—but only their losses at the airport itself. The crime just moved outside the gates and hit the airport-owned trucks. Losses there soared.

INSURANCE

The Department of Transportation reports that no one is actually "denied" insurance coverage. The premiums just skyrocket and the deductible goes up as high as $25,000—enough to cover a hijacking, but not enough for those 85 percent box here, crate there, thefts. I think the insurance companies should insist—nay, demand—that the shipper tighten his security.

CARRIERS

Perhaps the most deplorable situation comes when the carriers place an embargo on certain cargoes—like furs and apparel and watches. This constitutes in my mind a restraint of free trade, if not a clear and present danger to the free enterprise system itself. It must not be tolerated, and carriers who institute embargoes instead of investing in security should be penalized in my thinking.

UNIFORM PACKAGING

Another field open for increased Federal activity is in containerization. I

think management should encourage it and I think unions should not resist it.

I have introduced legislation which will facilitate equipment interchange among the several modes of transportation. Let's get rid of horse-and-buggy thinking. It is inexcusable that we can ship the same person by train, bus, ship, and air all through your friendly travel agent but we cannot put a bunch of goods in a big box or sack and do the same thing. The day of containerization is here and the DOT ought not to just encourage it but to emphasize it—and not hid behind technical arguments between voluntary and mandatory rates. DOT and the Congress are derelict in these instances now.

RESEARCH GRANTS

Obviously, crime has the edge on us and we should pump more Federal dollars into research and development of modern, computerized methods of getting into the fray. Transportation security is just coming out of the technological dark ages. And the efforts are tenuous and fragile.

LICENSING AND/OR IDENTIFICATION OF EMPLOYEES

This is perhaps the most controversial area of possible Federal participation—the licensing or clearance of employees to work in high security areas. Lots of ethics, lots of morals, lots of individual and union rights are at question here. But something must be done to stop the theft—especially the sinister insider-operated thefts which look like they constitute the bulk of our problem.

Mr. Speaker, H.R. 10295 does not accomplish all these goals. But H.R. 10295 is a start. We have to start.

Mr. Speaker, as I became more and more involved in this problem, I heard from more and more groups in industry.

Quite frankly, each group, from the smallest union local to the most powerful management team, claimed that the fault lay elsewhere.

My study shows laxity everywhere. Let us stop pleading, "Me No Alamo," and say "It Is I."

The Federal Government has taken steps to stem the problem. Gen. Benjamin O. Davis heads the recently created office of Safety and Consumer Affairs in the Department of Transportation. General Davis is an able man.

But just as industry and labor, the Government can do more.

Let us do more. Let us take steps to stamp out cargo theft. If we do not, I am afraid that someday we may see organized crime controlling transportation from top to bottom.

Mr. Speaker, I urge members to vote for H.R. 10295.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 10295, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 942) to establish a Commission on Security and Safety of Cargo.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 942

An act to establish a Commission on Security and Safety of Cargo

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cargo Commission Act of 1971."

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that one of the fundamental bases for the development and growth of commerce and trade on an interstate and international basis is the security and safety of movement of cargo. The Congress has become aware that there is an alarming growth of criminal activity which results in loss of and damage to goods moving in interstate and international commerce. Such loss and theft are increasing to the degree that it represents a clear and present danger to the national economy, especially American business and particularly the small business community, which bears the greatest portion of such losses. The Congress further finds that the Constitution places the control, regulation, and stimulation of interstate and international commerce and trade within the purview of the Federal Government. Prevention of larcenies and malfeasances in connection with goods in interstate and international transit is an inherently difficult phase of crime control; goods in motion or in large-scale storage are hard to watch closely; the multijurisdictional nature of thefts facilitates criminal evasion; and protection arrangements impose unwelcome and often disastrous expenses in terms of operational delays, added paperwork, and increased costs for insurance and protection. The Congress finds that common carriers in cargo transportation by air, truck, rail, and water, manifest a serious deficiency in the level of coordination and effort needed to establish deterrents and preventive measures and utilize resources to combat criminal activity. These criminal activities and attendant losses pose an especially serious threat to the economic stability of small business. The apparent magnitude of the resultant costs suggests that the Federal Government make a further detailed and continuing inquiry to determine what remedial measures can and should be implemented by cargo carriers, their agents and assigns, possibly supported by Federal assistance, to minimize criminally inspired losses of cargo during storage and transit.

(b) The Congress further finds that State and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport. Accordingly, attempts by the Federal Government to deter and curb such losses, thefts, and pilferages should be coordinated at all levels of government.

(c) It is the purpose of this Act to establish a commission which shall conduct an inquiry and research into matters of cargo security for the purpose of designing programs to achieve maximum security and safety for such cargo when in storage and in transit in interstate and foreign commerce, and shall administer this Act so as to implement its purpose by establishing liaison and coordination with and between common carriers, their agents and assigns, as well as supporting organizations such as private terminal operators, port authorities, and others, engaged in all modes of transportation, distribution and storage of goods and cargo in transit, and by fostering consultation and coordination with appropriate governmental and private agencies and concerns.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) For the purpose of carrying out the intent of Congress as expressed in this Act, there is hereby created a commission to be known as the Commission on Security and Safety of Cargo (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of individuals who, by virtue of their education and experience, demonstrate an ability to discover causes, develop solutions, and implement strategies to solve the problem of cargo loss and theft. Members shall include one representative from each mode of the cargo transportation industry, air, truck, rail, and water; two representatives from the cargo handlers labor organizations; one representative from a shipper-import/export concern; and three representatives of the Federal Government, consisting of the Attorney General of the United States, the Secretary of Transportation, and the Secretary of the Treasury. If a member designated to represent the Federal Government on the Commission is unavoidably absent, he may designate any officer of his department appointed with the advice and consent of the Senate to serve on the Commission as his alternate.

(c) The members of the Commission, other than those designated to represent the Federal Government, shall be appointed by the President. Not more than four of such appointed members shall be members of the same political party.

(d) The Chairman and Vice Chairman of the Commission shall be elected annually from among the members of the Commission.

(e) The following shall be ex officio members of the Commission; the Chairman of the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission; a representative of the Secretary of Commerce; one representative having expertise in providing security for the storage and movement of Federal cargo appointed by each of the following: the Secretary of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration; one representative of the National Bureau of Standards appointed by the Secretary of Commerce; one representative from the Law Enforcement Assistance Administration appointed by the Attorney General; and one representative from the cargo underwriters-insurance industry and one representative from the freight forwarders industry to be appointed by the President. Ex officio members of the Commission shall not participate except in an advisory capacity to the Commission in the formulation of its findings and recommendations.

(f) Vacancies on the Commission shall be filled in the same manner as initial appointments.

(g) A quorum of the Commission shall consist of six members, but two members shall be sufficient for the purpose of taking testimony, or conducting any hearings on a matter within the purview of the Commission's jurisdiction.

(h) In addition, the Commission shall have four advisory members composed of—

(1) two Members of the House of Representatives who shall not be members of the same political party and who shall be appointed by the Speaker of the House of Representatives, and

(2) two Members of the Senate who shall not be members of the same political party

and who shall be appointed by the President of the Senate.

The advisory members of the Commission shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

COMPENSATION OF COMMISSION MEMBERS

SEC. 4. (a) Members of the Commission who are officers or full-time employees of the Government (including advisory Members of Congress appointed under section 3(h) of this Act) shall serve without compensation except for that received for their services as such officers or employees; but they shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(b) Other members of the Commission who are not officers or officials in the employ of the United States shall be compensated at the rate of $50 per day when engaged in the actual business and duties vested in the Commission, and in addition be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission may appoint such personnel as it deems necessary without regard to the provisions of title 5 of the United States Code concerning appointments in the competitive services and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under such title.

(b) The staff of the Commission shall be composed of, but not limited to, individuals having expertise determined to be pertinent to the conduct of a systematic operations research study of the problem of cargo theft, such as persons qualified in statistical mathematics, applied mathematics, human factors engineering, security engineering, cargo operations and movement, police and law enforcement, social psychology, criminology, business management, traffic engineering, security architecture, and deterrence, detection, and apprehension technology and methodology.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission, or any two members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. 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. In connection therewith the Commission is authorized by the majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) and require by subpena the attendance and testimony of witnesses to the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under this subsection, to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) 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 clauses (3) and (4) of this subsection; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) 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.

(c) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, or independent instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research, surveys, and the preparation of reports. All contracts negotiated without advertising pursuant to this subsection shall include a clause to the effect that the Commission and the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: Provided, however, That the Commission shall permit persons reasonable access to documents furnished by such persons for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

DUTIES OF THE COMMISSION

SEC. 7. It shall be the duty of the Commission to undertake and compile inquiries and studies to determine the causes, and practical and effective measures for the prevention and deterrence of loss due to theft and pilferage of cargo in interstate and international commerce. It shall be a further duty of the Commission to encourage the use of existing preventive technology and to promote the development of new techniques, procedures, and methods to enhance the safety and security of cargo storage and transportation. Such duties shall include, but not be limited to—

(1) definition and description of the causes, scope, and value of losses due to cargo theft;

(2) evaluation of methods to deter cargo theft, including analysis of labor-management practices; packaging and labeling of cargo; containerization; prevention, detection, and apprehension systems and devices; physical security protection, including lighting, fencing, gate placement, and other similar means; sociological and psychological deterrents and remedies; liaison of cargo security programs between law enforcement agencies and cargo terminal operators, forwarders, and transporters;

(3) design, implementation, and analysis of pilot experimental programs to demonstrate the effectiveness of different security systems;

(4) establishment and maintenance of liaison with the various modes of transportation of cargo to exchange and disseminate data to promote safety and security of cargo;

(5) periodic consultations with appropriate governmental and private agencies to discuss problems and investigate solutions;

(6) complementing programs and activities of different modes of cargo transport to produce an effective and low-cost program of safety and security;

(7) development of a system of comprehensive, continuous, and uniform loss and damage reporting by the different modes of transportation;

(8) study and evaluation of present carrier liability limits for losses incurred in the transport of cargo by the different modes of transportation, and evaluation of the adequacy of such limits of liability;

(9) evaluation and recommendation on the need and desirability of developing a federal system for the licensing and/or identification of all individuals engaged in the handling of cargo, in any mode of transportation, moving in interstate or international commerce. The report under this section shall be made to the President and to the Congress pursuant to the provisions of this Act;

(10) development of physical facility security standards;

(11) continuous reassessment of programs, plans, and operations to determine necessary revisions; and

(12) recommendations for legislative, administrative, or other actions deemed necessary to promote the safety of cargo transport.

REPORTS

SEC. 8. The Commission shall report to the President and to the Congress its findings and recommendations as deemed desirable and necessary, but in no event less often than annually.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this Act.

FREIGHT SECURITY STANDARDS

SEC. 10. Upon the submission of the Commission's final report as provided in section 12 of this Act, the Secretary of Transportation, after consultation with the Commission, the Department of the Treasury, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission, shall promulgate such regulations as may be necessary for the security and safety of freight in transportation (including at terminals) by each of the separate carrier modes including freight forwarders under the jurisdiction of each agency.

UNIFORM WATER CARRIER LOST AND DAMAGED CARGO REPORTING

SEC. 11. (a) Section 21 of the Shipping Act, 1916, is amended by inserting "(a)" after "SEC. 21" and by inserting at the end thereof a new subsection as follows:

"(b) The Federal Maritime Commission is authorized to require of each common carrier subject to this Act periodic reports

listing and evaluating all cargo damaged, lost, missing, stolen, or presumed stolen from such carrier or any agent thereof during such period. The Commission is authorized to promulgate such rules as may be necessary to effect the provisions of this subsection."

(b) The amendment made by this section shall be effective on the first day of the first calendar month beginning after the date of enactment of this Act.

TERMINATION DATE

SEC. 12. Not more than two years after the appointment of its members pursuant to the provisions of this Act, the Commission shall submit to the President and the Congress a final report on its activities pursuant to this Act, and its recommendations. The Commission shall cease to exist ninety days after the submission of such report.

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to strike all after the enacting clause of S. 942 and insert in lieu thereof the provisions of H.R. 10295.

The motion was agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of Transportation to issue regulations to assure the security and safety of property in transportation, and for other purposes."

A motion to reconsider was laid on the table.

PROHIBITING POTATO FUTURES TRADING

Mr. HATHAWAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7287) to prohibit trading in Irish potato futures on commodity exchanges.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no contract for the sale of Irish potatoes for future delivery shall be made on or subject to the rules of any board of trade in the United States. Notwithstanding the foregoing, such futures trading shall be permitted in the case of any future in which trading has been initiated on or before the date of enactment of this Act, but in no event shall such trading be permitted in the case of any future which would mature more than twelve calendar months after the calendar month in which this Act is enacted. The terms used in this Act shall have the same meaning as when used in the Commodity Exchange Act.

(b) Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than $5,000.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, let me explain very briefly at the outset what the mechanics of futures trading is. It is a very simple mechanism by means of which a person agrees to sell at a future date a certain commodity at a certain price and certain other persons agree to buy that commodity on that day and at that price, which establishes a futures price for that commodity. The person selling it may or may not have that commodity, and in most cases he does not. In other words, he may be what they call a short seller.

This procedure came into being in order to help farmers. It was primarily designed for farmers not for speculators. It was to help the farmers create a market for their commodities so that they would be less subject to the price fluctuations of the ordinary market.

In the case of many commodities futures trading has been of considerable benefit over the years in order not only to establish a market for the commodity but to allow the farmers to hedge their commodities on the market and thereby obtain some financing so that they could buy fertilizer and seed and what-not that they might need at the beginning of the growing season.

What I mean by "hedge" is when you sell your commodity at a future date or when you agree to sell your commodity at a future date and you get a pledge of money based on that. Then with that pledge you are able to buy whatever fertilizer, seed, and what-not you might need.

For both of these purposes, marketing and hedging, this futures trading has generally served a useful purpose for most commodities. However, in the case of potatoes we have found in Maine over the years that it has not served a useful purpose for either marketing or hedging.

In the first place, 85 percent of the potatoes in this Nation are not marketed on a futures exchange but, rather, are marketed to processers and on the fresh food market and are marketed to people who make potato chips and what-not. So 85 percent of the potatoes in this Nation are not traded on the exchange, and nearly all of the remaining 15 percent of the Maine potatoes which are traded are traded on the New York Mercantile Exchange. There is some trading of Idaho potatoes, but very little, on the Chicago Board of Trade.

As far as using the futures mechanism as a hedging device is concerned, no farmers, or very few of them at least, need this for that purpose. They can find other means for financing their crops, such as through crop mortgages and other types of loans. When we analyze the activity on the potato futures market exchange, we will find that 93.6 percent of the trading on that exchange is done by speculators and only 6.6 percent of the trading is done by legitimate hedgers or farmers.

There is no doubt that past history shows that the futures exchange in potatoes has been subject to manipulation. Even though there are very stringent rules and regulations against manipulation, it is not very difficult, we have found, to get around those rules. There are many documented cases.

One is a very recent case involving the Chicago Board of Trade.

I refer to a Wall Street Journal article of Tuesday, September 12 of this year, where the Commodity Exchange Authority has charged 17 individuals and companies with having participated in a supposed power play to regulate the price of potato futures on the Chicago Mercantile Exchange.

This is not the only instance of manipulation on the exchange. This has happened occasionally in the past, and there are other documented cases of record.

But the real reason that I think that trading on the Futures Exchange should be abolished is because it inhibits the farmers from selling their potatoes in an orderly manner. Potatoes, unlike any other commodity that is traded on the exchange at the present time, are not only a perishable product, they are harvested about this time of the year—and I am talking about Maine potatoes because they are the ones that have 90 percent of the activity on the Potato Exchanges in this country. As I say, they are harvested about this time of the year, and by the middle or the latter part of May they begin to sprout, they are perishable, you cannot sell them after the end of May. So there is just a limited season, a limited time of the year in which potatoes can be sold, unlike other commodities such as grain that can be stored so that if the price is not good in May the farmer does not have to sell it in May, he can store his crop and sell it at a later time when the price is better.

The Futures Exchanges will post their prices on potatoes, say, at this time of the year, for March, April and May of next year. And because of the anticipated shortages of potatoes the price next spring will be higher than the price it is now. As a result, the farmers looking at the board prices, which are higher now than the present prices, will hold their potatoes until next spring in hopes of getting a better price because the board now states that the price of potaoes will be higher in the spring.

As the spring approaches, and more and more farmers are holding their potatoes, the supply of course is increasing, and of course the demand price, because of the principle of supply and demand, as the supply increases, the price starts to drop. And if it does start to drop, then the farmers are put into a squeeze because they have to get rid of all of their potatoes by the end of May.

Statistics have shown that since the board has been in operation that 60 percent of the Maine potato crop has been sold in those last three months whereas before the board was in operation only 40 percent of the Maine potatoes were marketed during those months. In other words, they were marketed in a much more orderly manner, starting with the harvest in October, and extending through the month of May, before the board came into operation.

In marketing in a more orderly way, the average price of return to the farmer was much better than it has been since the board has been in operation.

I am not saying that if we get rid of trading on the potato futures that this is going to be a panacea, and that this will cure all of the problems of the potato farmers, but I am saying it will be a giant

step in the right direction. It will then be up to the potato farmers themselves to market their potatoes in a more orderly manner, and thereby get the better prices.

This bill has been endorsed by the Governor of Maine, by the Maine State Legislature, and by the Agricultural Committee. The subcommittee voted it out with a margin of 6 to 2, and the full committee voted it out with a margin of 20 to 4.

This is not an unprecedented measure. Onion futures were voted out in 1968.

Mr. Baldwin, the head of the Onion Growers Association, testified before our committee and stated that onions have done much better since the futures trading in onions has been abolished.

Some people argue that the result, if you eliminate potato trading, may lead to the abolition of other commodities and other commodities being taken off the futures exchanges. This simply is not so.

As I mentioned earlier, potatoes differ from every other commodity in that not only are they perishable but they have to be marketed during a short season.

I just mentioned that onions were removed from the board in 1958. No other commodity has been removed since then. Onions and potatoes fit that category of being both perishable and being a short season crop.

So if potatoes are removed, there will no longer be other short season crops left on the board so the danger of other commodities being eliminated from the futures exchange is not very great at all.

The real issue that exists before us is whether we want to benefit the speculators or benefit the farmers. I know that many people say—well, futures trading is real good for these farmers.

Eighty-one percent of all the farmers—and I know you want to benefit the farmers—have voted that they do not want it. I know that you can say it is conceivable that they do not know what is good for them, but if 81 percent of any group of people tell me that they do not want certain federal legislation that is designed to benefit them, then we ought to get rid of it.

Since 81 percent of the farmers in Maine voted not only last year but repeatedly to get rid of the futures trading on the exchange we ought to go along with them and help them out.

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

Mr. HATHAWAY. I yield to my colleague from Maine.

Mr. KYROS. Mr. Speaker, I rise in support, and in strong support of this bill, H.R. 7287, and associate myself with the remarks of my colleagues.

I cannot stress too much the importance of this legislation to the Maine potato farmers as well as to the potato growers across the country. I am proud to be a sponsor of this bill.

I think my colleague, Mr. HATHAWAY, has pointed out fairly that the Maine potato farmers produce approximately 15 percent of the potatoes in the United States. They are largely the only growers who will be affected by this legislation.

The gentleman has pointed out that futures trading is harmful to the Maine potato farmers and that they would like a change in the situation. The Maine potato farmer today, as in no time in history, is undergoing a period of severe economic distress.

I strongly urge the passage of this legislation.

Mr. KYROS. Mr. Speaker, I rise today in strong support of the bill, H.R. 7287 to prohibit trading in Irish potato futures on commodity exchanges. I cannot stress too much the vital importance of this legislation to Maine potato farmers, as well as to potato growers across the country. I am proud to be a sponsor of this bill.

It is well known that for the past 15 years, Maine farmers have regarded futures trading as a burden. Instead of creating favorable economic conditions based upon a market of supply and demand, futures trading has resulted in disorder and unjustified price movements. With the apparent manipulation that is practiced, and the lack of facilities to pack and deliver upon closing, the futures board cannot be used by growers as a true and beneficial hedge, as intended. As volume and speculation increase, price movements are stimulated. Maine farmers know from experience that such large-scale gambling in their product creates wide price swings and causes recurring chaotic conditions in their market. The daily price fluctuation has continued to be wide, wider than would be the case without futures trading.

Another point to be considered is that the perishability of potatoes makes them unadaptable to futures trading, and many growers unable to make delivery are hurt through settlement requirements. Perishability encourages trading in futures contracts before final delivery, encouraging price instability.

The Maine potato industry needs a stable economic market. This is not being provided by the current arrangement of futures trading. In 1958, the Congress enacted legislation to abolish onion futures trading, and market conditions for that product have steadily improved. The futures trading noose should be lifted from the Maine potato farmers' necks.

I sincerely hope that the House of Representatives will consider carefully the merits of H.R. 7287, and approve this much needed legislation.

Mr. FINDLEY. Mr. Speaker, I realize that the gentleman from Maine (Mr. HATHAWAY) in a sense is making his swan song here to the House of Representatives inasmuch as he is not a candidate for reelection.

I know too he has a very wide circle of friends and I count myself as being in that circle of people in this body who would like very much to give him support and a measure of good will on the eve of his departure from this Chamber.

I wish that he were proposing a new highway in his district or a lake or a Federal building or something positive that I could enthusiastically support. If it were of that character, I assure him I would be here supporting him and voting for it.

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

Mr. FINDLEY. I yield to the gentleman.

Mr. HATHAWAY. I have proposed a number of times a hydroelectric project in Northern Maine, but I do not believe the gentleman supported that in the past.

Mr. FINDLEY. I would like to say to the gentleman that if he will somehow transfer this into a proposal to establish a Dickey-Lincoln Memorial any place in this country, I would gladly support it.

But I want to add that the gentleman is in a unique position, not being a member of the Committee on Agriculture but nevertheless he is handling this bill on the floor and I think it is a compliment to him. But I cannot overlook the fact that the chairman of the committee, the ranking Member of the committee and the chairman of the subcommittee who handled it were among those who are critical of the proposal. I think for a very good reason.

I said that I would gladly support a positive initiative in his district, but I view this as totally destructive and negative. This is a proposal to remove what I consider to be a very valuable and legitimate and proper and beneficial part of the merchandising system that we have in this Nation. It is an asset to our country and not a liability.

The administrator of the Commodity Exchange Authority who I think by all standards would be accepted as a person detached from the political realm and able to render an objective judgment on this likens the futures market on potatoes to a thermometer that would take the temperature of the market and indicate the condition of the market and the prospective prices at some future date. But the presence of the thermometer does not contribute either in a plus or minus way to the temperature of that commodity. The thermometer could be withdrawn and the temperature would remain the same. It is very true that the futures trading in onions has been discontinued by an act of Congress—and that is a mistake, I think.

It is also very true that the price of onions has fluctuated more greatly since futures trading in onions was discontinued. Futures is an accepted and important part of our merchandising system. This is well established, even though by and large farmers do not participate widely in futures trading. The farmers can use the futures trading market if they wish to. It is a way to produce for an advanced contract to be sure of a given price at a future date for all or a part of their crop. It is true that not many Maine potato growers do take part in the futures market, but they have the opportunity. It is an asset that, according to the CEA Administration, would be of benefit to them if they so chose to use it.

I feel that the futures market on potatoes has actually been used as a whipping boy in this circumstance. The bill originated at a time when the price of potatoes was depressed very sharply. I have not checked the last day or so, but very recently the price of potatoes was up far higher than it was when the bill was originally introduced, and it raises in my mind the question as to whether

these farmers would have been coming down to Washington railing against this Wall Street monster—the futures trading as done on Wall Street. Perhaps it is just a knee-jerk reaction against an unfortunate price situation at a given moment.

In fact, the farmers themselves reduced their production of potatoes, and the price of potatoes is up at the present time.

The futures market for potatoes has been analyzed thoroughly by USDA unbiased technicians, recognized experts in their field, to a greater extent than any other single commodity. The conclusions drawn from these analyses are distilled in the USDA report on H.R. 7287 submitted to the chairman of the Committee on Agriculture on September 24, 1971.

Witness the following from the report:

Futures trading, as in many other commodities, fulfills a useful and needed economic function in the marketing of potatoes. The facilities of the exchanges are being used by many growers, cooperatives, shippers, merchants, chainstores, and processors as a means of hedging price risks. The proportion of futures trading in potatoes reported as being used for hedging purposes compares favorably with that of other commodities. Potatoes have been subject to wide price fluctuations. By use of hedging, farmers, dealers, and others in the potato industry have been able to protect themselves from this price variability and able to market potatoes on an economic basis.

The potato futures market also fulfills a vital economic function by furnishing a pricing basis open and known to all. The focusing of supply and demand forces into one place, and the wide dissemination of prices competitively determined in the market, are of benefit to all persons concerned with the marketing of potatoes.

Even though there is a wide variation in potato prices from season to season and within a particular marketing season, price fluctuations do not appear to be increased by futures trading. The prohibition of futures trading would not be expected to eliminate wide price movements which are inherent in the marketing of a commodity having, as do potatoes, an inelastic demand and substantial variations in the size of the crop from year to year.

The banning of futures trading in potatoes will not solve the problems plaguing the potato grower. It will not remove the problems of overproduction, rising production costs, the need to improve mechandising methods to present an attractive product to the consumer, and the pressing competition among potato producing areas for markets.

With a successful history of trading in potatoes for over 3 decades, what is the major argument for this drastic proposal? Fundamentally, I feel that the Congress needs to take a long hard look at any legislative proposal that eliminates a field of economic activity—especially one that has a proven record of successful operation—and especially the fundamental right of freedom of contract.

The sponsor of this legislation has testified,

I believe the principal reason is that such trading prevents orderly marketing.

I have examined the printed record for evidence by the proponents of this legislation that futures trading "prevents orderly marketing." While the record reveals some opinions, there is not a scintilla of statistical or other hard economic evidence justifying that position. Basic decisions affecting so important an area of economic freedom must be based on a statistical and factual record so that the case can be fairly and objectively appraised.

The record reveals that during the last 5 years, grower shipments have been well distributed over the year. From page 135 of the hearing record, we find the following statistics:

PERCENTAGES OF RAIL AND TRUCK SHIPMENTS, BY MONTHS FOR MAINE POTATOES

Month	1965	1966	1967	1968	1969
September	0.2	0.3	0.2	0.4	0.7
October	.6	1.3	.6	1.7	2.3
November	6.0	5.9	4.6	4.5	5.3
December	8.3	7.4	8.0	5.5	7.4
January	11.7	9.1	10.5	10.2	12.0
February	12.1	11.9	12.4	11.1	11.2
March	24.2	21.2	17.8	20.5	18.8
April	21.3	21.2	22.0	22.1	23.3
May	10.8	14.6	17.4	14.6	13.2
June	3.6	5.1	5.9	7.0	5.4
July		1.4	.1	1.0	.2

These figures show that by the end of May, between 92 percent and 96 percent of the crop was shipped. I must conclude that Maine producers have an outstanding record of orderly marketing.

This marketing pattern is showing good results.

For example, from page 137 of the hearing record:

1. Maine potato producers are receiving increasingly higher proportion of the U.S. average price.

Ratio of Maine to U.S. Average Price Received by Farmers

1949–58	86.4
1959–68	89.6
1969–70	95.0

And from page 135 of the record—

2. Statistical evidence revealed that Maine potato producers profited from their orderly marketing and received the following price advantages as a result of holding a portion of their sales off the market until May:

Average	Season average price received hundredweight	Average price received in May hundredweight	Additional return versus season average price cents per hundredweight
1949–58	1.73	2.19	+.46:+27%
1959–68	1.90	2.35	+.45:+24%
1969–70	2.09	2.53	+.44:+22%

In 16 of the last 22 years, the May price received by farmers exceeded the season average price.

Another argument utilized by the proponents of the bill was the matter of perishability. The experienced and unbiased experts of USDA carefully examined this question and came to the following significant conclusion:

It is our opinion that this commodity is suitable for futures trading as now conducted on the New York Mercantile Exchange. The maturity date of the May or final future traded . . . . is well within this period in which the commodity can be carried in storage.

One of the world's leading experts on futures trading, Dr. Roger W. Gray, professor of Food Research Institute at Stanford University said in a recent publication, entitled "The Futures Market for Maine Potatoes—An Appraisal":

An organized futures market is the logical mechanism through which to enable producers to plan production according to prospective prices, and to convert these to certain prices through hedging. The potato futures market was the first ever to attract significant hedging business in the context of discontinuous inventories and a cyclical price-production pattern. The forward pricing and inventory rationing functions are both more difficult and more important in this case, as compared to such continuous inventory, non-cyclical cases as the grains. The success of this market, in economic terms, has already been demonstrated—it has provided reasonable signals to those who would look and price certainty at reasonable levels to those who would avail themselves of it by hedging. The level of hedging use has continued to grow, hence the measure of success has gradually increased. Anything like full success from a total industry standpoint cannot be achieved until a much larger segment makes use of this or other potato futures markets, but already there are signs of improvement in industry production response. Most importantly to date, however, has been the contribution of this market to the vanguard to potato growers and shippers who use it. The analysis in this paper can leave no doubt as to why its users support it.

The problem facing potato growers lies not with the futures market, but with the excessive level of potato production. Mr. Alex Caldwell, Administrator of the Commodity Exchange Authority testified correctly:

Futures markets are like a thermometer. They register prices based on supply and demand conditions. If the thermometer is removed, the temperature is not changed. It follows that the removal of futures trading in potatoes will not change the supply and demand conditions that are affecting price.

The problems facing Maine and Idaho potatoes are not to be found in the futures market but arise from the total supply picture for potatoes in the United States. Production and available supply are major forces that affect potato prices.

There is need for reduced production of fall potatoes in line with USDA guides. This is the best and only approach to higher prices for farmers.

The imperatives of potato marketing are such that if Congress should eliminate futures trading in potatoes, forward sales could not stop. Actually, potato trading would revert to a more primitive form with major but well hidden flaws. The Irish potato market for forward sales and deliveries would be unregulated. The defects of forward selling which require either the buyer or the seller to bear the whole risk of loss which makes hedging impossible and which is not subject to Federal regulation should be clear. I do not profess that futures trading is perfect, but let us not destroy this closest approximation to perfect competition.

With respect to the indicated vote of Maine potato producers, the following colloquy between the Honorable Representative ZWACH and the expert witness Alex C. Caldwell, Administrator, CEA should be considered:

Mr. ZWACH. Is it your contention that this exchange accrues to the benefit of potato growers?

Mr. CALDWELL. That is our belief; yes, sir.

Mr. ZWACH. In spite of the fact that 80 percent of them feel it does not?

Mr. CALDWELL. Our feeling is that growers

who use the market properly are obtaining a benefit from it. We do not believe that other growers, who do not use the market are faced with any problems as a result of it.

Fundamentally, eliminating futures trading in potatoes will hurt the small family farmer who obtains his financing by hedging his potatoes. To urge farmers to finance their potato crop through crop mortgages requires not only higher interest rates, but also makes the farmer a speculator who must rely on the market price at harvest time. Of course, he can do this currently, but knows that this is a poor choice.

The futures market helps maintain the family farm. It is a great tool for minimizing costs between producer and consumer.

This proposal should be defeated. There has not been presented to this committee satisfactory evidence for eliminating the futures trading in potatoes.

Mr. MAYNE. Mr. Speaker, I rise in opposition to this bill which would prohibit trading in Irish potato futures on commodity exchanges. I feel that the passage of this bill would set a very dangerous precedent, realizing that uninformed growers of other commodities may make similar moves to prohibit futures trading on their commodities as well.

Futures trading is a very necessary part of the marketing process of commodities today. Farmers, elevators, and other handlers of commodities could not produce and market their product nearly as efficiently and orderly as they now do without the futures market.

The supporters of this bill use arguments, all of which are very old, and have been clearly refuted in the literature of the senior academic journals in the field of agricultural economics many times. First, futures markets allow potato growers the option to take advantage of hedging opportunities which may seasonally occur. Second, so-called perishable commodities do lend themselves to orderly futures trading, and "unnatural" price volatility is not a result thereof. Third, it has been shown that futures trading causes less volatility in the market price, not more volatility as has been charged. Fourth, a survey of potato producers does not show that they favor prohibition of futures trading in Irish potatoes, but in fact, the contrary is the case.

The reason futures contracts exist is to serve hedgers who desire stability, either agricultural or financial. Futures contracts for which there turned out to be no need have always died on their own without any help from Congress. A number of futures contracts have gone by the wayside over the years. Why should Congress kill a living-breathing contract for potatoes for which none of the usual symptoms of a sick contract can be found?

For these reasons, I urge you to vote against this bill.

Mr. HATHAWAY. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. BERGLAND).

Mr. BERGLAND. Mr. Speaker, I thank the gentleman from Maine for yielding.

I rise in strong support of this measure. I want to commend the gentleman from Maine (Mr. HATHAWAY) for sponsoring legislation that has widespread and general support among the potato growers of the United States. As a member of the Committee on Agriculture I can attest to the fact that it had general support in our committee.

The Subcommittee on Domestic Marketing and Consumer Relations held hearings for 4 days on this bill. Over 100 witnesses either appeared or submitted statements, and I think it can safely be said that all persons wanting to express their views were given an opportunity to do so.

Mr. Speaker, among the many organizations that have endorsed this legislation are the Red River Valley Potato Growers of Minnesota and North Dakota, the Empire State Potato Club of New York, the Maine Potato Council, the National Potato Council, the National Farmers Organization, the North Carolina Potato Growers and Dealers Association, The National Grange, the Idaho Farm Bureau, the Tulelake Growers Association of California, the New Jersey State Potato Council, the Oregon Potato Council, the Ohio Potato Growers Association, the Wisconsin Potato and Vegetable Growers Association, and others.

Mr. Speaker, I urge the adoption of this badly needed legislation.

Mr. FINDLEY. Mr. Speaker, I would like to add just one further comment. I should like to mention that when this proposal was presented to the Committee on Rules, it failed to get a rule, and the vote on that occasion was 8 to 4 against.

I also have a copy of a letter that the Farm Bureau Federation of the State of Idaho, which, of course, is a major producer of potatoes, issued stating that organization's opposition to this bill, which would abolish futures trading in potatoes.

The letters referred to are as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 24, 1971.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in answer to your request for a report on H.R. 7287.

The bill proposes to prohibit trading in Irish potatoes for future delivery on any board of trade in the United States. Most of the futures trading has been in Maine-grown potatoes at New York, although there has been a substantial recent growth in futures trading in Idaho-grown potatoes at Chicago. Therefore, the bill, in effect, will ban futures trading in potatoes from Maine and Idaho.

We recommend that H.R. 7287 not be enacted.

Futures trading, as in many other commodities, fulfills a useful and needed economic function in the marketing of potatoes. The facilities of the exchanges are being used by many growers, cooperatives, shippers, merchants, chainstores, and processors as a means of hedging price risks. The proportion of futures trading in potatoes reported as being used for hedging purposes compares favorably with that of other commodities. Potatoes have been subject to wide price fluctuations. By use of hedging, farmers, dealers, and others in the potato industry have been able to protect themselves from this price variability and able to market potatoes on an economic basis.

The potato futures market also fulfills a vital economic function by furnishing a pricing basis open and known to all. The focusing of supply and demand forces into one place, and the wide dissemination of prices competitively determined in the market, are of benefit to all persons concerned with the marketing of potatoes.

Even though there is a wide variation in potato prices from season to season and within a particular marketing season, price fluctuations do not appear to be increased by futures trading. The prohibition of futures trading would not be expected to eliminate wide price movements which are inherent in the marketing of a commodity having, as do potatoes, an inelastic demand and substantial variations in the size of the crop from year to year.

The banning of futures trading in potatoes will not solve the problems plaguing the potato grower. It will not remove the problems of overproduction, rising production costs, the need to improve merchandising methods to present an attractive product to the consumer, and the pressing competition among potato producing areas for markets.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

IDAHO FARM BUREAU FEDERATION,
Boise, Idaho, April 17, 1972.

Hon. W. R. POAGE,
Chairman, House Agricultural Committee, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE POAGE: HR 7287 is before your committee for consideration. We recommend this legislation not be passed.

The opportunity to hedge potato growing and selling risks should not be taken away from Idaho farmers. Margins are continuing to narrow and we need to use every possible way to market, or obtain a risk reduction in the management of our farming operations. Hedging on the exchange is a way of marketing that has proven successsful in other agricultural products and many changes in the contracts were made before they became successful.

Idaho Potatoes have been offered on the exchange since 1968 and changes have been made in the contract which have provided a better means for hedging. We should not prohibit potato futures trading without more information on results of these changes.

It is our opinion that taking onions from the board did not improve or change the marketing of onions, but did limit the selling option and opportunities of producers.

One of the ways producers would be limited if potatoes were removed comes when there are more sellers than buyers at a particular time on the fresh market. Simplified this would be when three carloads of potatoes are offered by three growers and only two of these have buyers. One grower cannot sell. If the futures market price is acceptable allowing for freight, storage, packing commission etc. a sale can be made by all three growers and thus we have averted a temporary imbalance in marketing, and also a possible price depressing situation.

We thank you for your efforts in behalf of agriculture and hope HR 7278 is not passed into law.

Sincerely,

W. DALE ROCKWOOD,
President.

Mr. HATHAWAY. Mr. Speaker, I should like to point out that in Idaho the

head of the Potato Council testified in favor of the bill, and the Agriculture Committee, which has experts in this matter, passed the bill by an overwhelming vote of 20 to 4.

I would like to yield 1 minute to the gentleman from California (Mr. SISK).

Mr. SISK. I thank the gentleman from Maine for yielding.

As a member of the subcommittee, I might say that in spite of the fact that the Chairman of the subcommittee did vote against the bill, the gentleman from Illinois, who is opposing it here, was the only other member. Actually the bill came out of the subcommittee by a vote of 6 to 2.

We were deeply impressed by the unanimity of the people in Maine in support of this legislation. I have no personal interest in it. I happen to believe in futures trading basically for the basic commodities. I think hedging is an excellent tool for farmers generally, particularly in cotton, wheat, and livestock. However, perishable commodities are a different matter.

As has already been indicated, not only did the subcommittee report this bill by a vote of 60 to 2 but also the full committee reported it by a vote of 20 to 4. There was substantial support in the Committee on Agriculture for this legislation. Certainly in view of the fact that, as I understand it, it affects only Maine and the Maine people do want it, then I am inclined to say it must be good legislation for Maine at least.

The SPEAKER. The question is on the motion offered by the gentleman from Maine (Mr. HATHAWAY) that the House suspend the rules and pass the bill H.R. 7287.

TELLER VOTE WITH CLERKS

Mr. FINDLEY. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. FINDLEY. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chair appointd as tellers Messrs. HATHAWAY, FINDLEY, SISK and BELCHER.

The House divided, and the tellers reported that there were—ayes 116, noes 150, not voting 165, as follows:

[Roll No. 443]

[Recorded Teller Vote]

AYES—116

Abbitt	Drinan	Leggett
Adams	Dulski	McFall
Anderson, Calif.	Eckhardt	Macdonald, Mass.
Andrews, Ala.	Edwards, Calif.	Mathias, Calif.
Badillo	Ford, William D.	Mathis, Ga.
Baker	Fraser	Meeds
Begich	Gaydos	Melcher
Bennett	Gonzalez	Metcalfe
Bergland	Grasso	Miller, Ohio
Biester	Gray	Minish
Brasco	Griffiths	Mink
Brooks	Hamilton	Mollohan
Burke, Mass.	Harrington	Montgomery
Burlison, Mo.	Harsha	Morgan
Burton	Hathaway	Murphy, Ill.
Carey, N.Y.	Heckler, Mass.	Nedzi
Carney	Helstoski	Obey
Cleveland	Hicks, Mass.	O'Hara
Conyers	Holifield	O'Konski
Culver	Howard	Patten
Daniel, Va.	Ichord	Pickle
Daniels, N.J.	Jacobs	Pike
Danielson	Johnson, Calif.	Price, Ill.
Davis, Ga.	Kastenmeier	Randall
de la Garza	Kazen	Rangel
Dellums	Kluczynski	Rees
Dent	Kyros	Reuss
Roberts	Sisk	Van Deerlin
Rodino	Slack	Vanik
Roe	Staggers	Waldie
Rogers	Steed	Wampler
Rooney, Pa.	Steele	White
Rostenkowski	Steiger, Wis.	Whitten
Roy	Stokes	Wilson, Charles H.
Roybal	Stuckey	Wyman
St Germain	Sullivan	Yates
Sarbanes	Teague, Calif.	Young, Tex.
Scheuer	Tiernan	Zablocki
Seiberling	Udall	

NOES—150

Abzug	Flynt	Mann
Addabbo	Ford, Gerald R.	Mayne
Archer	Frelinghuysen	Mazzoli
Arends	Frenzel	Michel
Ashbrook	Frey	Mills, Md.
Ashley	Gettys	Mizell
Aspinall	Goodling	Mosher
Belcher	Griffin	Natcher
Betts	Grover	O'Neill
Bevill	Gubser	Passman
Bingham	Gude	Perkins
Blackburn	Hall	Pettis
Boggs	Hammer-schmidt	Poage
Bray	Hanley	Powell
Breaux	Hansen, Idaho	Quie
Brinkley	Harvey	Quillen
Brown, Mich.	Hastings	Railsback
Brown, Ohio	Hechler, W. Va.	Riegle
Broyhill, N.C.	Heinz	Robinson, Va.
Buchanan	Henderson	Robison, N.Y.
Burleson, Tex.	Hicks, Wash.	Rosenthal
Byrnes, Wis.	Hillis	Runnels
Camp	Hogan	Ruppe
Carlson	Hosmer	Ruth
Carter	Hutchinson	Satterfield
Casey, Tex.	Jarman	Saylor
Cederberg	Kee	Sebelius
Chamberlain	Keith	Shoup
Chisholm	King	Shriver
Clausen, Don H.	Koch	Smith, Calif.
Clawson, Del	Kyl	Smith, Iowa
Collier	Landgrebe	Spence
Collins, Tex.	Landrum	Springer
Colmer	Latta	Stanton, J. William
Conable	Lent	Stubblefield
Conover	Lloyd	Terry
Coughlin	Long, Md.	Vander Jagt
Dellenback	Lujan	Veysey
Dennis	McClory	Ware
Dorn	McCloskey	Whalen
Downing	McCollister	Whalley
Duncan	McCormack	Wiggins
du Pont	McDade	Williams
Edwards, Ala.	McEwen	Wilson, Bob
Erlenborn	McKay	Wright
Eshleman	McKevitt	Wyatt
Evins, Tenn.	Madden	Wydler
Findley	Mahon	Wylie
Fish	Mailliard	Young, Fla.
Flood	Mallary	Zion

NOT VOTING—165

Abernethy	Crane	Haley
Abourezk	Curlin	Halpern
Alexander	Davis, S.C.	Hanna
Anderson, Ill.	Davis, Wis.	Hansen, Wash.
Anderson, Tenn.	Delaney	Hawkins
Andrews, N. Dak.	Denholm	Hays
Annunzio	Derwinski	Hébert
Aspin	Devine	Horton
Baring	Dickinson	Hull
Barrett	Diggs	Hungate
Bell	Dingell	Hunt
Biaggi	Donohue	Johnson, Pa.
Blanton	Dow	Jonas
Blatnik	Dowdy	Jones, Ala.
Boland	Dwyer	Jones, N.C.
Bolling	Edmondson	Jones, Tenn.
Bow	Eilberg	Karth
Brademas	Esch	Keating
Broomfield	Evans, Colo.	Kemp
Brotzman	Fascell	Kuykendall
Broyhill, Va.	Fisher	Lennon
Burke, Fla.	Flowers	Link
Byrne, Pa.	Foley	Long, La.
Byron	Forsythe	McClure
Cabell	Fountain	McCulloch
Caffery	Fulton	McDonald, Mich.
Celler	Fuqua	McKinney
Chappell	Galifianakis	McMillan
Clancy	Gallagher	Martin
Clark	Garmatz	Matsunaga
Clay	Giaimo	Mikva
Collins, Ill.	Gibbons	Miller, Calif.
Conte	Goldwater	Mills, Ark.
Corman	Green, Oreg.	Minshall
Cotter	Green, Pa.	Mitchell
	Gross	Monagan
	Hagan	Moorhead
		Moss
		Murphy, N.Y.
		Myers
		Nelsen
		Nichols
		Nix
		Patman
		Pelly
		Pepper
		Peyser
		Pirnie
		Podell
		Preyer, N.C.
		Price, Tex.
		Pryor, Ark.
		Pucinski
		Purcell
		Rarick
		Reid
		Rhodes
		Roncalio
		Rooney, N.Y.
		Roush
		Rousselot
		Sandman
		Scherle
		Schmitz
		Schneebeli
		Schwengel
		Scott
		Shipley
		Sikes
		Skubitz
		Smith, N.Y.
		Snyder
		Stanton, James V.
		Steiger, Ariz.
		Stephens
		Stratton
		Symington
		Talcott
		Taylor
		Teague, Tex.
		Thompson, Ga.
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Ullman
		Vigorito
		Waggonner
		Whitehurst
		Widnall
		Winn
		Wolff
		Yatron
		Zwach

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, 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. 3755) entitled "An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1437) entitled "An act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes."

The message also announced that the Senate agrees to the amendment of the House to an amendment of the Senate numbered 20 to the foregoing bill.

The message also announced that the Senate agrees to the amendment of the House to joint resolution of the Senate of the following title:

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 16071. An act to amend the Public Works and Economic Development Act of 1965.

EMERGENCY RAIL FACILITIES RESTORATION ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3843) to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972.

The Clerk read as follows :

S. 3843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That this Act may be cited as the "Emergency Rail Facilities Restoration Act".

DEFINITIONS

SEC. 2. For the purpose of this Act—

(a) "Secretary" means the Secretary of Transportation.

(b) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1–27).

(c) "Net income" means ordinary income reported to the Interstate Commerce Commission pursuant to the relevant railroad annual report form, adjusted for extraordinary items of a nonrecurring nature and directly related to railroad operations.

AUTHORIZATION

SEC. 3. The Secretary is authorized to make loans, upon such terms and conditions as are specified by this Act and any others he deems appropriate, in an aggregate amount not to exceed $48,000,000 to railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), to railroads which have reported to the Interstate Commerce Commission in the railroad annual report a deficit net income for either of the last two calendar years, and to railroads whose certified damage to railroad facilities or equipment as a result of the natural disasters which occurred during the month of June 1972 exceeds their net income for either of the last two calendar years for the purpose of restoring or replacing railroad facilities, equipment, or services which are determined to be essential to public service (including, without limitation, bridges, track, track structures, signal and communication systems, and rolling stock) damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. There are authorized to be appropriated to the Secretary to remain available through June 30, 1975, such sums as are necessary to carry out the purposes of this Act.

TERMS AND CONDITIONS

SEC. 4. (a) Prior to making a loan under this Act the Secretary shall—

(1) find in writing that there is no other practicable means of obtaining funds from either private or government sources than a loan pursuant to this Act;

(2) require that application be made by a railroad in such form and substance as the Secretary shall prescribe;

(3) require satisfactory proof in writing of costs incurred or to be incurred in the restoration or replacement of essential railroad facilities, equipment, or services;

(4) take appropriate action to insure that funds loaned under this Act are used solely for the purpose of restoring or replacing facilities, and equipment (including the upgrading of such facilities and equipment) damaged or destroyed as a result of the natural disasters of June 1972;

(5) obtain satisfactory assurances from the applicant railroad that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay;

(6) require as a condition of the loan that the United States obtain such security as the Secretary deems will adequately protect the interests of the United States except that, in the case of a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), if the Secretary expressly determines in writing that the railroad does not have sufficient working capital to fund the restoring or replacing of essential railroad facilities, equipment, or services, he may, notwithstanding section 3466 of the Reivsed Statutes (31 U.S.C. 191) or any other law, require any priority or subordination of the interests of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, so long as such position is not lower than that of a prebankruptcy unsecured creditor of the railroad; and

(7) require that no part of the restoration or replacement work to be financed by the loan program hereunder which is presently or should be performed under collective bargaining agreements by railroad employees shall be subcontracted by the railroad; except that to the extent that the Secretary finds in writing that railroad employees, including employees on furlough, in the affected region are insufficient to perform such restoration or replacement work and that such railroad employees on furlough, if not recalled by the railroad will be employed by a subcontractor to perform such work in which event such employees shall be deemed to be railroad employees retaining all the rights and priviledges of railroad employees while so employed.

(8) None of the foregoing conditions shall apply to such work undertaken prior to the enactment of this Act.

(b) No loan application shall be approved under this Act after eight months have elapsed from its date of enactment.

(c) (1) The Secretary in reviewing applications for loans shall examine such applications to determine whether any service or facility which is essential to the public interest in maintaining transportation service, including specifically the Sunbury-Wilkes-Barre (Buttonwood) line, will not be restored or replaced. In making such determination the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system.

(2) If after such determination the Secretary finds that any such service or facility of the applicant railroad will not be restored or replaced, the Secretary shall not approve such application unless and until such application is amended to include such restoration and replacement.

(3) As an aid to the formulation of public policy regarding rail transportation, the Secretary shall prepare and keep current a comprehensive schedule setting forth transportation facilities and services that he believes should be provided by railroads in the northeastern region of the United States. In formulating such a schedule the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system.

(4) The Secretary shall provide as a condition of the loan that, in consideration of the relief provided by this Act, the railroad shall offer to convey to the State, for just compensation, or in the event any such railroad is subject to a proceeding under the bankruptcy laws, the court having jurisdiction in such bankruptcy proceedings shall direct the trustee or trustees or the debtor to offer to convey to the State, for just compensation all of his right, title, and interest free and clear of all encumbrances, in any right-of-way, track, and other related real and personal property on any branch line within such State which has been damaged or destroyed as a result of the natural disasters of June 1972; which have not been scheduled for restoration or replacement under the loan program as approved by the Secretary; and which such State, or subdivision thereof, proposes to restore or replace.

STATE AND LOCAL AUTHORITY

SEC. 5 (a) The Secretary is authorized to make loans pursuant to this section to assist regional, State, and local public bodies and agencies thereof in financing the restoration and replacement of railroad facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972. Eligible facilities and equipment may include railroad right-of-way, track, rolling stock, and other real and personal property needed for an efficient and coordinated railroad transportation system and conveyed in accordance with the provisions of section 4(c)(3).

(b) No such loan shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment or reestabilshment of railroad service in the affected area; and

(2) the technical capability to carry out the proposed project.

(c) Any such loan may be made for not to exceed 80 percentum of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this section.

(d) There is authorized to be appropriated not to exceed $10,000,000 to carry out the provisions of this section. Sums so appropriated shall remain available through June 30, 1975.

(e) The Secretary shall impose as a condition of any such loan under this section such fair and equitable labor protective arrangements as are described in the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 565).

LINE ABANDONMENT

SEC. 6. (a) Except as provided in subsection (b) of this section, and except for the conveyance of facilities pursuant to subsection 4(c)(3), all abandonment of facilities and services shall continue to be subject to the appropriate provisions of the Interstate Commerce Act.

(b) The damage or destruction caused by the natural diasters of June 1972 to any railroad facility, equipment, or service therefrom, of a railroad obtaining assistance under this Act, or any action taken pursuant to this Act affecting any railroad, shall not be evidence in any proceeding before any Federal agency or in any court in which line abandonment is an issue. Any violation of this section shall be deemed to be prejudicial.

INTEREST RATES

SEC. 7. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this Act bear interest at a rate determined by the centum per annum.

DEFERRAL OF PAYMENT

SEC. 8. Whenever he determines it necessary to insure the provision of essential transportation services of a railroad, the Secretary may in his discretion provide in the terms and conditions of a loan under this Act for deferral of the payment of principal and interest on the loan for a period not to exceed ten years from the date the loan is made.

RULES AND REGULATIONS

SEC. 9. The Secretary shall issue such rules and regulations as are appropriate to carry out the purposes of this Act.

ENFORCEMENT

SEC. 10. The Secretary shall insure that railroads which obtain loans under this Act comply with the provisions of this Act and any rules, regulations, or conditions imposed by the Secretary pursuant to this Act. In the event of any failure to comply with such provisions, rules, regulations, or conditions, the Secretary may take such enforcement action as he deems appropriate including a declaration that the obligation of applicant

railroads is immediately due and payable as a claim of the United States without regard to any other provision of the loan or of this Act.

REPORTS

SEC. 11. The Secretary shall, within one year after enactment of this Act, report to the President and to the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of railroads which obtained loans under this Act and including an evaluation of the impact of this Act on the condition of the rail facilities and services described in the schedule prepared under subsection 4(c)(1) of this Act. Such report shall also include recommendations, if any, for additional legislation action.

AUDIT

SEC. 12. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary to effectively audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

INTERSTATE COMMERCE COMMISSION APPROVAL

SEC. 13. A railroad qualifying for a loan or loans under the provisions of this Act shall not be required to comply with the provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) with respect to such loan or loans.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill, S. 3843.

Mr. Speaker, this is actual emergency legislation.

I know all of us are tired of hearing about emergency legislation involving the railroads. However, this is a different kind of emergency. This emergency has arisen because two kinds of disasters have combined: The first kind of disaster to which I am referring was a natural disaster—namely the floods which devastated much of the eastern seaboard and parts of South Dakota during the month of June 1972. The second kind of disaster is man-made. Here I am referring to the fact that six of the 11 railroads which were seriously affected by these floods are in bankruptcy while most of the others are not far from it.

Why do I ask the House to pass this legislation in the closing days of this Congress? It is not because I want the Congress to benefit financially the railroads involved. It is because the citizens living in the affected regions—the shippers, the businessmen, and the consumers—all continue to suffer grievous losses because most of the railroads serving these regions are unable—because of their financial condition—to restore much needed railroad services.

I know full well that this is stop-gap legislation. However, only last week the House, over President Nixon's veto, passed another stop-gap measure to do justice to retired railroad workers and to increase temporarily their retirement benefits to match increases in social security benefits.

In passing that legislation we fully realized that something more basic would have to be done during the next Congress to find a satisfactory long-range solution for the railroad retirement system. The same thing is true with regard to the operation of the railroads in the Northeastern sector of this Nation. During the next Congress we shall have to face up to the need for enacting long-range solutions for the railroads in this sector which are either in bankruptcy or close to it.

I am appealing to you today to support this emergency legislation which is designed to assist active and furloughed railroad workers and other citizens in the affected disaster areas just as last week the House overwhelmingly supported stop-gap legislation to assist retired railroad workers.

Mr. Speaker, the legislation before us authorizes an appropriation of $48 million to make possible direct Government loans to the affected railroads. The legislation authorizes another $10 million for direct Government loans to States which are willing to restore and operate spur lines which are not included in the railroad restoration program.

The bill spells out the terms and conditions under which such loans shall be made by the Secretary of Transportation. The legislation extends job protection to railroad labor in connection with restoration work. Under the provisions of this legislation, loans to railroads will be available only if such loans cannot be obtained either from private sources or under other government programs.

Mr. Speaker, all of us must recognize that we are faced with a very special situation and unless the Congress steps in to help out, it will not be the railroads that will suffer, it will be the businessmen, the citizens and the railroad workers in the affected disaster areas who will be left victims of conditions over which they have no control. Therefore, Mr. Speaker, I am confident the Members of the House will support my call for passage of this emergency legislation.

Mr. KAZEN. Will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman.

Mr. KAZEN. How many railroads are involved?

Mr. STAGGERS. Eleven.

Mr. KAZEN. How much are the anticipated loans?

Mr. STAGGERS. $48 million is set up that can be loaned.

Mr. KAZEN. $48 million?

Mr. STAGGERS. That is right.

Mr. KAZEN. For all of them?

Mr. STAGGERS. That is right.

Mr. KAZEN. At what rate of interest?

Mr. STAGGERS. Not to exceed 6 percent.

Mr. KAZEN. Not to exceed 6 percent?

Mr. STAGGERS. That is right.

Mr. KAZEN. Anything under 6 percent?

Mr. STAGGERS. That is right. At the discretion of the Secretary of Transportation. They have taken every precaution that these loans will be repaid. This is put in the bill. It is only those railroads that cannot get any money from any other source that are involved here.

Mr. KAZEN. I thank the gentleman.

Mr. VANIK. Will the gentleman yield?

Mr. STAGGERS. I am very happy to yield to the gentleman.

Mr. VANIK. I would like to inquire of the distinguished chairman of the committee on Interstate and Foreign Commerce why the railroads should not pay the Government rate, because this is a great deal of help.

Mr. STAGGERS. This is the Government rate.

Mr. VANIK. It is up to the Government rate, then?

Mr. STAGGERS. That is right.

Mr. VANIK. Do I understand these loans will be made directly to the railroads and we will not take on anyone's bank loans or other loans in a refinancing program?

Mr. STAGGERS. That is correct.

Mr. VANIK. It is a direct loan to the railroad, and the Government will be protected?

Mr. STAGGERS. That is right.

Mr. VANIK. I want to say to the gentleman I do feel we have to put an overall limit on spending outside of the debt ceiling which goes beyond the control of the Congress. I think we ought to overhaul all of these programs and try to consolidate them, because they do have a direct effect on inflation and the cost of the Government's own borrowing for all other programs. It is time we had an overall indication of the guarantees and lending and borrowing by the Government within and without the debt ceiling.

Will they use any of this for administration?

Mr. STAGGERS. No. It is just for equipment and restoration.

Mr. Speaker, I yield such time as he may use to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, just to amplify on what the chairman said, there are certain points that I would like to dwell on very quickly. I am sure you want to know about them before you vote.

The purpose of the bill is to authorize Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of storms and floods during June 1972.

There are certain features which I would like to briefly describe.

Section 3 authorizes $48 million in loans from DOT to railroads that are: Undergoing reorganization under section 77 of the Bankruptcy Act; reporting a deficit net income for either of the last 2 calendar years; certifying damage in June 1972 exceeding their net income for either of the last 2 calendar years.

Section 4 gives the Secretary of Transportation extensive authority to impose conditions on the railroads prior to approving loans. Such conditions and requirements include: A finding that there is no practicable alternative; assurance funds are used to restore or replace dam-

aged facilities, including upgrading; obtaining appropriate security except that where the railroad is undergoing reorganization DOT may subordinate the creditor position of the United States; and requiring that railroad employees be given employment priority in restoration work.

DOT Secretary may also: Examine applications and determine whether an essential service, including the Buttonwood line, will not be restored—if not, application shall not be approved until amended; prepare a comprehensive master plan of facilities and services that should be provided in the northeastern region of the United States; require the sale to a State of a line which was damaged, if not scheduled for replacement, and which the State proposes to restore.

Section 5 authorizes $10 million in loans to State and local authorities to restore railroad facilities and equipment conveyed under the previous section, up to 80 percent of cost. DOT may impose as a loan condition labor protective arrangements as in the Rail Passenger Service Act of 1970.

Section 6 precludes ICC from considering damage to facilities and equipment, or loss of service in making decisions on abandonment proceedings.

These I think are the essentials that you want to do. I think we have tried to put in this bill every safeguard we possibly could. It is emergency legislation. I see no other alternative except what we have done. Therefore I recommend the legislation.

Mr. VANIK. Mr. Speaker, I oppose this bill, because it would provide for loan of public money for the benefit of private investors. While there is some public benefit in the restoration of equipment and service, I question if it should become a public obligation to bail out every failing railroad in America.

This Congress has gone further than any other Congress in the history of America to provide for assistance after a common disaster, such as Hurricane Agnes. The principal beneficiaries of the legislation which we are considering tonight are already substantially covered under the provisions of that earlier emergency legislation.

The loans provided by this program have to be financed out of public borrowing, which is already straining the money markets. This borrowing fuels inflation and increases the burden on every taxpayer of America.

I feel that it is time for the Congress to put a ceiling on all Federal borrowing within and without the Federal debt limitation. It is foolhardy to assume that we can fight inflation solely by reducing Federal expenditures while continuing to go to the Nation's money markets with tremendous borrowing outside the Federal debt limit. In 1972, the Federal Government borrowed over $28 billion outside the debt limit. The total borrowing outside the debt ceiling will be $224 billion by the end of fiscal year 1973.

It is impossible for Congress to control inflation unless Congress enacts a ceiling on borrowing as well as on spending. It is my hope that next year the Congress will vest the Ways and Means Committee or another committee with full authority to provide an expenditure ceiling, a borrowing ceiling, and a guarantee ceiling. This is the only way that we can responsibly control inflation, the increase in the deficit and the integrity of the American dollar.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 3843.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. FLOOD. Mr. Speaker, the title of this bill is aptly named—"Emergency Rail Facilities Restoration Act"—for this is truly an emergency. There must, by now, be no need for me to repeat what I have reminded this body of many times; namely that hurricane Agnes, and the resultant flooding of rivers and streams, towns and cities, was the greatest civil disaster in the history.

This disaster did not stop at destroying lives and homes and businesses; it struck at the very heart of the economy, hitting airports and destroying miles and miles of railroad track. In the Agnes disaster area, the railroads are the vital link between towns and cities and between both large and small businesses. This vital link must be restored if the area is ever again to recover its former vitality, and this bill before us this evening will be a giant step in bringing that restoration closer.

This bill is not primarily a railroad bill. Not at all. The bill is for the people and communities who so desparately rely upon the services which the railroad does provide. Remember, the money will be for repair, rehabilitation, and restoration only—administrative costs are not included; and all money will be made available at the current Government interest rate.

Enumerated in the bill is the Buttonwood line. This stretch of railroad line which links many areas and notably the Wilkes-Barre to Sunbury, Pa., area, was among the hardest of all those hit. In the Wilkes-Barre area alone, this will mean the restoration of 400 men to their jobs with the railroad and bring new hope to the 2,000 other workers whose firms were served by the rail line. We cannot turn our backs upon these people.

It should be noted that next year the Congress will examine in detail, and with formal hearings and other means of investigation, legislation for aid to railroads. This will come in time; however, I can tell you, that the people who have already suffered so greatly as a result of this disaster are running out of time. This emergency legislation will assure that not only are they given more time, but that the initiative for full economic recovery and a full contribution to this nation, will become a reality.

Mr. McDADE.. Mr. Speaker, when Hurricane Agnes struck in Pennsylvania, the quantity of damage was so enormous that this disaster was termed by the Corps of Engineers as the greatest natural disaster in the history of the Nation.

The Congress has come to the aid of the people of the stricken region with the most outstanding disaster relief in history, but in one particular area there is still a notable need. That is in the area of repairing the tracks of the rail lines throughout the flood region.

I would call the Members' attention in particular, to the plight of the farmer in Pennsylvania in the wake of this flood. He had counted on the feed for his livestock coming through to him over the rail lines which had been used in many cases for over half a century. Overnight, he found not only his fields devastated, the topsoil in many cases washed away to such a degree that any hope of growing a feed crop this year was reduced virtually to zero, while at the same time the rail lines which might have taken up the job of transporting his feed to his livestock were washed away also.

There is a real and immediate need for assistance in the reopening of the rail lines in the flood areas. This legislation will provide the assistance necessary, and may be used as the vehicle to get the railroad stock rolling once again.

I hope the Members of this House will give this legislation overwhelming support. This is a good bill, an investment of Federal money in an area which is a most productive and most essential part of our national community, our farming community, and the outstanding Americans who run those farms. And the passage of this legislation will very significantly remind the people of the flooded areas that Congress has not forgotten them in the aftermath of the flood, just as we did not forget them when the flood was at its crisis.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the bill, just passed.

The SPEAKER. Is there objection to the request of the gentlemen from West Virginia?

There was no objection.

CONFERENCE REPORT ON S. 2280, ANTIHIJACKING ACT OF 1972

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances:

CONFERENCE REPORT (H. REPT. No. 92–1599)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to

amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, having met, after full and free conference, have been unable to agree.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN DINGELL,
JAMES HARVEY,
JOE SKUBITZ,
Managers on the Part of the House.

WARREN MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
TED MOSS,
TED STEVENS,
J. GLENN BEALL,
LOWELL WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, report that the conferees have been unable to agree.

HARLEY Q. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
J. SKUBITZ,
Managers on the Part of the House.

WARREN MAGNUSEN,
HOWARD W. CANNON,
VANCE HARTKE,
TED MOSS,
TED STEVENS,
J. GLENN BEALL,
LOWELL WEICKER, Jr.,
Managers on the Part of the Senate.

TO NAME A BRIDGE ACROSS A PORTION OF OAKLAND HARBOR, CALIF., THE "GEORGE P. MILLER-LELAND W. SWEENEY BRIDGE"

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13158) to name a bridge across a portion of Oakland Harbor, Calif., the "George P. Miller-Leland W. Sweeney Bridge."

The clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge across the Oakland tidal canal, a part of Oakland Harbor, California, between the cities of Oakland and Alameda, California, authorized for modification in section 101 of the River and Harbor Act of 1962 (Public Law 87-874) and known as the Fruitvale Avenue Bridge, shall hereafter be known as the George P. Miller-Leland W. Sweeney Bridge. In any law, regulation, map, document, record or other paper of the United States in which such bridge is referred to shall be held to refer to such bridge as the "George P. Miller-Leland W. Sweeney Bridge."

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

DESIGNATING OAKLEY RESERVOIR ON THE SANGAMON RIVER AS THE WILLIAM L. SPRINGER LAKE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17038) designating the Oakley Reservoir on the Sangamon River at Decatur, Ill., as the William L. Springer Lake.

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 bill, as follows:

H.R. 17038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Oakley Reservoir on the Sangamon River at Decatur, Illinois, authorized by section 203 of the Flood Control Act of 1962, shall hereafter be known as the William L. Springer Lake, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "William L. Springer Lake."

Mr. HARSHA. Mr. Speaker, this refers to the Oakley Reservoir caused by the Oakley Dam on the Sangamon River at Decatur, Ill.

We authorized this project back in 1962. It is under some phase of construction and we are now endeavoring to name it after the distinguished ranking Minority Member of the House Committee on Interstate and Foreign Commerce who has served in this House with great distinction for some 20 years and this is an honor that we wish to bestow upon him in recognition of his outstanding service to his district and to his country.

There have been a number of Members who have sponsored bills, companion bills to this, and we on the Committee on Public Works are unanimous in agreement on this legislation.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

THE WILLIAM SPRINGER LAKE

Mr. DON H. CLAUSEN. Mr. Speaker, it is, indeed, an honor and a very great personal privilege to have been the author of this legislation naming a very important project after our beloved and highly respected colleague, BILL SPRINGER.

As Mr. HARSHA, our ranking Republican on the Public Works committee has stated, this man is so deserving of this recognition.

In all candor, it seems to me, a very small recognition of the extradorinary job this great legislator, WILLIAM L. SPRINGER, has done for his District, his people and, most importantly, his country.

The Nation will remain deep in his debt for the years of dedicated service this man has rendered.

He was one of the Members of Congress that we all depended on in his key Interstate and Foreign Commerce Committee assignment because if BILL SPRINGER put his stamp of approval on a piece of legislation one could rely on its contents and vote reassured for it.

As a professional pilot and one who is dedicated to the advancement of aviation and our total air transportation system, I came to appreciate the exceptional talent of the gentleman from Illinois. His ability to analyze and grasp technical details and information relating to air traffic, airports and airway facility requirements was a constant source of amazement to me.

BILL SPRINGER was always approachable. He always took time to listen if one had something constructive to offer in the way of a suggestion.

The airport-airways systems that are to be built in the future, thus guaranteeing the safest, most reliable air transportation system in the world, will stand as a monument to the work of this great and outstanding Congressman, BILL SPRINGER of Illinois.

As President of the Congressional Flying club, I must state, categorically, that we, in the aviation community shall remain eternally grateful to you.

As we all know, there is no better exercise for strengthening the heart than reaching down and lifting people up.

BILL SPRINGER has helped many people in his lifetime by putting to use his God-given talents. His dedication to purpose has left a mark, here in the Congress, that will remain unmatched for years to come.

BILL SPRINGER not only committed the Golden Rule to memory . . . BILL SPRINGER committed it to his life.

I am proud to claim him as a friend.

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.

CARL L. ESTES DAM AND LAKE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16804) to rename the Mineola Dam and Lake as the Carl L. Estes Dam and Lake.

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 bill as follows:

H.R. 16804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mineola Dam and Lake on the Sabine River, Texas, authorized by the Flood Control Act of 1970 shall be known and designated hereafter as the "Carl L. Estes Dam and Lake". Any law, regulation, map, or record of the United States in which such dam and lake

is referred shall be held and considered to refer to such dam and lake by the name of "Carl L. Estes Dam and Lake".

Mr. PATMAN. Mr. Speaker, Carl Estes is a name that means something in east Texas. True, it is a name that is known throughout the world wherever solid accomplishment and sound journalism are recognized, but in east Texas the name of Carl Estes evokes overtones of love and affection, the haunting charisma of a great man who above all else loved his fellows and loved every aspect of the land, the water, and the growing things that nurture people.

He delighted in the great green forests, the scent of the east Texas piney woods, the murmur of streams through woods and meadows, the glint of the close-hovering Southwestern moon on placid waters, and the brilliance and throbbing heat of the Texas sun at noon as he sat in a boat with his line over the side, patiently enjoying the wonders of a beneficent nature. He wanted these treasures for all the generations of Americans that would follow him.

Carl Estes recognized that there is and should be a balance in nature, a harmony that must be maintained, and he helped to provide and strengthen the sinews of industry in our State. I quote here from a telegram I sent to Carl Estes in the year 1947—a quarter of a century ago:

I saw your footprints in everything done for the great Lone Star Steel plant. In the movement to raise the large amount of money necessary to put it over, your efforts have been substantial and our success would have been jeopardized without your formidable assistance. Put another feather in your cap next to the LeTourneau feather for this great accomplishment for Texas and the Southwest.

With a prescience that is truly remarkable in these days of environmental turmoil, Carl Estes knew that people must work as well as live on the land and that with careful planning there would be no conflict. It is, therefore, more than fitting—it is precisely right and correct—that a great body of water in the basin of the Sabine known in its schematic stage as Mineola Reservoir should be named in honor of Carl L. Estes, an appropriate union of the nobility that individual man can achieve through character, rectitude, energy, and skill, with one of the higher objectives of our society—the preservation and beautification of a vital natural resource.

The Carl L. Estes Dam and Lake was in a very real sense made possible through his leadership and through his lifetime of labors. This name will be a reminder and an inspiration for each and every one of us that the earthly span of an individual human being can reflect the transcendent spirit of the Creator himself.

Mr. Speaker, the question is always asked with respect to a great man like the Honorable Carl L. Estes: Just how did such an outstanding and notable leader go about building his career? This question is asked particularly by young people in today's confused world who wish to build a meaningful life. With this in mind, I would like to set down briefly just those major milestones that brought Carl L. Estes lasting fame and recognition.

Carl L. Estes, the noted Texas publisher, leader, developer, and conservationist, was born November 10, 1896, and died May 29, 1967. He became one of America's giants of journalism, working his way up from newsboy to reporter, advertising manager, foreign correspondent, and finally to the position of editor-publisher.

Born in New Market, Tenn., Carl Estes came to Texas in his youth. At the early age of 23, he founded the East Texan at East Texas State University in Commerce, Tex. He later worked on a number of fine Texas newspapers including: the Commerce Journal, Denison Herald, and Tyler Courier-Times. He founded two more journals, the Tyler Morning Telegraph and in 1934, the Texas Oil Journal, and he purchased the Longview Daily News and Morning Journal which, under his editorial pen, became a powerful voice for the people of east Texas.

Dynamic, forceful, philanthropic—firm but fair—Carl Estes devoted his keen abilities and dramatic talents to conserving for human betterment the vast wealth of the east Texas oilfield which was the largest in the world when it was discovered in the 1930's. He fought "hot oil" runners who risked the future of this entire great field for the sake of immediate profits. He promoted highway and air travel facilities, expanded educational and medical resources, and was a strong and effective spokesman for land and water conservation.

As president of the Sabine River Watershed Association, he was instrumental in the creation of the Sabine River Authority of Texas in 1949. Working closely with Texas and Louisiana officials, he helped establish the Sabine River Compact Commission, under which the Toledo Bend Reservoir was built. He also worked to build Lake Tawakoni. He served several years as a member of the National Rivers and Harbors Congress, always advocating and encouraging more water development.

His work attracted to east Texas manufacturers whose payrolls and investments poured hundreds of millions of dollars into the economy of the area.

He was a veteran of World Wars I and II and was internationally known and respected.

These, then, are the building stones with which a good and wise man constructs a life of great service. Carl Estes was knowledgeable, intensely patriotic, formidably aggressive in just causes, sensitively humanitarian in outlook, hard working around-the-clock, a cooperative realist, a practical and imaginative thinker, and a fund of inexhaustible energy. To all of this it must be added and emphasized that he was blessed with a life companion who was his partner and his inspiration—the greatly gifted, lovely, and charming Margaret Estes. Loyalty, affection, and respect accompanied Carl Estes for the days of his life. It is our privilege now to accord him the honor that is his, the Carl L. Estes Dam and Lake.

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

GENERAL LEAVE

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill, H.R. 16804.

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

There was no objection.

AUTHORIZING SPEAKER TO APPOINT DELEGATES TO ATTEND UNITED NATIONS EDUCATIONAL SCIENTIFIC, AND CULTURAL ORGANIZATION CONFERENCE IN PARIS

Mr. SISK. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 1162.

The Clerk read the resolution as follows:

H. RES. 1162

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a member from the majority and a member from the minority of the Committee on Education and Labor to attend the seventeenth session of the United Nations Educational, Scientific, and Cultural Organization in Paris, France, from October 17 to November 18, 1972.

Notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Education and Labor of the House of Representatives engaged in carrying out their official duties for the purpose of carrying out the authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee in any country where local currencies are available for this purpose.

(4) Each member of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period in any other country, irrespective of differences in time zones.

The SPEAKER. Is there objection to

the request of the gentleman from California?

Mr. KYL. Mr. Speaker, reserving the right to object, I should like to direct a couple of questions to the gentleman on the Committee on Rules.

Has there been some change in the rules of official procedure which brings this resolution to the floor in this fashion rather than in the fashion that they have usually been considered in the past?

Mr. SISK. Mr. Speaker, if the gentleman will yield, I will be glad to comment on that.

Mr. KYL. I yield to the gentleman.

Mr. SISK. Frankly, I was handed this resolution a very few moments ago. The situation, as I understand it, is this.

Normally Representatives of the House in attending the sessions of UNESCO are actually transported by the State Department or at least the State Department picks up the tab.

This is the annual meeting in Paris of UNESCO. Apparently, only as late as yesterday it was understood that this year the State Department was not going to do that and that if the House was to be represented, as I understand by two Members—one a Republican and one Democratic Member—to attend the meeting in Paris from October 17 to November 18. This is the only method in which this could be brought up. So they did file a bill. The Committee on Rules has not acted upon it. I want to be perfectly frank about that with my colleague because more or less it is being brought up under a unanimous-consent request in order to permit, as I say, Members of the House—a Republican and a Democrat—to attend this conference.

Mr. KYL. I would direct one further question to the gentleman from California. Is there any particular reason why the State Department is not picking up the tab for this particular trip? Is it to be policy so far as they are concerned from this time on? Will the gentleman elucidate?

Mr. SISK. I wish that I could give the gentleman some enlightenment on that. I was just very briefly informed in the past there has been a normal practice that Members of Congress, usually two Members, would accompany the State Department, and basically they picked up the transportation, but this year there has been a change in that they are not doing so and, therefore, they needed permission to make use of counterpart funds. Of course, that is the only involvement we have here, to authorize counterpart funds.

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

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

Mr. HALL. Mr. Speaker, I would say that probably maybe the junketeers have overindulged.

Mr. KYL. I thank the gentleman for the response.

The SPEAKER. Is there objection to the request of the gentleman from California (Mr. SISK).

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

U.S. PARTICIPATION IN INTERNATIONAL EXPOSITION ON THE ENVIRONMENT

Mr. FRASER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 4022) to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington, in 1974, and for other purposes.

The Clerk read the title of the Senate bill.

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

Mr. FINDLEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota for the purpose of explaining the bill.

Mr. FRASER. Mr. Speaker, S. 4022 authorizes the President to provide for participation by the Federal Government in the International Exposition on the Environment to be held in Spokane, Wash., in 1974. Participation would include the construction and operation of a U.S. pavilion and the appointment of a U.S. Commissioner General for the Exposition. The bill authorizes $11.5 million to accomplish its purposes.

Although this bill was introduced in the closing days of this Congress, it would be incorrect to assume that it was thrown together hurriedly without careful consideration. On the contrary, it was introduced only after the Spokane Exposition had met each of the strict requirements of Public Law 91–269 which sets forth permanent standards and criteria for all U.S. international expositions seeking Federal endorsement and support. Public Law 91–269 insures that only the most viable international expositions in the United States will gain recognition by the President and qualify for congressional approval of participation by the Federal Government.

The Spokane Expo made its initial application under the law in November 1970, and during the intervening 2 years up to the present, the Expo has been granted Federal recognition, was registered by the Bureau of International Expositions in Paris and a detailed plan for Federal participation was developed in the executive branch for submission to Congress. In addition, four foreign countries—Canada, Iran, Japan, and U.S.S.R.—have accepted invitations to participate in the Exposition.

Should this legislation not pass during this Congress, it would be very difficult, if not impossible, to complete the proposed U.S. pavilion in time for the spring 1974 opening of the Exposition.

The President has determined that U.S. Government participation would be in the national interest and the basis for his determination was the law passed by Congress. The Committee on Foreign Affairs, after a public hearing before the subcommittee which I chair, ordered the bill favorably reported without a dissenting vote. I urge the House to approve this measure today.

Mr. FINDLEY. Mr. Speaker, I support passage of S. 4022. This legislation, which was requested by the President, is further evidence of the administration's positive interest in improving the environment of the world in which we live.

The bill before us would provide for the Federal Government's participation in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, including the construction and operation of a U.S. pavilion. An appropriation of $11.5 million would be authorized. The expenditure for fiscal 1973 will be within the budget request.

I would like to emphasize that the exposition has strong local participation. The land for the proposed pavilion is being deeded without cost to the Federal Government. Also the Washington State legislature and the city of Spokane are providing funds for a state pavilion and site development.

As noted in the report, the environmental theme of the exposition, "How Man Can Live, Work, and Play in Harmony With His Environment" is of current national interest and importance, and the exposition will provide presentations of proven educational value.

Mr. Speaker, the exposition is a worthwhile endeavor, and this legislation should be approved.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4022

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Public Law 91–269 (22 U.S.C. 2801 et seq.), the President is authorized to provide for United States participation in the International Exposition on the Environment (hereafter in this Act referred to as the "exposition"), which is being held at Spokane, Washington, in 1974. The purposes of such exposition are to—

(1) offer to United States citizens and to people throughout the world a program for the improvement of man's physical environment; demonstrate through improved projects how the resources of air, water, and land can be utilized to man's benefit without pollution; and broaden public understanding of ecology and related sciences;

(2) encourage tourist travel in and to the United States, stimulate foreign trade, and promote cultural exchanges; and

(3) commemorate the one hundredth anniversary of the founding of the city of Spokane.

SEC. 2. (a) The President, through the Secretary of Commerce, is authorized to carry out in the most effective manner the proposal for Federal participation in the exposition transmitted by the President to the Congress pursuant to section 3 of Public Law 91–269 (22 U.S.C. 2803).

(b) The President is authorized to appoint, by and with the advice and consent of the Senate, a Commissioner for a Federal exhibit at the exposition (as provided in the proposal referred to in subsection (a)) who shall be in the Department of Commerce and receive compensation at the rate prescribed for level V of the Federal Executive Salary Schedule. The Commissioner shall perform

such duties in the execution of this Act as the Secretary of Commerce may assign.

SEC. 3. (a) The Secretary of Commerce is authorized to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, to the extent he deems it necessary to carry out the provisions of this Act. Persons so appointed shall be reimbursed for travel and other necessary expenses incurred including a per diem allowance, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(b) The Secetary of Commerce is authorized to appoint and fix the compensation of persons, other than consultants and experts referred to in subsection (a), who perform functions to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided, however,* That no person appointed under this paragraph shall receive compensation at a rate in excess of that received by persons appointed subject to chapter 51 of such title for performing comparable duties.

(c) The Secretary of Commerce is authorized to enter into such contracts as may be necessary to provide for United States participation in the exposition.

(d) The Secretary of Commerce is authorized to erect such buildings and other structures as may be appropriate for the United States participation in the exposition on land (approximately four acres including land necessary for ingress and egress) conveyed to the United States, in consideration of the participation by the United States in the exposition, and without other consideration. The Secretary of Commerce is authorized to accept title to such land or any interest therein: *Provided, however,* That the land or interest may be accepted only if the Secretary determines that it is free of liens, or of any other encumbrances, restrictions, or conditions that would interfere with the use of the property for purposes of the United States or prevent the disposal of the property as hereinafter set out. In the acceptance of such property and in the design and construction of buildings and other structures and facilities thereon, the Secretary of Commerce shall consult with the Secretary of the Interior, the Administrator of General Services, and the heads of other interested agencies to assure that such activities will be undertaken in a manner that (1) minimizes to the greatest extent practicable any adverse effects on the recreation, fish and wildlife, and other environmental values of the area; and (2) preserves and enhances to the greatest extent practicable the utility of the property for governmental purposes, needs, or other benefits following the close of the exposition.

(e) The Secretary of Commerce is authorized to incur such other expenses as may be necessary to carry out the purposes of this Act, including but not limited to expenditures involved in the selection, purchase, rental, construction, and other acquisition, of exhibits and materials equipment therefor and the actual display thereof, and including but not limited to related expenditures for costs of transportation, insurance, installation, safekeeping, printing, maintenance, and operation, rental of space, and dismantling; and to purchase books of reference, newspapers, and periodicals.

SEC. 4. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the Secretary of Commerce with respect to carrying out any of the provisions of this Act; and

(2) to make available to the Secretary of Commerce, from time to time, on a reimbursable basis, such personnel as may be necessary to assist the Secretary of Commerce to carry out his functions under this Act.

SEC. 5. The Secretary of Commerce shall report to the Congress within one year after the date of the official close of the exposition on the activities of the Federal Government pursuant to this Act, including a detailed statement of expenditures. Upon transmission of such report to the Congress, all appointments made under this Act shall terminate, except those which may be extended by the President for such additional period of time as he deems necessary to carry out the purposes of this Act.

SEC. 6. After the close of the exposition, all Federal property shall be disposed of in accordance with provisions of the Federal Property and Administrative Services Act of 1949, and other applicable Federal laws relating to the disposition of excess and surplus property.

SEC. 7. The functions authorized by this Act may be performed without regard to the prohibitions and limitations of the following laws:

(1) That part of section 3109(b) of title 5, United States Code, which reads "not in excess of one year)".

(2) Section 16(a) of the Administrative Expenses Act of 1946 (ch. 744, August 2, 1946; 60 Stat. 810; 31 U.S.C. 638a) to the extent that it pertains to hiring automobiles.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of public moneys).

(4) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, ch. 288, 63 Stat. 393 et seq.) as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts, advances).

(5) Section 322 of the Act of June 20, 1932 (ch. 314, 47 Stat. 412; 40 U.S.C. 278a) (lease of buildings to Government: maximum rental).

(6) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (advertisement of proposals for competitive bids).

(7) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(8) Section 2 of the Act of March 3, 1933 (ch. 212, 47 Stat. 1520; 41 U.S.C. 10a) (Buy American Act).

(9) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(10) Section 501 of title 44, United States Code (printing by Government Printing Office).

(11) Section 3702 of title 44, United States Code (advertisements without authority).

(12) Section 3703 of title 44, United States Code (rates of payment for advertisement).

SEC. 8. There are hereby authorized to be appropriated not to exceed $11,500,000, to remain available until expended, to carry out United States participation in the exposition.

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.

GENERAL LEAVE

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

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

There was no objection.

GLEN CANYON NATIONAL RECREATION AREA, ARIZ. AND UTAH

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15716) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah.

The clerk read the title of the bill.

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. 15716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area," numbered and dated , which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the recreation area from time to time by publication in the Federal Register of a revised drawing or other boundary description, but the total acreage of the national recreation area may not exceed one million, two hundred and one thousand, four hundred and eighteen acres.

SEC. 2. (a) Within the boundaries of the national recreation area, the Secretary of the Interior may acquire land and interests in land by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by a State, political subdivision thereof, or an Indian tribe may be acquired only with the concurrence of the owner.

(b) When acquiring property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the national recreation area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) Nothing in this Act shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B."

SEC. 3. (a) The lands within the national recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary of the Interior shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387 et seq.), and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Can-

yon project or on the administration of the national recreation area pursuant to this Act.

(b) All receipts derived from permits and leases issued on lands in the national recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

SEC. 4. The Secretary of Interior shall administer, protect, and develop the Glen Canyon National Recreation Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act: *Provided, however,* That nothing in this Act shall affect or interfere with the authority of the Secretary of the Interior granted by Public Law 485, Eighty-fourth Congress, second session, to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act for river regulation, irrigation, flood control, and generation of hydroelectric power.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States of Utah and Arizona, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 6. The administration of mineral and grazing leases within the recreation area shall be under the jurisdiction of and shall be administered by the Bureau of Land Management. The same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of sections 3(a) and 4 of this Act.

SEC. 7. The Secretary shall grant easements and rights of way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights of way would have significant adverse effects on the administration of the recreation area.

SEC. 8. (a) The Secretaries of the Department of Interior and the Department of Transportation, together with the Highway Department of the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Glen Canyon National Recreation Area. Such study shall locate the specific route of a scenic, low speed road, hereby authorized from Glen Canyon City to Bullfrog Basin, crossing the Escalante River south of the point where the river has entered Lake Powell when the lake is at the three thousand seven hundred foot level. In determining the route for this road, special care shall be taken to minimize any adverse environmental impact and said road is not required to meet ordinary secondary road standards as to grade, alinement, and curvature. Turnouts, overlooks, and scenic vistas may be included in the road plan.

(b) The study shall include a reasonable timetable for the engineering, planning, and construction of the road authorized in section 8(a) and the Secretary shall adhere to said timetable in every way feasible to him.

(c) If, for any reason, the construction does not proceed according to the said timetable, the Secretary shall contract with the State of Utah (the State consenting) for the construction and maintenance of the said road. The existence of any such contract shall not impair the eligibility of the State of Utah for Federal funding under any program for which it would otherwise be eligible for funds to build this road; nor shall the existence of such a contract invalidate any authorization for appropriation available to the Secretary for such road construction. The contract shall contain such terms and conditions as the parties shall determine necessary to implement the purposes of this Act.

(d) The Secretary is authorized to construct and maintain markers and other interpretive devices consistent with highway safety standards.

(e) The study specified in section 8(a) hereof shall designate what additional roads are appropriate and necessary for full utilization of the area for the purposes of this Act and to connect with all roads of ingress to, and egress from the recreation area.

(f) The findings and conclusions of the Secretaries of Interior and Transportation, and the Highway Department of the State of Utah, specified in section 8(a), shall be submitted to Congress within one year of the date of enactment of this Act, and shall include recommendations for any further legislation necessary to implement the findings and conclusions. It shall specify the funds necessary for appropriation in order to meet the timetable fixed in section 8(b).

SEC. 9. (a) The Secretary of the Interior, in consultation with the State of Utah and interested political subdivisions thereof, and the National Park Service, shall conduct a study with a view to identifying areas of the public lands adjacent to or within the Glen Canyon National Recreation Area, which are suitable for private development of recreation homes, condominiums, and commercial enterprises, and which the State of Utah might select in exchange for State school sections preempted by the Federal Government.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress prior to the expiration of the two year period following the date of the enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 10. The Secretary shall issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to accomplish the purposes of this Act.

With the following committee amendment:

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

That in order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and preserve scenic, scientific and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area (hereafter referred to as the "recreation area") to comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area," numbered GLC–91,006 and dated August 1972, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The Secretary of the Interior (hereafter referred to as the "Secretary") may revise the boundaries of the recreation area from time to time by publication in the Federal Register of a revised drawing or other boundary description, but the total acreage of the national recreation area may not exceed one million, two hundred thirty-six thousand, eight hundred eighty acres.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and interests in lands by donation, purchase or exchange. Any lands owned by the States of Utah or Arizona, or any State, political subdivisions thereof, may be acquired only by donation or exchange. No lands held in trust for any Indian tribe may be acquired except with the concurrence of the tribal council.

(b) Nothing in this Act shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B."

SEC. 3. (a) The lands within the recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387 et seq.), and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this Act.

(b) All receipts derived from permits and leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

SEC. 4. The Secretary shall administer, protect, and develop the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act: *Provided, however,* That nothing in this Act shall affect or interfere with the authority of the Secretary granted by Public Law 485. Eighty-fourth Congress, second session, to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act for river regulation, irrigation, flood control, and generation of hydroelectric power.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States of Utah and Arizona, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 6. The administration of mineral and grazing leases within the recreation area shall be by the Bureau of Land Management.

The same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of sections 3(a) and 4 of this Act.

SEC. 7. The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the recreation area.

SEC. 8. (a) The Secretaries of the Department of Interior and the Department of Transportation, together with the Highway Department of the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the recreation area. Such study shall locate the specific route of a scenic, low-speed road, hereby authorized, from Glen Canyon City to Bullfrog Basin, crossing the Escalante River south of the point where the river has entered Lake Powell when the lake is at the three thousand seven hundred-foot level. In determining the route for this road, special care shall be taken to minimize any adverse environmental impact and said road is not required to meet ordinary secondary road standards as to grade, alinement, and curvature. Turnouts, overlooks, and scenic vistas may be included in the road plan. In no event shall said route cross the Escalante River north of Stephens Arch.

(b) The study shall include a reasonable timetable for the engineering, planning, and construction of the road authorized in section 8(a) and the Secretary of the Interior shall adhere to said timetable in every way feasible to him.

(c) If, for any reason, the construction does not proceed according to the said time table, the Secretary of the Interior shall provide an easement to the State of Utah (the State consenting) for the construction and maintenance of the said road. The existence of any such easement shall not impair the eligibility of the State of Utah for Federal funding under any program for which it would otherwise be eligible for funds to build this road; nor shall the existence of such an easement invalidate any authorization for appropriation available to the Secretary of the Interior for such road construction. The easement shall contain such terms and conditions as the parties shall determine necessary to implement the purposes of this Act.

(d) The Secretary of the Interior is authorized to construct and maintain markers and other interpretive devices consistent with highway safety standards.

(e) The study specified in section 8(a) hereof shall designate what additional roads are appropriate and necessary for full utilization of the area for the purposes of this Act and to connect with all roads of ingress to, and egress from the recreation area.

(f) The findings and conclusions of the Secretaries of Interior and Transportation, and the Highway Department of the State of Utah, specified in section 8(a), shall be submitted to Congress within two years of the date of enactment of this Act, and shall include recommendations for any further legislation necessary to implement the findings and conclusions. It shall specify the funds necessary for appropriation in order to meet the timetable fixed in section 8(b).

SEC. 9. Within two years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the recreation area for preservation as wilderness, and any designation of any such area as wilderness shall be in accordance with said Wilderness Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $175,000 for the acquisition of lands and interests in lands and not to exceed $37,325,400 for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. HALL. Mr. Speaker, reserving the right to object, is this not one of the bills we had listed under suspension of the rules?

Mr. ASPINALL. Mr. Speaker, if my colleague, the gentleman from Missouri, will yield to me, this is one of the bills we had listed under suspension of the rules. I was informed that it had been cleared by everybody to bring it up tonight under unanimous consent.

Mr. HALL. Obviously of course it has not been cleared by everybody, I will inform my friend, the gentleman from Colorado. In view of the pleasant relationship we have had on the suspensions and unanimous consent and with all the travesties which have been perpetrated in these last few days in the press of legislation prior to alleged sine die adjournment, I will inform the gentleman from Colorado it has not been cleared with me.

Mr. ASPINALL. Mr. Speaker, I asked Mr. TAYLOR to go over and speak to my friend, the gentleman from Missouri to see whether or not this had been cleared and I have just come back to the floor. I am only acting in accordance with what I considered a situation that had been cleared.

Mr. HALL. I will say to my distinguished friend that certainly as one individual out of 435 I do not expect to have everything cleared with me. I am very humble and inconsequential and I do not know the rules, or comity, or anything like that, but I think this is much too inflexible. It is much too much money and it is filed much too late. The Department is questionable about it, but I will withdraw my reservation of objection.

Mr. ASPINALL. Mr. Speaker, the matter before the House is the consideration of H.R. 15716, by our colleagues from the State of Utah—Representatives MCKAY and LLOYD. This legislation provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah.

DESCRIPTION

Glen Canyon is located in the heart of some of the world's greatest canyon country. Nearby are Canyonlands National Park, Grand Canyon National Park and Monument, Marble Canyon National Monument, Capitol Reef National Park, and Rainbow Bridge National Monument. This entire area is a maze of intricately carved canyons and weirdly eroded geological features.

One of the greatest working river systems in the world sculptured this area—the Colorado River and its tributaries. In many places the river still runs free, but at Glen Canyon it is temporarily "tamed" by a massive high arch concrete dam constructed as a part of the Upper Colorado River Storage Project. Glen Canyon Dam and Lake Powell are the dominant features of the recreation area. The dam, with its huge generators, is an engineering marvel which enables man to convert the latent energy of the river into useful hydroelectric power. Standing alone, it can produce enough electricity for a city of a million people. As a collateral benefit, it has created a huge, beautiful, clear lake stretching upstream for 186 miles.

Visitors come to the area by the thousands. Most of the visiting public comes to enjoy the lake. Notwithstanding the fact that there are no major urban communities in the immediate vicinity, the Glen Canyon area enjoys about 750,000 days of visitor use each year at the present time and it is anticipated that the number will increase to 1¼ million by 1975.

There is no question about the attractiveness of this region as a national recreation area. Boating, fishing, water skiing, and many other activities make it the popular place that it is, but it is also an extremely scenic area having significant geologic features which merit national recognition.

LEGISLATIVE CONSIDERATION

Mr. Speaker, the members of the Subcommittee on National Parks and Recreation visited this area during the Memorial Day recess and conducted field hearings on the proposals then before the committee. Later, Washington hearings were held and the subcommittee developed the basic provisions of the bill now before the House.

The committee bill provides for the creation of a national recreation area totaling 1,236,880 acres. Practically all of the area is in the State of Utah and much of the area is presently inaccessible by automobile. One major road which crosses the river at the headwaters of Lake Powell, has spur roads to Bullfrog Basin and Halls Crossing. The only other modern, improved highway in the region is located at the lower end of Lake Powell at Page, Ariz.

Under the terms of the committee bill, a road connecting Bullfrog Basin with Glen Canyon City is contemplated. If approved in its present form, H.R. 15716 authorizes the Secretaries of the Interior and Transportation to study the road alinements in the area. The bill permits the Secretary of the Interior, subject to appropriations being granted, to construct a scenic, low speed road. If constructed, the road is to be carefully designed to minimize any adverse environmental impact.

If the Secretary does not construct the road, then he is required to grant the State a right-of-way so that it can construct it with any funds which it might have available.

In effect, Mr. Speaker, this bill requires a study to be made for the construction of a road which will cross the Escalante River below Stephens Arch, but it does not require the Secretary to

construct it unless appropriations are made for this phase of the project.

COST

The land acquisition costs involved in this legislation are minimal, because most of the lands involved are already federally owned. Some of the lands are presently being administered for recreation purposes by the National Park Service under an agreement with the Bureau of Reclamation and other portions of the area will be transferred to the jurisdiction of the Park Service from the Bureau of Land Management. All State-owned lands included in the recreation area will be acquired by donation or exchange only. Private lands in the area total only 160 acres but there are also some existing mining claims which must be adjudicated. It is anticipated that these costs will not exceed the $175,000 authorized by the bill.

Development costs will involve a more substantial sum. It is anticipated that major public use facilities will be needed in order to accommodate future heavy visitor utilization of the area. The bill contemplates an appropriation of $37,325,400 which would, of course, be spread over a period of several years.

RECOMMENDATION

Mr. Speaker, H.R. 15716 represents a considerable effort on the part of the members of the Utah delegation to reach a reasonable compromise and it constitutes a considerable effort on the part of the members of the committee to work out the details. While some of its provisions are somewhat controversial, I believe it is a bill that we can take to conference and work out to the satisfaction of almost everyone.

I support the enactment of H.R. 15716 and urge its approval by the Members of the House.

Mr. SAYLOR. Mr. Speaker, H.R. 15716 will establish the Glen Canyon National Recreation Area in the States of Arizona and Utah. The boundaries of the area are drawn by reference to a map as is customary in this kind of legislation and the recreation area will comprise 1,236,880 acres.

The bill authorizes the Secretary of the Interior to acquire lands and interests in land by donation, purchase or exchange. Lands owned by the States or political subdivisions can be acquired only by donation or exchange. Indian lands may be acquired only by concurrence of the tribe.

The Secretary of the Interior is required to administer the area in accordance with the existing law and policies applicable to the National Park System.

The National Park Service presently administers public recreation on about 1,196,500 acres of land withdrawn from public entry or acquired for the Glen Canyon Reservoir project pursuant to a cooperative agreement dated April 18, 1958, with the Bureau of Reclamation and revised on September 17, 1965.

The major features of the recreation area are Lake Powell, with a surface area of 256 square miles—at the 3,700-foot elevation—extending 186 miles along the Colorado River and 71 miles along the San Juan River; the striking Glen Canyon walls; and the remarkable arches, bridges, coves, and numerous wild areas. With these features and the opportunity for a variety of recreational uses, such as fishing, swimming, boating, water skiing, picnicking, and sightseeing, it is expected that Glen Canyon will be comparable to Lake Mead as a tourist attraction within a few years. With about one-fourth of the development program complete, the area is already receiving about 900,000 visitors annually.

H.R. 15716 authorizes the appropriation of $175,000 for land acquisition and not to exceed $37,325,400 for development.

I consider the establishment of this recreation area a worthwhile addition to our units of the National Park System. But, there are some features of this bill which I think are undesirable in terms of national parks.

The first of these undesirable features is the authority granted in the bill to the Secretary of the Interior to grant easements and rights-of-way. This authority is much too broad and should, if necessary, be very prudently exercised by present and future administrators.

The second feature of the bill which is undesirable is the language of Section 8 pertaining to the road study. The language of this section, in my judgment, mandates the construction of a road from Glen Canyon City to Bullfrog Basin. It would have been better to provide for the study and review by Congress prior to authorizing the Secretary to grant an easement to the State of Utah for construction and maintenance of the road.

The road which is to be studied and eventually proposed for construction crosses some prime desert wilderness area in the lower Escalante Canyon. The committee received a great deal of testimony concerning the unique wilderness character of this area and the impropriety of the proposed trans-Escalante road.

These two features of H.R. 15716 could seriously threaten the scenic and recreational values of the Glen Canyon area and, at the same time, serve as precedents to undermine the standards for the administration of the entire national park system.

Despite these undesirable features of the bill, I support the passage and enactment of this bill to establish the Glen Canyon National Recreation Area.

I support the establishment of this receation area because it is an area of great scenic beauty and recreation potential which can and will be enjoyed by present and future generations. At the same time, I am confident that any proposed impairment of these values will not be permitted without sufficient public reaction.

Mr. TAYLOR. Mr. Speaker, I am pleased to speak in support of the enactment of H.R. 15716—the proposed Glen Canyon National Recreation Area legislation. This bill is the product and contributions of many people. Our colleagues from the State of Utah—Hon. GUNN MCKAY and Hon. SHERMAN LLOYD—have worked with their counterparts in the other body and with the Governor of Utah in an effort to resolve the controversies involved. They have been very persuasive, active and interested in the consideration of this matter by the Subcommittee on National Parks and Recreation and the Committee on Interior and Insular Affairs.

COMMITTEE CONSIDERATION

Late last May, several members of the subcommittee visited this area and spent the better part of 2 days looking it over. We held a full day of public hearings in Kanab, Utah, and listened to well over a hundred witnesses who expressed their views on the subject.

It was a productive and enjoyable trip. Not only did we have an opportunity to see what is involved, but we got a very good impression of the magnitude and character of this rugged area. Regardless of the action we take, it is my personal opinion that most of this area will remain virtually unchanged in the foreseeable years ahead.

While much of the area involved is not accessible by modern roads, a considerable amount of it can be reached by water. The tremendous lake created by the construction of the Glen Canyon Dam has opened up hundreds of side canyons and other remote areas which have seldom been visited by man.

Lake Powell is a valuable recreational resource itself. When it is full it will have a surface area totaling 256 square miles and it will have an 1,800 mile shoreline. Its beautiful blue waters are warm enough to permit waterskiing and boating and at the same time it is deep and cold so that sport fishing is a popular activity.

Mr. Speaker, the area is almost totally undeveloped. In many respects, nature has forced it to remain as it is, but at the present time none of the area is designated as wilderness. As reported by the committee, H.R. 15716 requires the entire area to be reviewed by the Secretary of the Interior who will report his recommendation as to the suitability or nonsuitability of any part of the area for wilderness designation to the Congress.

CONCLUSION

Undoubtedly, this area qualifies for national recognition. It is part of one of the greatest canyon systems in the world. The scenic values of the area, together with the geologic and recreation resources which it contains, make it an area worthy of congressional attention. While development costs are substantial, they will be spread over a period of years, and land acquisition costs will be minimal, since all except a few acres are publicly owned.

I support the enactment of H.R. 15716, as recommended, and I am pleased to join my colleagues from Utah in urging the House to approve the bill.

Mr. UDALL. Mr. Speaker, I am strongly opposed to the enactment of H.R. 15716 in its present form for the reasons I expressed in my separate views in the report as follows:

I am seriously concerned about the provision of H.R. 15716 which authorizes the construction of a road from Glen Canyon City to Bullfrog Basin and further specifies the point at which the proposed road is to cross the Escalante River. This language is

much too inflexible and presents a grave threat to orderly planning procedures. It effectively forecloses consideration of significant alternatives as required by the National Environmental Policy Act of 1969. Placing rigid restrictions on the study of alternatives is unwise at this stage in the planning of a largely undeveloped and unspoiled region. Such a precedent in the planning of this area could well threaten other units of the National Park System.

The Secretaries of Interior and Transportation should have the discretion to consider all options in their study of the area's transportation needs as well as methods to meet these needs including alternative road alinements. In fact, a number of viable alternatives to the road location specified in H.R. 15716 are known to exist, but they have not been adequately investigated.

I have reluctantly decided not to object to consideration or passage of the bill at this stage only because I believe in the main goals of the bill and because we find ourselves in a critical point just before adjournment. I have been assured by the principal sponsor of this legislation in the other body that some modification of section 8 of the House bill will be obtained in the form of a Senate amendment, or that we will have an opportunity in a conference committee to resolve the serious questions stated in my separate views. Based on these assurances—and only because of them—I have decided to forgo any attempt to kill the bill. I trust that the House sponsors and proponents of this legislation will display a spirit of compromise and accommodation so that we can have a law rather than an argument as our final product in 1972.

Mr. McKAY. Mr. Speaker, I rise in support of this bill. It represents the best judgment and collection effort of the entire Utah Congressional delegation, the Governor and the majority people of the State. The path which had led to this bill is marked by hearings, many long days of difficult and delicate negotiations, and considerable give and take on the part of many people.

There are some who object to certain provisions of this bill, namely the provision calling for a road into the recreation area. I merely want to remind my colleagues that we are not talking about a wilderness area nor even a national park. What we are creating is a recreation area for the people of America to enjoy. This requires access.

Some will claim that this bill denies EPA its proper role in determining the best location for a road. This is not true. The bill requires the State of Utah and the Department of the Interior to conduct a study and determine the route which is most in harmony with the natural beauty of the area. The road must meet the guidelines of the EPA. The bill specifies a certain narrow corridor through which the road must pass only at a point where the road actually crosses the Escalante River.

This bill is the result of years of effort. A number of unfortunate, but legitimate, problems have delayed its progress this year. I hope that now that we are so near the end of this session we will pass the bill and not let it die.

If we do pass it we can hope that the Senate will adopt the House language and thus obviate the need for a conference.

Mr. Speaker, I stress again that this bill has been agreed to by the two Senators from Utah, Senators Moss and BENNETT, and is cosponsored in the House by both myself and Congressman LLOYD. It is supported by the Governor and has the general agreement of the city and county officials in the State.

The SPEAKER. The question is on the the amendment.

The amendment was agreed to.

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

Mr. 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. 27) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, 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?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I have agreed to let this bill be brought up. All I can tell the Members is it is a bad bill. It has some provisions in it which tie the hands of the Department of the Interior and we have had some adverse reports on it.

Very frankly one of the things that should be done in this bill is to allow more flexibility, but the House committee decided they would not do it. Those from Utah got together and decided how the public land should be used, and this is the reason we have the bill before us in the form it is right now.

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

Mr. SAYLOR. I yield to my chairman.

Mr. ASPINALL. Mr. Speaker, I have all the respect in the world for my friend, the gentleman from Pennsylvania, my colleague, and also my colleague, the gentleman from Missouri (Mr. HALL). It is my understanding that if we pass this bill tonight and it goes to the other body there will be Senate amendments that will be offered over there to the bill—and if these are not acceptable this will end this legislation.

I may say to my colleague, the gentleman from Pennsylvania and also my colleague, the gentleman from Missouri, that this is an important bill. To bring it up under unanimous consent perhaps denies us some of the rights of consideration. On the other hand in the waning hours of the 92d Congress this is the only way we can get the bill up for consideration.

Mr. SAYLOR. Mr. Speaker, I just want to say to the Members of the House that it is only because I have been assured by the chairman and word has come to me that Members in the other body will offer an amendment wher it gets over there which will be in conformity with the wishes of the Department of the Interior and with what I think are the best interests of this country that I will withdraw my reservation of objection, and before I do so I yield to my colleague, the gentleman from Utah.

Mr. LLOYD. Mr. Speaker, I thank my colleague, the gentleman from Colorado, for yielding. I do appreciate the courtesy which has been extended by the gentleman from Missouri (Mr. HALL) and others here tonight.

This is legislation which has brought anguished concern and controversy to the people throughout the West, particularly people throughout Utah, for many years. The Interior Department, the Interior Committee, the Subcommittee on Parks have had hearings.

The bill passed by the other body is not the same in language. The major controversy has to do with access roads. Now, if this is the last opportunity for legislative action on this bill for which we have struggled for many, many long, long months, the result of this will be that if this bill passes, it will go to the other body. The other body will either accept it or reject it. If they reject it, there will be a conference committee.

All the views of others who have conflicting views will at that time have ample opportunity to be explored and to be considered, so that it does not seem to me that this House is taking any action involving any risk.

As has been said by the gentleman from Pennsylvania himself, that is the procedure which will follow and which will guarantee that every possible precaution is taken before the final passage of the bill.

This House bill represents the culmination of many months and even years of evaluation and consideration by Utah's congressional delegation, by the Governor of Utah and by the involved elected county officials, and as such represents a consensus of the possible and of the essential.

Every possible consideration has been given to those holding strong views on this legislation. In addition to the Washington hearings, field hearings were held in Kanab, Utah, by the subcommittee after on-the-spot examination of the area encompassed by this bill. The Kanab hearings were requested by those unable to come to Washington, and I personally appreciate the extraordinary efforts which Chairman TAYLOR of the subcommittee and subcommittee members made to give a fair and proper hearing to those interested in this bill.

More than 95 percent of Lake Powell is in the State of Utah and yet most of the Utah area is not readily accessible to the principal traffic into the recreation area which comes from the southwest. Additionally, Utah has long envisaged an essential access across southern Utah linking the great number of national parks and recreation areas located in Utah's southern area and at the same time providing cross-state access.

Many trade-offs have been made in an effort to attain a consensus most acceptable to a majority of the citizens of Utah. Thus, boundaries for the recreation areas have been enlarged although considered detrimental by many individuals in the livestock and mining industries. Unfortunately, authority to secure specific land for recreational development was not

contained in the committee language. A larger area which I originally proposed as a conservation area to be administered by the Bureau of Land Management has been surrendered because of expected difficulties in the U.S. Senate. Provision for wilderness study of the Escalante River tributary has been included at the request of spokesmen for conservation organizations. Additional area was added to the recreation area in committee which raised new apprehension in the minds of many local residents.

Language mandating construction of a road is a clear and present need agreed to by the Utah consensus. It is opposed by some backpackers and others representing conservation groups, but the total needs of society are entitled to the highest priority in the congressional consideration of this legislation.

Mr. SAYLOR. With that understanding, Mr. Speaker, I withdraw my reservation.

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. 27

An act to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area," numbered Arizona-Utah-GLC 91004, and dated June 1971, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The total acreage of the national recreation area may not exceed one million two hundred eighty-five thousand three hundred and ten acres.

SEC. 2. (a) Within the boundaries of the national recreation area, the Secretary of the Interior may acquire land and interests in land by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by a State, political subdivision thereof, or an Indian tribe may be acquired only with the concurrence of the owner.

(b) Nothing in this Act shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B".

SEC. 3. (a) The lands within the national recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary of the Interior shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387 et seq.), and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this Act.

(b) All receipts derived from permits and leases issued on lands in the national recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

SEC. 4. The Secretary of the Interior shall administer, protect, and develop the Glen Canyon National Recreation Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act: *Provided, however,* That nothing in this Act shall affect or interfere with the authority of the Secretary of the Interior granted by Public Law 485, Eighty-fourth Congress, second session, to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act for river regulation, irrigation, flood control, and generation of hydroelectric power.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws, except that the Secretary may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game commission. Nothing in this Act shall affect the jurisdiction or responsibilities of the States of Utah and Arizona under other provisions of State laws with respect to hunting and fishing.

SEC. 6. The Secretary of the Interior shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the Glen Canyon National Recreation Area, if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the national recreation area pursuant to this Act.

SEC. 7. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the States of Arizona and Utah, shall conduct a study of proposed road alinements within and adjacent to the Glen Canyon National Recreation Area. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 8. The Secretary of the Interior shall conduct a study of the Escalante River Drainage encompassed within the boundaries of the Glen Canyon National Recreation Area as set forth in this bill to determine the suitability of any part of such drainage to be designated as wilderness, and shall report to Congress within two years of the date of this Act.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes 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. 27 and insert in lieu thereof the provisions of H.R. 15716, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 15716) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days to revise and extend their remarks on the subject of the bill just passed.

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

There was no objection.

CONFERENCE REPORT ON S. 1852, GATEWAY NATIONAL RECREATION AREA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 1852) providing for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes.

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

There was no objection.

Mr. ASPINALL. 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 Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 12, 1972.)

Mr. ASPINALL (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 Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the conference report which I bring to the floor of the House at this time involves the Gateway National Recreation Area in the States of New York and New Jersey (S. 1852).

I am pleased to advise my colleagues, that the recommendation of the Conference Committee is very close to the

language approved by the House. I do not want to take the time of the Members to detail all of the differences between the two bills, but will concentrate my remarks on those principal items which represent departures from the language recently approved by the House.

First, the House redesignated the area as the "William Fitts Ryan Gateway National Urban Recreation Area". During the conference, it was persuasively argued that no other national recreation area and no other national park had ever been named after a single individual, because generally many people dedicate many years of their time and talent to make these projects a reality. The House conferees argued to maintain the House position, and we did get the committee to agree to place in the bill a mandatory provision requiring the Secretary to name the main visitor center for this important recreation area after our late colleague in the House, the Honorable William Fitts Ryan. This is comparable to the naming of the visitor center at Glen Canyon after the late Senator Carl Hayden.

Second, at the Breezy Point Cooperative, the basic approach approved by the House was approved by the Conference Committee; however, it was argued that one of the provisions in the House bill seemed too restrictive. As a compromise, the conferees agreed to revise the language so that the co-op would not be required to forego, by agreement and without compensation, the beneficial use of its lands between the existing line of dwellings and the take-line along the beach. This agreement seems to be reasonable and fair and should constitute no serious problem for the administration of the recreation area.

Third, the Senate bill contains two provisions which were not included in the House version. One is a provision authorizing the Secretary to accept donated funds to provide services and facilities in connection with the recreation area and the other is a provision requiring the Secretary to permit hunting, fishing and trapping subject to State and Federal laws and subject to reasonable regulations. Mr. Speaker, both of these provisions seemed reasonable and were accepted by the House conferees.

Finally, Mr. Speaker, the House bill had a significantly lower price tag than its Senate companion. Our measure authorizes $11,250,000 for land acquisition compared to $40,000,000 contained in the Senate version. With the adoption of certain provisions in the House language requiring the donation of all publicly held lands and with the elimination of the provisions which required ferry terminal facilities, these costs need not be increased significantly. The conference committee agreed to increase the amount authorized to not more than $12,125,000 to cover all land acquisition costs, including administrative costs associated with the land acquisition program.

In terms of development costs, the House bill provided authority to appropriate $92,813,000 compared with $98,148,000 contained in the Senate version. The elimination of the provisions dealing with transportation more than offset the costs associated with the House addition of the lands along Staten Island so that the House authorization was considered ample to carry out the purposes of the legislation.

Mr. Speaker, as recommended by the Conference Committee, S. 1852 is a good, sound, constructive measure. No changes were made in the provisions dealing with the federally held lands so that the language approved on the floor of the House—as recommended by Representative STRATTON—remains the same as the language adopted by the Conference Committee. In short, this legislation is essentially the same as the House-passed bill with the few changes which I have discussed.

It is a bill that I know our colleagues can be proud of and it represents a real accomplishment which will benefit millions of Americans living in the greater New York City area now and for generations yet to come. I urge the approval of the conference report.

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

Mr. ASPINALL. I yield to the gentleman from New Jersey.

Mr. HOWARD. I would like to ask the Chairman whether or not the funds and the authorizations which were authorized in the Senate bill for transportation from the urban areas around the New York and New Jersey areas were retained in the conference, or were they dropped?

Mr. ASPINALL. I say to my friend that they were dropped. We considered that this is not a part of this operation, and there should be other arrangements made for transportation.

Mr. HOWARD. I thank the chairman.

I might say that it is very, very disturbing, the actions taken by the conferees in this matter, because never before have we attempted to put a National Recreation Area within 2 hours' driving distance of 23 million people, and then not provided any adequate means to get them there. I think that this is somewhat disastrous, and I would just hope the House through the Interior Committee perhaps or through the Committee on Public Works might be able to see, now that we have created this beautiful, as it admittedly is, area for the public, that we might possibly consider means of getting them there.

I do intend, in this one small instance, reluctantly to support the conference report.

Mr. ASPINALL. May I say to my colleague, never in our history is there any precedent to provide for what was suggested by the other body. If it is necessary later on I believe this will be taken care of by a future Congress.

Mr. HOWARD. I hope so. I thank the gentleman.

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

Mr. ASPINALL. I am glad to yield to my friend from New York, one of the great sponsors of this legislation.

Mr. ADDABBO. I thank the gentleman very much.

On behalf of the people of New York, and the people of my district, I thank the gentleman and all the Members of his committee for giving us this great national park. The people in my district will sleep quiet and a little better at night knowing that Kennedy Airport will not be expanded.

Mr. BRASCO. Mr. Speaker, as of tonight, Gateway National Park becomes a reality at long last. It is my pleasure to at this time extend my heartiest thanks on behalf of millions of New Yorkers to the Interior Committee of the House for their dedication and understanding. Without that effort and commitment, Gateway National Park would still be a dream. I also wish to thank my colleagues and the leadership of this House for understanding the vital need that dictated the action by this body.

Gateway National Park was the last chance the New York metropolitan area had for a new recreational area. As many here know, space of any kind, especially for recreation, is at an absolute premium around most major cities. Urban dwellers are increasingly pressed for any kind of place to escape to in order to enjoy a little clean air, some greenery and clean water.

New York has perhaps the worst problem of all. That was the genesis of the Gateway National Park concept. As one whose district is perhaps most intimately involved in this facility, I especially know how desperately our people wanted this measure passed.

Throughout this Congress, I have joined with other members of the New York delegation in pressing the case for the park. Many officials of the State and city of New York joined with me in this undertaking. At times we thought we would not attain our goal. An ill-fated attempt was made to require public housing on a portion of the park. Floyd Bennett Field, now included in the recreation area and safe from housing encroachments, is an integral part of this measure now. Once again there was cooperation and understanding by all concerned.

It is my hope that our successful effort will be the first of many such endeavors. We must recognize that urban life requires outlets for the average citizen, and they must be located near cities so millions now without alternatives may take advantage of them. A concerted effort can and must be mounted in each city to set aside these areas for the people.

Tempting as it may seem at times to take or carve out a portion of these disappearing green areas for some other public need, we must resist such blandishments. Sometimes we help our people most by simply letting some beautiful area alone. In the case of Gateway, it was a battle just to accomplish that.

Now we have come to the end of a successful struggle. Divisions over how it should be done are past. Let us again be thankful that we have saved a part of our environment and saved it for all the people.

Mr. ASPINALL. 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.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days to extend his remarks immediately prior to action on the conference report.

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

There was no objection.

CONFERENCE REPORT ON S. 141, FOSSIL BUTTE NATIONAL MONUMENT, WYO.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

Mr. ASPINALL. 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 Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 12, 1972.)

Mr. ASPINALL (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 Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the conference report now before the House represents the joint work of the managers on the part of the House and Senate on the bill S. 141.

The House version of this legislation (H.R. 1553) was approved as an amendment in the nature of a substitute to the Senate-passed bill. Basically, the legislation agreed upon by the conferees follows the form of the House amendment; however a few revisions have been made which seem to be a reasonable compromise of the principal differences between the two versions.

First, the conferees recommended that the language requiring the State lands to be donated be revised so that they can be acquired by either donation or exchange. Since the lands involved are State school sections which cannot be conveyed except by public sale, it was agreed that the Secretary should have the authority to acquire them by exchange if they are needed for the purposes of the monument.

Second, there was a difference on the language involving grazing within the monument boundaries. The House language was restrictive in that it required all grazing to be phased out within 10 years, but the Senate language allowed this activity to continue for 30 years and left open the possibility for its further extension. The conference committee recommends that the Secretary be permitted to continue existing grazing uses for a period of 10 years, and for an additional 10-year period, if he finds that this use is not incompatible with the purposes for which the monument was created.

Third, there was a difference on the amount authorized to be appropriated. The Senate bill placed no ceiling on land acquisition appropriations. The House language on this point was adopted by the Conference Committee so that the bill, in this respect, is identical with the measure originally approved by the House.

Mr. Speaker, there were a few other technical and minor differences which have been resolved, but which require no lengthy explanation. I feel that the compromise reached by the managers on the part of the House represents a reasonable solution of the differences and that the conference report should be adopted. I commend it to my colleagues and ask for their support.

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

Mr. ASPINALL. I am happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I should like to direct a question to the chairman of the committee on Interior and Insular Affairs.

As a result of the conference, the usual rules and regulations which the committee on Interior and Insular Affairs of the House and the House have insisted on, with respect to the establishment of monuments, were placed in effect as to this monument in Wyoming; is that correct?

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. So far as the State lands are concerned, we will not buy them but we did permit the State to exchange those school lands for lands of equal value in another part of the State?

Mr. ASPINALL. Mr. Speaker, if my friend will yield to me, it is my understanding that will be the procedure. If it is absolutely necessary, we would have to pay a small price, if necessary, to get the State land.

Mr. SAYLOR. Mr. Speaker, I urge the conference report be adopted.

Mr. ASPINALL. 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.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks in the RECORD on the conference report just agreed to.

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

There was no objection.

FINANCING ECONOMIC DEVELOPMENT OF INDIANS AND INDIAN ORGANIZATIONS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8063) to provide for financing the economic development of Indians and Indian organizations, and for other purposes.

The Clerk read the title of the bill.

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. 8063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Financing Act of 1971".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress to provide capital on a reimbursable basis to help develop and utilize Indian resources, both physical and human, to a point where the Indians will fully exercise responsibility for the utilization and management of their own resources; where they will enjoy a standard of living from their own productive efforts comparable to that enjoyed by non-Indians in neighboring communities; and where they will have the opportunity to be integrated socially, politically, and economically into American life.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior.

(b) "Indian" means any Indian, Aleut, or Eskimo having one-quarter or more degree of Indian, Aleut, or Eskimo blood.

(c) "Tribe" means any tribe, band, community, pueblo, or other group of Indians having an organization acceptable to the Secretary.

(d) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

TITLE I—INDIAN REVOLVING LOAN FUND

SEC. 101. In order to provide credit that is not available from private money markets, all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented, including sums received in settlement of debts of livestock pursuant to the Act of May 24, 1950 (64 Stat. 190), and sums collected in repayment of loans heretofore or hereafter made, and as interest or other charges on loans, shall hereafter be administered as a single revolving loan fund and shall be available for loans to Indians having a form of organization that is satisfactory to the Secretary and for loans to individual Indians who are not members of or eligible for membership in an organization that is making loans to its members as well as, for administrative expenses incurred in connection therewith.

SEC. 102. Loans may be made for any purpose that will promote the economic development of (a) the individual Indian borrower, including loans for educational purposes, and (b) the Indian organization and its members, including loans by such organizations to other organizations and investments in other organizations regardless of whether they are organizations of Indians.

SEC. 103. Loans may be made only when, in the judgment of the Secretary, there is a reasonable prospect of repayment, and only to applicants who in the opinion of the Secretary are unable to obtain financing

from other sources on reasonable terms and conditions. Before a loan may be made from the revolving loan fund, Indian tribes shall be required to use their own funds, those funds being funds available to them from uncommitted or unprogramed funds on deposit in the United States Treasury or elsewhere, or funds accruing from income.

SEC. 104. Loans shall be for terms that do not exceed thirty years and shall bear interest at (a) a rate determined by the Secretary of the Treasury taking into consideration the market yields on municipal bonds: *Provided,* That in no event shall the rate be greater than the rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose: *Provided,* That educational loans may provide for interest to be deferred while the borrower is in school or in the military service.

SEC. 105. The Secretary shall pay from the revolving loan fund into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the amount of outstanding loans of the revolving loan fund. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

SEC. 106. The Secretary may cancel, adjust, compromise, or reduce the amount of any loan or any portion thereof heretofore or hereafter made from the revolving loan fund established by this title and its predecessor constituent funds which he determines to be uncollectible in whole or in part, or which is collectible only at an unreasonable cost, or when such action would, in his judgment, be in the best interests of the United States. He may also adjust, compromise, subordinate, and modify the terms of any mortgage, lease, assignment, contract, agreement, and other document taken to secure such loans.

SEC. 107. The Secretary may sell, with the approval of the Secretary of the Treasury, to any person or entity any loan heretofore or hereafter made from the revolving loan fund established by this title and its predecessor constituent funds and may guarantee any loan thus sold, subject to the same conditions, terms, and limitation of any loans guaranteed pursuant to title II of this Act. The receipts from any such sale shall be deposited in the revolving loan fund and be available for other loans from such fund.

SEC. 108. Title to any land purchased by a tribe or by an individual Indian with loans made from the revolving loan fund may be taken in trust unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian that is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with a loan from the revolving loan fund shall be taken in the name of the purchaser.

SEC. 109. Title to property purchased with a loan from the revolving loan fund shall be pledged or mortgaged to the lender as security for the unpaid indebtedness to the lender, in such manner and upon such terms as may be prescribed by the Secretary: *Provided,* That this requirement may be waived or modified if the Secretary determines that the repayment of the loan is otherwise reasonably assured. Land purchased with a loan, title to which is taken in trust and pledged or mortgaged as security, shall be subject to foreclosure and sale, free of such trust or restrictions, in accordance with the laws of the State in which the land is located.

SEC. 110. Any organization receiving a loan from the revolving loan fund shall be required to assign to the United States as security for the loan all securities acquired in connection with the loans made to its members from such funds, unless the Secretary determines that the repayment of the loan to the United States is otherwise reasonably assured.

SEC. 111. A loan from the revolving loan fund that becomes delinquent, and the interest thereon, may be collected by the Secretary from per capita payments or other distributions of tribal assets due the delinquent borrower, without prejudice to the right to foreclose on the securities for the loan. If, during the period of repayment of any loan made under this section, a tribe is awarded a money judgment against the United States, and if the payment of any installment on a loan is in default, the installment(s) in default or the balance of the loan, in the discretion of the Secretary, shall be collected from the appropriation to satisfy the judgment insofar as the amount of the appropriation will cover the same.

SEC. 112. There is authorized to be appropriated, to provide capital and to restore any impairment of capital, for the revolving loan fund $50,000,000 exclusive of prior authorizations and appropriations, or such other amount as may be provided in appropriation Acts.

SEC. 113. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE II—LOAN GUARANTY AND INSURANCE

SEC. 201. In order to provide access to private money sources that otherwise would not be available, the Secretary is authorized (a) to guarantee not to exceed 90 per centum of the unpaid principal and interest due on any loan made to any organization of Indians having a form or organization satisfactory to the Secretary, and to individual Indians who are not members of or eligible for membership in an organization that is making loans to its members; and (b) in lieu of such guaranty, to insure loans under an agreement approved by the Secretary whereby the lender will be reimbursed for losses in an amount not to exceed 15 per centum of the aggregate of such loans made by it, but not to exceed 90 per centum of the loss on any one loan.

SEC. 202. The Secretary may, to the extent he deems consistent with the purposes of the program, fix such premium charges for the insurance and guarantee of loans as are in his judgment adequate to cover expenses and probable losses, and deposit receipts from such charges in the Indian Loan Guaranty and Insurance Fund established pursuant to section 217(a) of this title.

SEC. 203. Loans guaranteed or insured pursuant to this title shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable taking into consideration the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

SEC. 204. The application for a loan to be guaranteed hereunder shall be submitted to the Secretary for prior approval. Upon approval, the Secretary will issue a certificate as evidence of the guaranty. Such certificate shall be issued only when, in the judgment of the Secretary, there is a reasonable prospect of repayment. No loan to an individual Indian may be guaranteed or insured which would cause the total unpaid principal indebtedness to exceed $100,000. No loan in excess of $100,000, or such lower amounts as the Secretary may determine to be appropriate, shall be insured unless prior approval of the loan is obtained from the Secretary.

SEC. 205. Any loan guaranteed hereunder, including the security given therefor, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the United States or of any State or the District of Columbia.

SEC. 206. Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954, shall not be eligible for guaranty or insurance hereunder.

SEC. 207. Any loans insured hereunder shall be restricted to those made by a financial institution subject to examination and supervision by an agency of the United States, a State, or the District of Columbia, and to loans made by Indian organizations from their own funds to other tribes or organizations of Indians.

SEC. 208. Loans guaranteed hereunder may be made by any lender satisfactory to the Secretary, except as provided in section 206. The liability under the guaranty shall decrease or increase pro rata with any decrease or increase in the unpaid portion of the obligation.

SEC. 209. Any loan made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company authorized to do business in the District of Columbia, at least 20 per centum of which is guaranteed hereunder, may be made without regard to the limitations and restrictions of any other Federal statute with respect to (a) ratio of amount of loan to the value of the property; (b) maturity of loans; (c) requirement of mortgage or other security; (d) priority of lien; or (e) percentage of assets which may be invested in real estate loans.

SEC. 210. The maturity of any loan guaranteed or insured hereunder shall not exceed thirty years.

SEC. 211. In the event of a default of a loan guaranteed hereunder, the holder of the guaranty certificate may immediately notify the Secretary in writing of such default and the Secretary shall thereupon pay to such holder the pro rata portion of the amount guaranteed and shall be subrogated to the rights of the holder of the guaranty, and receive an assignment of the obligation and security. The Secretary may cancel the uncollectible portion of any obligation to which he has an assignment or a subrogated right under this section. Nothing in this section shall be construed to preclude any forbearance for the benefit of the borrower as may be agreed upon by the parties to the loan and approved by the Secretary. The Secretary may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease.

SEC. 212. When a lender suffers a loss on a loan insured hereunder, including accrued interest, a claim therefor shall be submitted to the Secretary. If the Secretary finds that the loss has been suffered, he will reimburse the lender therefor, and the amount payable to the lender for a loss on any one loan shall not exceed 90 per centum of such loss: *Provided,* That no reimbursement may be made for losses in excess of 15 per centum of the aggregate of insured loans made by the

lender: *Provided further,* That before any reimbursement is made, all reasonable collection efforts have been exhausted by the lender, and the security for the loan shall have been liquidated to the extent feasible, and the proceeds applied on the debt. Upon reimbursement, in whole or in part, to the lender, the note or judgment evidencing the debt shall be assigned to the United States, and the lender shall have no further claim against the borrower or the United States. The Secretary shall then take such further collection action as may be warranted, or may cancel the uncollectible portion of any debt assigned pursuant hereto. The Secretary may establish a date upon which accrual of interest or charges shall cease.

SEC. 213. Whenever the Secretary finds that any lender or holder of a guaranty certificate fails to maintain adequate accounting records, or to demonstrate proper ability to service adequately loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee or insure any further loans made by such lender or holder, and may bar such lender or holder from acquiring additional loans guaranteed or insured hereunder: *Provided,* That the Secretary shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith.

SEC. 214. Any evidence of guaranty or insurance issued by the Secretary shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this Act and the amount of such guaranty or insurance: *Provided,* that nothing in this section shall preclude the Secretary from establishing, as against the original lender, defenses based on fraud or material misrepresentation or bar him from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance.

SEC. 215. Title to any land purchased by a tribe or by an individual Indian with loans guaranteed or insured pursuant to this title may be taken in trust, unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian that it is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with loans guaranteed or insured hereunder shall be taken in the name of the purchaser. Land purchased with a loan, title to which is taken in trust and pledged or mortgaged as security, shall be subject to foreclosure and sale, free of such trust or restrictions, in accordance with the laws of the State in which the land is located.

SEC. 216. The financial transactions of the Secretary incident to or arising out of the guarantee or insurance of loans, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities, shall be final and conclusive upon all officers of the Government. With respect to matters arising out of the guaranty or insurance program authorized by this title, and notwithstanding the provisions of any other laws, the Secretary may—

(a) sue and be sued in his official capacity in any court of competent jurisdiction;

(b) subject to the specific limitations in this title, consent to the modification, with respect to the rate of interest, time of payment on principal or interest or any portion thereof, security, or any other provisions of any note, contract, mortgage, or other instrument securing a loan which has been guaranteed or insured hereunder;

(c) pay, or compromise, any claim on, or arising because of any loan guaranty or insurance;

(d) pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or right of redemption;

(e) purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to property, real, personal, or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of such property; and

(f) complete, administer, operate, obtain, and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property required or held pursuant to the guaranty or insurance program authorized by this title.

SEC. 217. (a) There is hereby created an Indian Loan Guaranty and Insurance Fund (hereinafter referred to as the "fund") which shall be available to the Secretary as a revolving fund without fiscal year limitation for carrying out the provisions of this title. There are authorized to be appropriated to the Secretary such sums as may be necessary for the purpose of the fund.

(b) The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans guaranteed or insured under this title, but the aggregate of such loans which are insured or guaranteed by the Secretary shall be limited to $200,000,000 as authorized in appropriation Acts.

(c) All funds, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and all collections and proceeds therefrom, shall constitute assets of the fund; and all liabilities and obligations of such assets shall be liabilities and obligations of the fund. Guaranteed or insured loans acquired with the fund may be collected in accordance with their terms or may be sold by the Secretary with or without guaranty or insurance thereof. The Secretary is authorized to make agreements with respect to servicing loans held, guaranteed, or insured by him under this title and purchasing such guaranteed or insured loans on such terms and conditions as he may prescribe.

(d) If at any time the moneys in the fund are not sufficient to enable the Secretary to discharge his responsibility under any insurance or guaranty contract, the Secretary is authorized to issue notes to the Secretary of the Treasury in such amounts as may be necessary to discharge such responsibilities but only in such amounts as may be specified from time to time in appropriation Acts. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. The notes issued by the Secretary to the Secretary of the Treasury shall constitute obligations of the fund. The Secretary of the Treasury is authorized and directed to purchase any obligations issued pursuant to this subsection, as now or hereafter in force, and for such purpose as the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(e) The Secretary may also utilize the fund to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed or insured under this title or held by the Secretary, to acquire such security property at foreclosure sale or otherwise and to pay administrative expenses.

SEC. 218. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE III—INTERESTS SUBSIDIES AND ADMINISTRATIVE EXPENSES

SEC. 301. The Secretary is authorized to pay to the revolving fund established by section 101 interest subsidies in amounts which shall be equal to the difference between the amounts of interest paid to the Secretary of the Treasury pursuant to section 105 and the amounts of interest earned on direct loans pursuant to section 104.

SEC. 302. The Secretary is authorized under such rules and regulations as he may prescribe to pay as an interest subsidy on loans which are guaranteed or insured under the provisions of title II of this Act amounts which are necessary to reduce the rate payable by the borrower to the rate determined under section 104 of this Act.

SEC. 303. There is authorized to be appropriated to the Secretary such sums as may be needed (a) to carry out the provisions of sections 301 and 302, such sums to remain available until expended, and (b) for administrative expenses under this Act.

With the following committee amendments:

Page 1, line 4, strike out "1971" and insert in lieu thereof "1972".

Page 3, line 3, after "fund" insert "under the provisions of this Act".

Page 3, line 7, strike out "as well as" and insert ", and ".

Page 4, lines 4 through 6, strike out "market yields on municipal bonds: *Provided,* That in no event shall the rate be greater than the rate determined by the Secretary of the Treasury taking into consideration the".

Page 4, line 13, after the period insert a new sentence as follows:

"Loans that are outstanding on the date this Act is approved shall be conformed to the provisions of this section as soon as the loan agreements permit."

Page 5, lines 5 and 6, strike out "cost, or when such action would, in his judgment, be in the best interests of the United States." and insert in lieu thereof:

"cost: *Provided,* That such action shall not be effective until 60 days (not counting days when Congress is adjourned sine die or when the Congress is in recess for more than 3 days) after notice has been given to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate."

Page 5, line 8, strike out "and" and insert in lieu thereof "or."

Page 5, line 15, strike out "of any" and insert in lieu thereof "that apply to".

Page 5, line 20, strike out "loans" and insert in lieu thereof "a loan".

Page 6, line 18, after "laws" insert "and under the jurisdiction of the courts".

Page 7, line 2, strike out "delinquent" and insert in lieu thereof "delinquent,".

Page 7, line 7, strike out "section," and insert in lieu thereof "section".

Page 7, lines 16 through 18, strike out "authorizations and appropriations, or such other amount as may be provided in appropriations Acts." and insert in lieu thereof "appropriations."

Page 8, lines 10 and 11, strike out "may, to the extent he deems consistent with the purposes of the program," and insert in lieu thereof "shall".

Page 13, line 12, strike out "it" and insert "is".

Page 15, line 15, strike out "fund." and insert in lieu thereof "fund, but not to exceed $30,000,000."

Page 15, lines 20 and 21, strike out "$200,000,000 as authorized in appropriation Acts." and insert in lieu thereof "$200,000,000."

Page 16, line 15, strike out "Acts." and insert in lieu thereof "Acts, and any amounts so specified shall be charged against and limited by the appropriation authorization contained in subsection 217(a)."

Page 18, lines 15 and 16, strike out "the rate determined under section 104 of this Act." and insert in lieu thereof "a rate determined by the Secretary of the Treasury under section 104 of this Act, plus such additional charges as the Secretary of the Interior deems appropriate to cover other costs of the Title II program."

Page 18, following line 21, insert a new Title as follows:

"TITLE IV—INDIAN BUSINESS GRANTS

"SEC. 401. In order to stimulate and increase Indian entrepreneurship and employment, and to establish or expand profit-making Indian-owned economic enterprises, there is authorized to be appropriated for an Indian Business Grant Fund not to exceed $5,000,000 for the fiscal year beginning after the date of this Act and for each of the following nine fiscal years, a total of $50,000,000.

"SEC. 402. The Secretary of the Interior is authorized to make grants from such fund under the following terms and conditions:

"(a) A grant may not exceed $50,000 or 25% of the total cost of the economic enterprise to be financed by a combination of loans, grants, and funds of the applicant.

"(b) A grant may be made only for the portion of the total cost of the economic enterprise that is, in the judgment of the Secretary, beyond the ability of the applicant to repay within thirty years.

"(c) The Secretary must determine that an applicant for a grant is not able to borrow the amount requested from any available commercial or Governmental source, and that he is ineligible to borrow the amount requested from the revolving loan-funder under Title I of this Act.

"(d) A grant may be made only to individual Indians or to Indians having a form of organization that is satisfactory to the Secretary, or to individual Indians.

"(e) A grant may be made only for an economic enterprise that is Indian-owned, as defined by the Secretary."

Mr. SAYLOR. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would just like to ask for an explanation from the chairman of what the amendments do.

Mr. ASPINALL. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, H.R. 8063 is a major piece of Indian legislation. It will satisfy an immediate need, and it will have long-term and lasting effects.

Historically, Indians have found it difficult to borrow money in the marketplace. Their lack of experience, their isolation, their lack of collateral security have all contributed to this situation. In a sense, it is surprising that they have been able to borrow to the extent they have.

The picture is changing, however. Although at one time the Indians were forced to rely for credit principally on direct Federal loans and on loans from tribal funds, at the present time 66 percent of all outstanding Indian loans are financed by customary lenders.

This bill is intended to give momentum to this trend. It does so by initiating a program to guarantee or insure up to 90 percent of each loan to an Indian or Indian organization that is made by customary lenders, subject of course to strict supervision by the Secretary of the Interior. As much as $200,000,000 in loans can be guaranteed or insured at any one time, and as loans are repaid new loans can be made.

The fact that $200,000,000 in loans can be guaranteed or insured does not mean that that amount of money must be appropriated from the Federal Treasury. On the contrary, experience with similar programs administered by the Federal Housing Administration and by the Veterans' Administration shows that an appropriation of 15 percent of the outstanding loans should be adequate to finance the program.

The guaranty and insurance program is intended to be self-sustaining. The Secretary of the Interior will charge an insurance premium that is designed to cover losses and cost of administration.

In order to give the program additional attractiveness to Indians, and to encourage them to utilize the credit resources of the open market, the bill includes an interest subsidy, which is openly identified, and which can be justified as a cheap way to encourage the development of Indian business initiative and experience.

The subsidy works like this. The Indian borrower will negotiate his loan from one of the customary lenders, and he will of course agree to pay the going commercial interest rate. In order to give the Indian the advantage of a lower rate, the Secretary of the Interior will agree to pay, on behalf of the Indian, the difference between the commercial rate charged the Indian and the rate which the Government must pay when it borrows money. The spread between these two rates is expected to be about 2 percent. In this way the Indian gets the advantage of the Government's borrowing rate, but he uses the resources of the private money market. The 2-percent cost to the Government is the subsidy.

It is more honest to identify the subsidy openly in this way than it is to hide the subsidy by lending money directly at an interest rate that is lower than the Government's cost of borrowing money. If the Government were to borrow money at 5 percent and relend it to an Indian at 3 percent, there would be a 3-percent subsidy but the subsidy would be hidden. In this bill the subsidy is clearly identified and the money for it must be appropriated each year.

The subsidy is necessary in order to make the insured loan program, using commercial lenders, competitive with the direct Federal loan program that is provided for through the revolving loan fund, which is a second feature of this bill.

We have had a revolving loan fund for Indians for almost 40 years, and it has been effective. This bill increases the capital in that fund from about $24,000,000 to about $74,000,000. When you consider the fact that the $24,000,000 fund has financed more than $66,000,000 in loans, the scope of the program that can be financed with $74,000,000 should be about three times the $66,000,000 financed in the past.

The bill provides that direct Federal loans from the revolving loan fund will bear interest at a rate that reflects the Government's cost of borrowing money, which is of course a very favorable rate, plus a charge to cover losses and administration. This means that the fund should be self-sustaining, and if it works successfully it should not cost the Government anything. The Government will borrow the money which it relends to the Indian, but the interest which the Government pays on its loan will be recovered from the Indian.

In order to borrow from the revolving loan fund, the Indian must show that he is unable to borrow from any other source. That is why the loan guaranty and insurance program must make it possible for the Indian to borrow at the low net rate he would pay if he borrowed from the revolving loan fund.

A third program authorized by the bill is a business grant program. It is intended to stimulate the development of Indian enterprises when the Indian is not able to borrow the full amount of money needed. For example, an Indian might want to start a filling station that costs $20,000. He might be able to amortize a $18,000 loan and still make a decent living for himself, but if he were required to amortize the full $20,000 the business would fail. In this hypothetical case a $2,000 grant would enable the Indian to establish an economically sound business that would give him a decent standard of living, and also provide employment for other Indians.

The committee has written some very specific standards into the bill. A grant can not be made unless the Secretary of the Interior determines that a loan of the same amount would be beyond the Indian's ability to repay, judged of course on the basis of reasonably available information. Also, a grant may not be made if the applicant is eligible for a loan from any source. He would of course be eligible for a revolving fund loan if he had a reasonable prospect of repaying the money.

The bill specifically provides that the Secretary must make specific findings regarding eligibility for a loan and ability to repay. He may not make assumptions based upon what some other lender thinks.

With these safeguards, I believe that the grant program has a legitimate function. It may mean the difference between a successful enterprise and a failure. The program requires careful evaluation, however, and it is, therefore, limited to 10 years, with a request that the Secretary submit annual evaluations.

I think that the bill is a good bill and I urge its enactment.

Mr. SAYLOR. Mr. Speaker, as a principal sponsor of this legislation, I rise in support of H.R. 8063, as amended, and reported by the Committee on Interior and Insular Affairs.

President Nixon, in his message to Congress on July 8, 1970, transmitting recommendations for an Indian policy, stated that—

> The first Americans—the Indians—are the most deprived and most isolated minority group in our Nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people ranks at the bottom.

The President also stated in that same message that—

> The story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittant remorse and prolonged failure. It is also a record of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country—to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

President Nixon called upon this Congress to pass legislation which began to recognize and build upon the capacities and insights of the Indian people. H.R. 8063 is that kind of legislation and I am pleased to have the opportunity to be the principal sponsor of legislation which will go far toward the economic development of Indians and Indian organizations. H.R. 8063 will in my judgment do more than that; it will encourage and foster greater individual initiative, responsible character among our American Indians. H.R. 8063 will give the Indian either individually or collectively through his organization the opportunity to make and be responsible for his own economic decisions.

This bill, H.R. 8063, will, hopefully, be the start of ameliorating a most serious Indian program—economic deprivation. Unemployment among Indians is ten times the national average and runs as high as 80 percent on some Indian reservations. At the same time, some 80 percent of the reservation Indians have an average annual income of $1,500 which is below the poverty line.

The need for this legislation can be further established if necessary and I can assure my colleagues that even though this legislation is expensive, it must be kept in mind that the programs established by this legislation are essentially loan programs which are expected to be self-sustaining. A minimum of Federal expense is involved through business grants and the administrative costs involved while at the same time providing the Indians with a tremendous economic opportunity.

H.R. 8063, as amended and reported by the Committee on Interior and Insular Affairs, essentially establishes three programs for enhancing the economic development of Indian and Indian organizations. The first program is established by title I. This title combines the three existing Federal loan funds to Indians into a single revolving loan fund and increases the amount available for loans from $23,799,600 to $73,799,600 by authorizing the appropriation of an additional $50,000,000. These funds are to be made available to Indians and Indian organizations on a loan basis for economic development projects.

The second program is a loan guaranty and insurance program established by title II of this bill. This title authorizes the Secretary of the Interior to guarantee or insure 90 percent of loans make by commercial lenders to Indians and Indian organizations for economic projects. To accomplish this, title II authorizes the Secretary to guarantee or insure loans up to a limit of $200 million in the aggregate and authorizes the appropriation of $30 million to pay any losses as a result of such guaranteed or insured loans.

The third program established by H.R. 8063 is an Indian business grant fund in title IV. This program is limited to a 10-year period with a total authorized appropriation of $50 million. This program is intended to provide the capital for Indians or Indian organizations having insufficient equity to qualify for small business loans from either public or private sources to arrive at the 100-percent financing needed for a business venture.

Mr. Speaker, I am strongly in support of this legislation which will become the Indian Financing Act of 1972 and urge my colleagues to suspend the rules and support its passage.

Mr. STEIGER of Arizona. Mr. Speaker, I rise in support of this legislation as reported by the Committee on Interior and Insular Affairs.

The purpose of this bill is to provide the individual Indian and Indian organizations with the necessary "seed" money in the forms of loans and grants to meaningfully provide the economic development of American Indians.

H.R. 8063, as amended and reported by the Committee on Interior and Insular Affairs, embodies the provisions of draft legislation recommended by President Nixon in his message to the Congress on July 8, 1970, transmitting recommendations for an Indian policy.

The bill is divided into five titles, and, if enacted, will be known as the Indian Financing Act of 1972. Title I sets up the self-sustaining revolving loan fund of direct Federal loans. This title combines the previous three revolving loan funds into a single revolving loan fund, increases the amount available for loans by $50,000,000 and sets out the statutory guidelines for the revolving loan fund program. All loans will bear interest at a rate which reflects the cost to the Federal Government of borrowing money.

Title II of the bill authorizes the Secretary of the Interior to set up a guaranty and insured loan program. Under this title, individual Indians or Indian organizations will borrow directly from a commercial lender and the Secretary, by the provisions of this title, can guarantee or insure up to 90 percent of the loan. This title, in addition to providing statutory guidelines, limits the authority of the Secretary to guarantee and insure loans up to an aggregate of $200,000,000 and provides the appropriation authorization of $30,000,000 to pay any losses.

Title III authorizes the Secretary of the Interior to pay interest subsidies on loans made from the revolving loan fund and the guaranty and insured loan program. This interest subsidy is the difference between the interest rate charged by the bank or lending institution and the rate the Federal Government must pay to borrow money. It is estimated that this total subsidy could be approximately $4,000,000 a year.

Title V of the bill establishes an Indian business grant fund for a period of 10 years and authorizes the Secretary of the Interior to make grants from the $50,000,000 fund to stimulate and increase Indian employment and entrepreneurship and to expand existing profitmaking Indian-owned economic enterprises.

Mr. Speaker, I urge my colleagues to support the passage of this legislation which is most meritorious for the economic well-being of our American Indian people.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

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

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days in which to extend his remarks on the bill just passed.

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

There was no objection.

LAND ACQUISITION FUNDS FOR DELAWARE NATIONAL RECREATION AREA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13396) to authorize an increase in land acquisition funds for the Delaware National Recreation Area, and for other purposes.

The Clerk read the title of the bill.

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. 13396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of September 1, 1965 (79 Stat. 612, 614), is amended by deleting the figure "$37,412,000" in the first sentence and substituting in lieu thereof the figure "$68,812,000".

Mr. ASPINALL. Mr. Speaker, H.R. 13396 is a bill which was introduced by our colleagues—Representatives McDADE, DOW, ROONEY of Pennsylvania, and THOMPSON of New Jersey. It is not a complex measure as bills go, it simply provides for an increase in the authorization ceiling for land acquisition at the Delaware Water Gap National Recreation Area in the States of Pennsylvania and New Jersey.

BACKGROUND

The recreation area involved in this legislation was authorized by the Congress in 1965. At that time, it was agreed that the total area should include 47,675 acres of land adjacent to the area being set aside for the then-authorized Tocks Island Dam project. It is an outstanding natural area which is within easy reach of the millions of people living near the Delaware River Valley.

At the time of its authorization, it was estimated that all of the lands involved could be acquired for the amount authorized—$37,412,000; however, actual acquisition costs have far exceeded the original estimates. All of the authorized moneys have been appropriated and expended or obligated, but some 21,806 acres remain to be acquired.

Mr. Speaker, the Delaware Water Gap National Recreation Area remains a good, sound outdoor recreation project. A tremendous investment has been made, but a viable administrative unit does not presently exist, because the land acquisition program has not been completed. The only question before the House at this time is whether or not we want to complete the work which we began when we authorized this recreation area in 1965. If we do—and I think that we should—then this bill must be enacted and the earlier it is done the less it will ultimately cost the American people.

Mr. Speaker, H. R. 13396 increases the authorization for land acquisition from $37,412,000 to $68,812,000. According to testimony before the Subcommittee on National Parks and Recreation presented by witnesses for the Department of the Interior, this amount should cover all of the remaining costs involved.

I support the enactment of the legislation and urge its approval by my colleagues in the House.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 13396, to authorize an increase in land acquisition funds for the Delaware Water Gap National Recreation Area.

The act of September 1, 1965 authorized the acquisition of certain lands in the States of New Jersey and Pennsylvania to provide the Delaware Water Gap National Recreation Area for public outdoor recreational use and enjoyment in a manner coordinated with the purposes of Tocks Island Dam and Reservoir which had been separately authorized.

The gross acreage authorized to be acquired for the Delaware Water Gap National Recreation Area amounted to 47,675 acres. Some 10,000 were not to be acquired because the act provided for certain adjustments in the acreage or because it was in public ownership. Therefore, the private lands to be acquired actually amounted to 37,349.47 acres. The act authorized appropriations for the acquisition of lands and interests in lands of not more than $37,412,000, all of which has been appropriated. The land purchased to December 31, 1971, amounts to 21,806.78 acres at a cost of $34,686,593. The balance remaining is only $2,725,407 to acquire the remaining 15,542.69 acres which, of course, is totally inadequate.

The reasons for this inadequacy of the initial funding are manifold. The Jackson-Cross Co., a large and reputable real estate service in Philadelphia has very carefully and fully articulated these reasons in its report on the matter to the Department of the Interior and the National Park Service. Let me highlight for you the primary reasons for a $31,400,000 increase over the original authorization. The primary contributing factor is the fact that there has been a 15 percent per annum increase in property values in this area based on paired sales. These sales, after excluding extreme resale percentages, show a range in increase of from 5 to 89 percent per year. This is much higher than the national average, and is largely due to the expanded second-home requirement brought about by the advent of high-speed highway patterns which have reduced the travel time from New York City and northern New Jersey via Interstates 80 and 84, bringing these metropolitan areas within 1 hour's driving time of the whole Pocono Mountain region.

A restudy by the Jackson-Cross Co. shows that numerous unrecorded sales existed within the boundaries of the Delaware Water Gap National Recreation Area at the time of the original report and exceeded what was estimated in that report, making the market more retail than wholesale as assumed. The original Jackson-Cross report estimated 2,000 individually owned lots within two New Jersey subdivisions when, in fact, it later developed there were slightly more than 3,000 because of the larger number of unrecorded contracts for deeds than originally believed. The same general trend prevailed on the Pennsylvania side.

The general imbalance of appropriations between the Delaware Water Gap National Recreation Area and the Tocks Island Dam is another contributing factor preventing land for the two projects from being acquired concurrently. This tended to defeat the plan to effect an overall economy contemplated by the Congress when it assigned land acquisition responsibility for both Federal projects to a single agency.

Another factor increasing the cost is the considerable amount of improvements which occurred between the completion of the original cost estimate and the time of acquisition.

The cost for court awards on deficiency judgments has been an exceedingly expensive item and the $31.4 million figure includes some $5.6 million for this item alone. Deficiency judgment awards may or may not occur in this total amount, but it is a necessary item for inclusion based on the outcome of trials to date.

There is also incorporated in the contemplated increase in authorization an entirely new cost not included in the original estimate, and that is to provide the necessary payments under the Act of January 2, 1971 (84 Stat. 1894), Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This item alone adds an estimated $2.7 million.

A complete breakdown of the $31.4 million additional estimate is set forth below:

Valuation of lands and improvements remaining to be purchased	$21,700,000
Administrative cost	1,400,000
Costs under Public Law 91-646, act of January 2, 1971 (84 Stat. 1984)	2,700,000
Estimated adverse court award cases filed on original fund allocation	2,400,000
Estimated adverse court awards on properties yet to be acquired	3,200,000
Total	31,400,000

It is interesting and beneficial to note that purchases made since the date of the Jackson-Cross restudy have been made at prices in the vicinity of their new estimate, which is indicative of the authenticity of the restudy.

Authorization of the Delaware Water Gap National Recreation Area provided for the coordination of that project with the Tocks Island Dam project which was authorized by the Flood Control Act of 1962. In furtherance of that concept, and in order that the landowners would not be forced to negotiate with two Federal agencies in the acquisition of the private property, the Congress authorized the Secretary of the Army to conduct all the negotiations for land acquisition through the U.S. Army Corps of Engineers.

The Tocks Island Dam project has encountered numerous and serious difficulties causing considerable speculation whether the facility will ever be constructed. This fact has caused considerable concern as to whether the failure to construct this impoundment might have an adverse effect on a viable recreation area. The National Park Service has considered this matter and is pleased to report that its studies indicate a very fine recreational area with substantially as great a carrying capacity could exist without an impoundment as with one; provided, the increase in land acquisition funds, as contained in this legislation, is granted.

In this connection, the corps has to date acquired more than 10,000 acres of the area needed for the impoundment and, with their current appropriation of $14.6 million for fiscal year 1973, together with funds on hand, should substantially complete the impoundment area with acreage inside the Delaware Water Gap National Recreation Area. If then the dam were not to be constructed, this land could be transferred to the Department of the Interior as excess property for recreational use in connection with the Delaware Water Gap National Recreation Area.

The Delaware Water Gap National Recreation Area was established to serve the recreational needs of an estimated 10 million people a year within the most densely populated area of this Nation. For 8 years now, the people of this area have been kept in a state of uncertainty as to their lands and future. At the same time, the cost of establishing this national recreation area to the Federal Government and essentially the American people continues to escalate for the lack of adequate funding.

If we are to keep faith with the American people in the establishment of national parks and recreation areas, and

so forth, then Congress must provide the necessary funding to accomplish within a reasonable period of time the projects promised to the American people.

Mr. Speaker, I support and ask my colleagues to support the passage of this legislation.

Mr. SKUBITZ. Mr. Speaker, I rise in support of this bill.

The purpose of H.R. 13396, as reported by the Committee on Interior and Insular Affairs, is to increase the amount authorized to be appropriated for the acquisition of lands at the Delaware Water Gap National Recreation Area in the States of Pennsylvania and New Jersey.

The amount of additional funds needed to acquire the lands authorized for acquisition within the boundaries of the national recreation area are $31.4 million.

The history and background of this legislation is beginning to sound like a broken record. Time and time again the National Park Service, for various reasons, is required to seek an increase in the appropriation authorization to acquire lands and interests in lands in parks and recreation areas, and so forth, which have been established by Congress.

It is becoming increasingly clear to me, as the ranking minority member of the Subcommittee on National Parks and Recreation, that the National Park Service is in dire need of some detailed legislative oversight and scrutiny; especially in regard to its land acquisition and development practices and policies. And this legislation, H.R. 13396, serves as a prime example of why that kind of oversight is needed.

In 1965 Congress authorized the acquisition of 57,650 acres of land for the establishment of the Delaware Water Gap National Recreation Area in the States of Pennsylvania and New Jersey. At that time, Congress authorized the appropriation of $37,412,000 for land acquisition.

Since the authorization, 21,806 acres of the 37,349 acres of privately owned lands have been acquired at a cost of $34,686,593. There remain to be acquired 15,542 acres of land within the recreation area boundaries and only $2,725,407 of the original authorization remains unexpended—all of which is being held in reserve to satisfy any deficiency judgments which might arise.

The estimated cost of acquiring the remaining 15,543 acres of privately owned lands is the $31.4 million of additional funds being requested by this legislation.

While many reasons are advanced by the National Park Service to justify this request for additional funds, the fact is that National Park Service failed to accurately appraise and assess its land acquisition costs initially. And this has been so in a number of bills which have been before the Committee on Interior and Insular Affairs.

The result has been that Congress is made the fall guy for the mistakes of the National Park Service. Congress is put in the position of having made a substantial Federal investment. There is no precedent for backing away or out of these circumstances.

Mr. Speaker, I support the passage of this legislation because we, the Congress, made a commitment to establish the Delaware Water Gap National Recreation Area. In the process, we told the people in that area that if their lands had to be acquired, they would receive just compensation for them. We have now acquired some of their lands to the tune of $37.4 million. Either we provide the additional $31.4 million requested or sell back the 21,806 acres acquired and deauthorize the National Recreation Area.

Mr. TAYLOR. Mr. Speaker, I rise in support of the enactment of H.R. 13396 which is a bill to authorize an increased ceiling for appropriations for the Delaware Water Gap National Recreation Area in the States of Pennsylvania and New Jersey.

COMMITTEE CONSIDERATION

This legislation was the subject of a public hearing before the Subcommittee on National Parks and Recreation. At that time, we were advised that this project requires additional funding if it is to be completed as originally planned by the Congress.

I regret that the original estimates for land costs which we relied upon were so inaccurate. Naturally, the members of the subcommittee inquired about the factors which resulted in such a gross error. We were told that there were several reasons why the original estimates were lower than the actual acquisition costs:

First, there were a large number of unrecorded sales that exceeded the estimates at the time of the original authorization;

Second, the coordinated land acquisition program contemplated by the Congress when the project was authorized did not materialize so that key tracts in the taking area had to be bypassed when prompt acquisition might have resulted in their purchase at a lesser cost;

Third, we have learned that when a project is authorized prompt funding is essential if the costs are to be minimized, but in this case funds were not available and landowners in the area continued to improve their properties and increasing costs resulted.

Fourth, since the enactment of the authorization of this recreation area, the Congress has approved legislation providing for relocation assistance which materially affects the cost of the project; and

Finally, the court awards have exceeded the estimated value of the lands involved so that deficiency judgments must be contemplated in future acquisitions.

Mr. Speaker, the members of the Committee on Interior and Insular Affairs have always tried to ascertain what projects of this kind will cost so that the Members of the House will be fully informed when the legislation is initially considered. It has been our longstanding policy to adopt what we affectionately call the Haley amendment which places the customary limitation on appropriations found in our bills. Then, if the estimates are wrong, the Congress at least, has an opportunity to review the program before additional funds can be appropriated. We believe that this has kept the program honest and, notwithstanding the fact that increases are sometimes required, that it has required those recommending projects to make a reasonable effort to ascertain what the costs might ultimately be.

CONCLUSION

I join in supporting this legislation. While I wish the amount could be less, I believe that the facts dictate that this increase will be required. I urge my colleagues to approve H.R. 13396.

Mr. McDADE. Mr. Speaker, this bill which we are considering today is a bill that has truly national significance.

Every Member of Congress is aware of the magnificent work the Department of Interior has done in the creation of national parks in America, and all of us have been enthusiastic in the celebration of the 100th anniversary of the national park system in this year of 1972. Very justly we are proud, not only of our national parks, but of the fact that they have become a model for the whole world to admire and emulate.

And that is what this bill is all about. It is about a national recreation area, the first national recreation area east of the Mississippi to be authorized by Congress, the Delaware Water Gap National Recreation Area. Congress authorized the creation of this most significant recreation area in legislation of September 1, 1965. It was the hope and expectation of Congress at that time that the recreation area would come into being with no undue delay, but we see now a situation which is utterly deplorable. We do not have a national recreation area; we have half a national recreation area, and nothing could be more sad than half a national park.

The purchase of land in this recreation area has come to a halt. There is a remaining 40 percent of the land to be acquired for the recreation area, and we have exhausted the authorization for the purchase of this land. Yet, in the area, the people who own that 40 percent of the property are living daily under the certainty of condemnation and purchase without the actuality of their properties being purchased. It is an unconscionable hardship pressed down upon these people, and it is a reproach to the Federal Government to have half a park which is worse than none at all.

For nearly 10 years, the people of Pennsylvania and New Jersey in the recreation area have lived under this threat of condemnation. They have seen the patchwork quilt of land purchases which has developed, the departure of their neighbors, and the incursion of squatters onto the abandoned land. These squatters have made life something of a nightmare in the region, through a program of nearly complete lawlessness that has seen the life of at least one Federal Ranger threatened and the destruction of property which we all had hoped to preserve as historical treasures.

We need this legislation. We need to provide the authorization to purchase all the land needed to complete this recrea-

tion area, and to do so as soon as possible.

There is no finer man in the Park Service than Pete de Gellecke, the Superintendent of the Delaware Water Gap National Recreation Area. Here is a man who has the desire to provide a multitude of excellent services to the people of this Nation in the recreation area, but who cannot do so in its present incomplete form.

I urge my colleagues to vote for passage of this legislation. It will not only be the final step in making this national recreation a complete recreation area, but it will relieve the hardships suffered by those people who live within the boundaries of the area, but who have had only promises to acquire their property, not the actuality of purchase.

It is a good bill, well worthy of a unanimous vote of approval by the Members of this House.

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

The title was amended so as to read: "A bill to authorize an increase in land acquisition funds for the Delaware Water Gap National Recreation Area, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member of the House, including myself, who desires to do so, may extend his remarks in the RECORD immediately preceding the passage of this bill.

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

There was no objection.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the retirement of Chairman EDWARD GARMATZ.

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

There was no objection.

APATHETIC RESPONSE TO REPORTS OF DRUG TRAFFICKING

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

Mr. KOCH. Mr. Speaker, in today's New York papers there are articles on the drug crisis in our elementary and high schools in New York City. One of the news headlines reads, "Forty-five Percent of High School Pupils Here Said To Take Drugs." The New York State Fleischmann Commission, which issued its report covering the entire State, estimated that in New York City, where the drug problem was most serious, 45 percent of the students in the 10th through 12th grades and 20 percent of those in the seventh through ninth grades are currently users of some psychoactive drug.

So often in discussions I have had with parents of children in our schools, a parent will say so eloquently and tearfully at times, "Why is it if I see the drug pushers when they stand in front of our schools, the police can't?" Their observation is accurate and there is no adequate response to that poignant question.

When I take the matter up with police authorities I am told it is the fault of the courts. When I discuss it with the court officials, I am told it is the fault of the police. Somewhere the buck must stop and someone must take responsibility.

Let me show how frustrating it is to deal with law enforcement authorities on the subject of drug addiction. On September 8 I received an anonymous letter from a constituent calling my attention to an alleged condition concerning drug traffic existing on the Upper East Side of Manhattan in my district. I thought this would be a good opportunity to test the law enforcement agencies which do have jurisdiction in a matter of this kind to see what actions they would take. The letter of September 12 which I sent to six law enforcement agencies, together with the anonymous letter, is appended.

As of today, a month later almost to the day, I have received a total of three responses which follow. Two of those responding advise that they have referred the matter to other agencies. One stated that he was having the matter investigated and would keep me informed. At the present time, I have received no further report from anyone on any investigation which may have ensued.

Among those that I have not heard from is Myles Ambrose, Special Assistant Attorney General for the Office of Drug Abuse. This is particularly noteworthy in view of the flourish and publicity with which the administration announced the establishment of its "heroin hotline" program last April. The stated purpose of the hotline was to enable individual citizens to volunteer information in confidence on heroin traffickers and pushers. One toll-free call could be dialed anywhere in the United States and presumably would catalyze immediate action by the Government.

One cannot help but question the seriousness of the administration in establishing this so-called hotline at a cost of $260,000 for the first 4 months of operation when a letter from a Member of Congress does not even get a response. If I, as a Member of Congress, alerting law enforcement officials to a serious situation involving drugs, can get so little reaction, imagine how frustrating it must be for the average citizen. Is it any wonder that so many of the people of this country are angry, indeed, disgusted, with the manner in which officials charged with the duty of investigating alleged crimes, apprehending the criminals, and sending them to jail, are doing their duty. This is particularly true in the instances of drug trafficking that is ruining the lives of so many of our children.

The correspondence follows:

SEPTEMBER 8, 1972.

Congressman EDWARD I. KOCH,
Washington, D.C.

Dear CONGRESSMAN KOCH: I call your attention to the following condition existing in your district.

A ring of upper echelon drug pushers operating out of — Street. — and they are inter-state. They meet in the early morning hours, usually weekends and Mondays. Their cars are usually parked on — Avenue near — Street.

Following is a description of the cars and their plates:

(Color) Cadillac, License —.
(Color) Cadillac, License —.
(Color) Mercedes, License —.

A number of letters have been written to Commissioner Murphy and Captain D. McGowan of the 19th Precinct about these pushers. I believe these letters have been buried, as nothing has been done.

I insist that you exert every effort to rid the neighborhood of these people. The district has an elementary school on York Avenue and an intermediate school on 76th Street.

Thank you.

My letter containing the above enclosure was sent to the following law enforcement officials:

LIST OF LAW ENFORCEMENT OFFICIALS

Myles J. Ambrose, Special Assistant Attorney General, Office of Drug Abuse, Law Enforcement, U.S. Department of Justice.

Patrick T. Burke, Assistant Attorney in Charge, Joint Strike Force, U.S. Department of Justice.

Frank S. Hogan, District Attorney, New York County.

Louis J. Lefkowitz, New York State Attorney General.

Patrick V. Murphy, New York City Police Commissioner.

Robert K. Ruskin, New York City Commissioner of Investigation.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 12, 1972.

DEAR ——: I have received an anonymous letter, a copy of which is enclosed, concerning alleged drug pushing at — street. The letter, as you will note, contains the license plate numbers of cars allegedly belonging to those in the operation.

I am bringing this matter to your attention knowing that it would be of interest to you. I would appreciate your advising me as to the outcome of any investigation you make in the matter.

Sincerely,

EDWARD I. KOCH.

DISTRICT ATTORNEY
OF THE COUNTY OF NEW YORK,
New York, N.Y., September 14, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States,
House of Representatives,
Washington, D.C. 20515

DEAR ED: Thank you for your letter of September 12, 1972 in which you enclose an anonymous communication having to do with alleged drug pushing at —— Street.

I am referring this matter for investigation to Assistant District Attorney Frank Rogers who is the Coordinator for the Special Narcotics Courts for the City of New York. I am asking Mr. Rogers to keep you and me advised of developments.

With kindest regards.

Sincerely,

FRANK S. HOGAN.

THE CITY OF NEW YORK,
DEPARTMENT OF INVESTIGATION,
New York, N.Y., September 26, 1972.

Congressman EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN: Thank you for your letter of September 12, 1972 with which you enclosed an anonymous complaint dated September 8, 1972 alleging that drug pushers are operating out of —— Street.

I have referred the matter to Police Commissioner Murphy and asked him to report to us the progress of his investigation into the matter.

Sincerely yours,
ROBERT K. RUSKIN, *Commissioner.*

U.S. DEPARTMENT OF JUSTICE,
ORGANIZED CRIME AND
RACKETEERING SECTION,
New York, September 18, 1972.

HON. EDWARD I. KOCH,
Congress of the United States,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I have received your letter of September 12, 1972 concerning drug pushing at ——— Street. Although the Strike Force does not have jurisdiction over narcotics offenses, this type of information is most valuable.

I have forwarded a copy of both your letter and the anonymous message to Mr. Andrew Maloney, Head of the Department of Justice Office of Drug Abuse and Law Enforcement in the New York metropolitan area. I am sure Mr. Maloney will appreciate this information and be able to take some action on it.

Very truly yours,
PATRICK T. BURKE,
Assistant Attorney in Charge, Joint Strike Force.

"HBA'S LEON JAWORSKI—A PROFILE OF A LAWYER'S LEADERSHIP"

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

Mr. CASEY of Texas. Mr. Speaker, I am privileged to know and have as my warm friend a brilliant and unusual man who just recently completed his services as president of the American Bar Association.

Many of my colleagues have had the privilege of meeting and knowing Leon Jaworski, but possibly they do not know his illustrious background as well as I.

Mr. Speaker, it is with pride that I share with my colleagues an article from the Houston Bar Association's publication, the Houston Lawyer which briefly outlines the highlights in the life of this great American:

HBA'S LEON JAWORSKI—A PROFILE OF A LAWYER'S LEADERSHIP

The legend of Texans is well established in these United States and in the world—they are bigger and better. Houston's many contributions to this legend is well exemplified by the leadership, contributions and achievements of the HBA's own Leon Jaworski, senior partner of Fulbright, Crooker & Jaworski.

Even a cursory examination of Mr. Jaworski's activities over a lifetime in professional and civic endeavors reveals the principal theme to which he has dedicated himself—that the nourishment of the rule of law in a democratic society is man's most important endeavor and that lawyers are well equipped to lead our country's civic institutions by virtue of their understanding that the rule of law in a democratic society is the warp and woof of that society upon which the ultimate well-being of the people in all areas depends. A corollary to that axiom is Mr. Jaworski's firm conviction that lawyers are obligated so to serve by virtue of their special professional qualifications in comprehending that principle.

Perhaps this philosophy, which has urged our able fellow lawyer to the heights of achievement, was best expressed by Mr. Jaworski himself in his closing address to the American Bar Association's Annual Meeting held this month in San Francisco when he said: "As members of the legal profession, we have a special competence to provide technical advice and counseling in what needs to be done to improve the administration of justice. We also have a responsibility to govern our own ranks in the Bench and the Bar to assure that we are faithful to our professional obligations. But we have a wider responsibility as well.

We must, each of us, exemplify in our own civic life the personal involvement and acceptance of public leadership that we would expect of all concerned citizens. We must do this because the legal profession cannot by itself bring to realization the great goals to which we have committed ourselves. We must do so because there are legislative bodies not inclined to act unless there is a momentum of public demand that is real and visible. We must strive to generate this broad public support because so many of our fellow citizens, both young and old, look to our profession for guidance in community affairs."

Leon Jaworski was early marked as an able devotee of orderly progress through the use and improvement of existing institutions. Born at Waco on September 15, 1905, Mr. Jaworski was the son of Joseph and Marie Jaworski. His father was a minister in the Evangelical and Reformed Church at Waco. He has one sister and two brothers, now Mrs. Walter Fuchs of Pflugerville; Dr. H. L. Jaworski, a surgeon in Waco; and Joseph, now deceased, who was an electrical engineer and graduate of MIT.

As a high school student, he was an outstanding debater and graduated at Waco as an honor student at the age of fifteen in 1920. Enrolling in Baylor University in 1921, he graduated from the Baylor Law School at 19, finding it necessary to have his minor's disabilities removed so that he could receive his license to practice law. In 1925 and 1926, Mr. Jaworski attended George Washington University Law School at Washington, D.C., where he earned a LL.M at 20, working part time in the office of then-Congressman Tom Connally.

Returning to Waco, Mr. Jaworski entered the civil and criminal practice of law for some five years, following which he moved to Houston, joining his present firm in 1934. Today, Fulbright, Crooker & Jaworski is one of the three largest firms in Houston and one of the largest firms in the nation, numbering 160 lawyers in its ranks.

In addition to serving as President of the Houston Bar Association (1949–50) and as President of the State Bar of Texas (1962–63), Mr. Jaworski has just completed thirteen months as President of the American Bar Association (1971–72). He is a member of the American College of Trial Lawyers and served as President of that organization in 1961–62. Additionally, he has served as president of the Texas Civil Judicial Council (1950–52) and as Chairman of the Board of Trustees of the Southwestern Legal Foundation (1968 to present). He holds honorary degrees from Baylor University (LL.D), Suffolk University (JS.D) and Washburn University (LL.D).

But not all of Mr. Jaworski's time in the practice has been spent in Bar leadership and the representation of ordinary business and individual clients. In June, 1942, Mr. Jaworski volunteered for service in the Army Judge Advocate General's Corps and was commissioned as a Captain. He was rapidly promoted to Major and Lieutenant Colonel, being assigned to the handling of special assignments for the Judge Advocate General's office. The highlight of his service career was the prosecution of the first war crimes trials in the European Theater, including the Russelsheim death march trial, the Hadamar mercy killing trial and the Dachau concentration camp trial. Mr. Jaworski has set forth some of his experiences as a war crimes prosecutor in a book published in 1960, "After Fifteen Years".

In more recent times, Mr. Jaworski served as a Special Assistant United States Attorney General in 1962–65, during which time he represented the United States at the designation of President Kennedy in the contempt proceedings against Governor Ross Barnett of Mississippi in connection with the Governor's defiance of Orders of the United States Court of Appeals for the Fifth Judicial Circuit. In 1963–65 Mr. Jaworski served as Special Council to the Attorney General of Texas in connection with the proceedings of the Warren Commission investigating the assassination of President Kennedy.

Subsequently, Mr. Jaworski served as a member of the President's Commission on Law Enforcement and Administration of Justice (1965–67) and as a member of the President's Commission on the Causes and Prevention of Violence (1968–69). He also has served at the pleasure of the President as the U.S. member of the Permanent Court of Arbitration at The Hague (1965–69); as a member of a National Commission on Marine Science, Engineering and Resources (1967–69); and as a member of the International Center for Settlement of Investment Disputes (1967–69).

True to his thesis set forth above about the lawyer's obligation to actively participate in civic endeavors, Mr. Jaworski has served as President of the Houston Chamber of Commerce (1960); President of the Houston Rotary Club (1956); President of the Houston Chapter of the American Red Cross; President of the Baylor Medical Foundation; trustee of the M.D. Anderson Foundation; trustee of the Baylor College of Medicine; trustee of the Texas Medical Center; and as Protestant Chairman of the Houston Chapter of the National Conference of Christians and Jews, Inc. (1955–61). Likewise, as one of the outstanding leaders of the business community in Houston, Mr. Jaworski serves as Chairman of the Executive Committee of the Bank of the Southwest and is a director of Anderson, Clayton & Co. and Coastal States Gas Producing Company.

Mr. Jaworski married Jeannette Adam in 1931 and has three children, Mrs. William H. Worrell, Mrs. Robert E. Draper and Joseph Jaworski, a partner in the Houston firm of Bracewell & Patterson.

CORRECTION OF THE RECORD

Mr. QUIE. Mr. Speaker, I ask unanimous consent to correct for the permanent RECORD a statement I made on the floor yesterday.

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

There was no objection.

THE HONORABLE EDWARD A. GARMATZ

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. DOWNING) is recognized for 60 minutes.

Mr. DOWNING. Mr. Speaker, I have taken this time to tell EDDIE GARMATZ specifically over the country generally just how much we all appreciate his

service in the Congress of the United States.

I have worked side by side with this great man for over 14 years. He is a man of quiet dignity with great warmth and kindness. When the occasion warrants it, he is also a man of great force.

When the late beloved Herbert H. Bonner passed away in 1966, EDDIE GARMATZ became chairman of the Merchant Marine and Fisheries Committee. Since then he has wielded that gavel of power with fairness and effectiveness. Under his leadership the greatest landmark maritime legislation since 1936 was passed—the Merchant Marine Act of 1970.

This legislation came at a time when our merchant marine was rusting in obsolescence and our balance of trade deteriorating. It gives our Nation a chance to become a viable power on the high seas again.

Under his chairmanship, great progressive strides have been made in the exciting new field of oceanography; new laws protecting the environment have been passed; the Coast Guard has been strengthened and expanded; and the resources of the sea have been protected and promoted.

EDDIE GARMATZ has served his district, State, and Nation in an exemplary manner. The people whom he loved and served so well over so many years have lost a forceful friend on Capitol Hill.

I wish for him and his devoted wife Ruth, every success and happiness in the years to come.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on this subject.

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

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, as all of the Members know, our distinguished colleague from the State of Maryland, the Honorable EDWARD A. GARMATZ, decided earlier this year not to run for reelection and will be retiring from the House of Representatives at the end of this term. And because EDDIE GARMATZ will be missed in the 93d Congress, I think we should tell him now how much we appreciate his service to the people of the United States and how much we appreciate what he has contributed to the smooth operations of the House of Representatives in his capacity as chairman of the Committee on Merchant Marine and Fisheries.

On July 15, Congressman GARMATZ observed the 25th anniversary of his first election to Congress. During those 25 years he has worked for and supported some of the most important legislation passed during the history of this Republic, legislation which helped to shape a vibrant world economy growing out of the ashes and destruction of World War II. Congressman GARMATZ has always voted for things which will help the average family, the rank and file of American workers and their dependents and also the elderly retiring after a lifetime of hard work.

Representing a maritime city, one of the great ports of the United States and of the world, the city of Baltimore, Congressman GARMATZ has worked with all of his heart and all of his energy to advance and strengthen the maritime industry of this country. But as chairman of the Merchant Marine and Fisheries Committee he has also been deeply conscious of the importance to the people of the United States of the broad range of other legislation within the jurisdiction of our committee.

He has been instrumental in placing this committee in the forefront of the effort to rescue the American environment from all forms of pollution. He has worked hard on conservation issues generally.

But primarily, EDDIE GARMATZ has been "Mr. Merchant Marine" in the Congress of the United States. He has handled before the House with skill and dedication far-reaching bills to authorize the construction of American flag vessels of every type, and then has done his best to make it profitable, or at least practical, for those ships to operate under the American flag. It has not been an easy assignment. Competition among maritime nations is so intense that without the legislation EDDIE GARMATZ has sponsored and pushed through Congress, our flag would certainly have disappeared from the high seas.

The maritime industry knows this and so do the Members of Congress. Unfortunately, the importance of our merchant shipping fleet to the economy of this country and to our national defense is not recognized by the American people to the extent it should be.

As he prepares to cast the final votes in the remaining days of this Congress, and to gather together the books and documents and hearings and committee reports and his extensive correspondence covering 25 years of devoted service as a Member of Congress, Chairman GARMATZ has the rare satisfaction of knowing that he has earned not only the affection and good will of his colleagues in this body, but also our deep respect for his ability as a legislator. Whatever he does after leaving the House at the end of his distinguished congressional career of more than 25 years, he will carry with him the best wishes and the warm regards of everyone who has served with him in the Congress.

EDDIE GARMATZ has always been a strong and solid Democrat who believes sincerely in the principles and programs of the Democratic Party. But this has not prevented him from working effectively and graciously with those of the opposite party in behalf of causes in the national interest. I am therefore most gratified that the ranking minority Member of our Committee, the gentleman from Washington (Mr. PELLY) has joined me in requesting this time in order that the Members of the House on both sides of the aisle can participate in this demonstration of our respect for a Colleague whose friendship we treasure. I do not know of anything EDDIE GARMATZ could do after leaving Congress that would bring him more satisfaction and enjoyment than the work he has done so well for so long as a Member of the House of Representatives, but in view of his decision to retire, we can only wish him the very best that life has to offer and assure him that his place in our esteem is, and always will be, at the very highest. Good luck, EDDIE; good health and may God bless you for what you have done in behalf of the people of this country, the economy of this country, and the cause of freedom in the world.

Mr. GOODLING. Mr. Speaker, EDDIE GARMATZ, my good friend and colleague, is everything you would want to find in a chairman for an important committee of the House of Representatives.

He is competent, having a wonderful grasp of the intricacies of maritime and fishery problems, along with a thorough understanding of the vital needs of our merchant marine fleet. He knows how to set up committee meetings so that the best results can be obtained in the least amount of time.

He is fair, providing an opportunity for all parties interested in a bill before his committee to be heard. He feels that the best and fairest bill is one that is refined through the filtering process of vigorous pro and con exchange.

He is cordial, always displaying courtesy with witnesses who appear before the committee and always friendly with committee members. He is quick to give recognition to the fine work performed by committee staff members, and finds it easy to extend compliments for a job well done.

Most important of all, he is a warm personality that has gained the admiration and affection of all those who associate with him. He has won respect not only because he has earned it, but because he has freely given it.

EDDIE GARMATZ' departure from the Congress will leave a great vacuum. As he leaves this legislative body in which he served so long and well, I sincerely wish that his harvest of contentment is proportionate to the contribution he has made to his constituents, his committee, the House of Representatives, and his country.

So long, and good luck, Mr. Chairman.

Mr. SIKES. Mr. Speaker, I am pleased to join today in paying tribute to my good friend and colleague, the Honorable EDWARD A. GARMATZ, who is retiring from Congress at the end of the current session. He has represented the Third District of Maryland for the past 25 years and there is abundant record that he has done so ably and well with complete dedication not only to his State but to the Nation as well. EDDIE GARMATZ has been an exemplary public servant. He has been a foremost patriot. He has demonstrated many times not only political courage but a high order of selflessness in service to our Nation. He has been faithful to friends, a hard-hitting but fair partisan, a dynamic and effective leader. He has made valuable contributions to the House Committee on Merchant Marine and Fisheries and has served as its chairman for the past 6 years. He has demonstrated time and time again his able and forceful manner as a legislator and a leader.

It has been my good fortune to know and serve with Congressman GARMATZ and, we will certainly miss him very

much in this body. I heartily congratulate him upon his fine service and wish for him and his family all choicest blessings of continued good health, happiness, and peace for many years to come.

Mr. MORGAN. Mr. Speaker, I want to join with my colleagues in paying tribute to EDDIE GARMATZ who is leaving us after 25 years' service in the House.

I had been here only a year when EDDIE began his long and distinguished service in the House of Representatives, and we have been close friends ever since.

His service on the Committee on Merchant Marine and Fisheries, in recent years as chairman, has caused his name to be known in shipping circles throughout the world. The House has benefited from the store of knowledge he has accumulated over the years, and we will all miss his counsel and guidance.

There have been numerous occasions when matters of primary concern to the Committee on Merchant Marine and Fisheries have had important foreign policy aspects. There have also been issues with which the Committee on Foreign Affairs was directly concerned which had an impact on the work and interests of the Committee on Merchant Marine and Fisheries.

EDDIE GARMATZ and I have always been able to talk frankly with each other on issues before our committee in which we had a mutual concern. I welcomed his thoughtful observations and suggestions. He always put the interest of the country over all other considerations.

I will miss EDDIE GARMATZ, not only as a wise counselor but as a good friend. He takes with him my best wishes for many more years of public service in whatever endeavor he chooses.

Mr. FREY. Mr. Speaker, 4 years ago when I came to the Congress, I was fortunate in being named to the Merchant Marine and Fisheries Committee. As a member of this committee, I was able to see first-hand what an outstanding job its chairman, Congressman EDDIE GARMATZ of Maryland, was doing and how much his guidance was meaning to the entire country. Under his leadership, landmark legislation has been enacted. The Environmental Protection Agency was established, and we now have the basis for the rejuvenation of our merchant marine fleet. Time and time again, his outstanding leadership has been demonstrated by the quality of legislation emanating from his committee.

We will miss EDDIE GARMATZ, but I congratulate him on his many years of service and dedication to his Nation, his State, and the people of the Third District of Maryland. And I join with his colleagues in wishing him a most successful and rewarding retirement.

Mr. SPRINGER. Mr. Speaker, I want to thank our distinguished colleagues from Missouri (Mrs. SULLIVAN) and Washington (Mr. PELLY) for arranging this tribute to the retiring chairman of the Committee on Merchant Marine and Fisheries, our good friend EDDIE GARMATZ.

EDDIE is leaving the Washington scene after 25 years of distinguished service on Capitol Hill. A product of the Baltimore public schools and the Polytechnic Institute, he was in the electrical business and in local politics in Baltimore before his election to the House in 1947 to fill a vacancy. He was reelected to the 81st and each succeeding Congress.

As chairman of the Merchant Marine and Fisheries committee, EDDIE has performed extremely valuable service for not only the people of his own great State of Maryland but also for the other maritime States whose economies are so dependent on the health of the shipping and fishing industries. They will miss EDDIE GARMATZ and so will all of us in this Chamber who have enjoyed his friendship over so many years.

Mr. REUSS. Mr. Speaker, I join in saluting Congressman EDWARD GARMATZ as he nears the end of 25 years of service in this body to his district, the State of Maryland, and the Nation.

I have been honored to serve with EDDIE GARMATZ on the Government Operations Committee and on its Special Studies Subcommittee, and recently to work with him as the subcommittee has taken a close look at what can be done to ease the problems of the aging in this country.

Representing a district which includes the great seaport of Baltimore, EDDIE GARMATZ was naturally drawn to maritime problems. The interest led him to membership on, and then chairmanship of, the Committee on Merchant Marine and Fisheries, where he gained his prime public identification as a leader in the fight to revitalize our sagging merchant marine.

His work was instrumental in passage of major environmental measures, including the National Environmental Policy Act, endangered species legislation and a variety of bills designed to protect fish and wildlife values.

EDDIE GARMATZ leaves behind him a record of which he can be proud. I wish him all the best as he returns to private life.

Mr. ANDERSON of Tennessee. I wrote the following letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 12, 1972.

HON. EDWARD A. GARMATZ,
Chairman, Merchant Marine and Fisheries Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: When you leave the United States House of Representatives, the American people will have suffered a tremendous loss, for you have been a stalwart champion of the American maritime and fisheries industries and the welfare of the nation for 25 years.

I, personally, will miss you as a friend and adviser. I have learned much from you during the eight years I have been privileged to serve with you in the House, and I am very grateful for the many kindnesses and courtesies you have extended to me.

Thank you for having served the people of Maryland and of the United States so well for so long. You will, indeed, be missed.

I hope that you will return to visit with us often. I envy you your retirement from the House in the beautiful City of Baltimore, but I know you too well to believe that you actually plan to retire. We expect to hear much more from Eddie Garmatz in the years ahead, and we welcome the prospect.

A fond farewell to a friend and colleague.

Sincerely yours,

WILLIAM R. ANDERSON.

Mr. HATHAWAY. Mr. Speaker, it gives me great pleasure to join with our colleagues in saying a fond farewell to our good friend EDDIE GARMATZ.

Chairman GARMATZ has done an outstanding job as a Member of the House and especially as chairman of the House Merchant Marine and Fisheries Committee. Under his leadership and guidance we have witnessed the establishment of many programs to assist the fishing industry and to build up our merchant marine fleet. The chairman's efforts in behalf of our merchant fleet are especially notable in the enactment of the Merchant Marine Act of 1970. I was privileged to work with the chairman as a member of the Merchant Marine and Fisheries Committee on this landmark legislation. I greatly benefited from the chairman's expertise on merchant marine and fisheries matters, and I shall always be grateful to EDDIE GARMATZ for his many kindnesses to me as a member of his committee and as a colleague in the House, and I shall always treasure his friendship.

EDDIE, I extend to you my very best wishes for every future happiness. We will miss you.

Mr. CORMAN. Mr. Speaker, I wish to associate myself with the tribute being paid here today to our distinguished colleague, EDDIE GARMATZ.

For 25 years, as a Member of the House, Congressman GARMATZ has served his district, his State, and the Nation with deep devotion and dedication. His chairmanship of the House Committee on Merchant Marine and Fisheries has been outstanding.

EDDIE GARMATZ has always been, and I am sure he will always remain, a fine public servant. As he leaves here, he carries with him not only deep regret about his decision to retire, but also the affection, respect and admiration of all who know him and have worked with him.

I extend my best wishes to EDDIE for contentment and happiness in the years ahead, and hope that he will always remember he will be sorely missed in these halls.

Mr. FUQUA. Mr. Speaker, the House of Representatives is going to miss the leadership of a great American when EDDIE GARMATZ retires with the close of this Congress. Few men have represented their constituents with greater concern and sincerity. EDDIE'S service in this body for a quarter of a century has been inspiring indeed and I am proud to have served with him during my years in Congress.

We both serve coastal districts and I have appreciated the reasoned concern that he has shown for our merchant fleet and those citizens who depend on the oceans for their livelihood. The chairman has guided many bills through the legislative process which contribute to the research and development of commercial fishing and have made possible the prudent harvesting of food sources.

It has been my pleasure to serve with EDDIE on the House Committee on Government Operations and I have found him knowledgeable and responsive to the demands of that assignment. He will be truly missed by me and the rest of my

colleagues in the House and the void he leaves will be difficult indeed to fill.

I wish EDDIE every happiness in his retirement years and appreciate this opportunity to pay tribute to my friend and colleague.

Mr. RHODES. Mr. Speaker, it is with real regret that I see my friend, the Honorable EDWARD A. GARMATZ, leave the House of Representatives at the end of this session. In every respect over the 25 years that he has served, EDDIE has been a fine Congressman. He has provided strong and responsible leadership to his committees and colleagues; he has been the good right arm of the citizens of Maryland's Third District, to whom he has given devoted and loyal service; he is a patriotic and proud American who has worked untiringly for the betterment of his country. EDDIE will be greatly missed—but he leaves his friends in the House with fond memories and takes with him only good wishes for the days ahead.

Mr. ASPINALL. Mr. Speaker, I wish to join with our colleagues as we pay tribute to the fine and effective service of the Honorable EDDIE GARMATZ, chairman of the House Committee on Merchant Marine and Fisheries.

Throughout my years here in Congress, it has been my pleasure to know and work with this outstanding and respected member of the House of Representatives. His work as chairman and member of the Merchant Marine and Fisheries Committee has brought him in close contact with the work which has been my responsibility here on the Hill. He has always been friendly and cooperative, and it has been a joy to work with him. Even in our necessary differences his understanding and pleasing personality has helped bridge many difficulties that we might otherwise have had.

During my membership in this great House, EDDIE GARMATZ has been favorably known and respected not only for his work, but for his congenial and friendly personality. He shall be sorely missed in the days ahead. However, he leaves with a fine record of accomplishment and the Congress and the people of the Nation are his debtors because of his service among us.

Mr. ROYBAL. Mr. Speaker, It is a privilege to join with my colleagues in paying tribute to the Honorable EDWARD A. GARMATZ, whose distinguished career in the House of Representatives is drawing to a close after 25 years of dedicated service.

As chairman of the Merchant Marine and Fisheries Committee, he has continually demonstrated his leadership, diligence, expertise, and ability. I know that he will be sorely missed by all who have had the opportunity to work with him.

EDDIE GARMATZ has made a record here of which he can be extremely proud and he will, I am confident, continue to contribute significantly to the well-being of the Nation.

I extend to him my sincere best wishes as he prepares to return to private life.

Mr. DERWINSKI. Mr. Speaker, I am pleased to have this opportunity to join the many friends of EDDIE GARMATZ in honoring him upon his retirement. He has been a very effective legislator and has earned the respect of all of his colleagues who were privileged to know him well.

EDDIE was an outstanding chairman of the Merchant Marine and Fisheries Committee as evidenced by the very successful functioning of the committee under his jurisdiction. He will long be remembered by us for the high standard of public service he set throughout his career.

Mr. BYRON. Mr. Speaker, today the 92d Congress reluctantly bids farewell to a colleague who has diligently and loyally worked for the betterment of our country in the highest traditions of public service.

EDWARD A. GARMATZ is stepping down on his own accord after 25 years of representation to the citizens of Maryland's Third Congressional District. When he first came to Congress in 1947 he set out on a distinguished career which was to make him the champion of the American merchant marine and the entire maritime industry.

He fought for upgraded safety standards aboard passenger ships of all countries, he toiled vigorously to revitalize our merchant fleets, he aggressively espoused the cause of our American fishermen to protect them from illegal seizures and harassments and he crusaded outspokenly against foreign fishing vessels that poached in American waters.

As chairman of the Merchant Marine and Fisheries Committee he was instrumental in the enactment of the Merchant Marine Act of 1970 which is designed to rebuild our Nation's prestige in the area of modern merchant marine.

I have had the pleasure of knowing Chairman GARMATZ over the years and have experienced the pleasure of working under his leadership of the Maryland Delegation during the last 2 years. I will miss him personally—we all will miss him. But one thing is certain, EDWARD GARMATZ has left his mark on Congress and our Nation and his works and deeds will never be forgotten—by you, or I, or the fishermen and seamen he loyally served. Mr. Chairman, I hope you will have many years of good health and enjoy the retirement years you so richly deserve.

Mr. GIAIMO. Mr. Speaker, I am pleased to have this opportunity to express my great esteem for a man who has been a dedicated Member of this Chamber for over a quarter of a century. EDWARD GARMATZ, U.S. Representative from the city of Baltimore, has enjoyed a distinguished career in the House of Representatives since he first entered this hall for the opening session of the 80th Congress.

This man's greatest service however, has been performed in another room on the Hill, the meeting room of the House Committee on Merchant Marine and Fisheries, where EDDIE GARMATZ has presided as the distinguished and dedicated committee chairman. His determination and leadership in effecting consideration and action on much important legislation to improve the maritime and fisheries industries in the interest of the national welfare have earned him the respect of not only his fellow committee members and the majority of his colleagues throughout the Congress, but also of his constituents in Maryland and many appreciative citizens throughout this country.

It is satisfying to know that, along with the contributions and associations he leaves behind for our benefit, EDDIE will also be taking with him scores of fond memories of his vast career, spanning five eventful and diverse administrations. He has had the privilege of witnessing the recent history of our country and Government from a special vantage point only a limited number of men can occupy for any extended period of time. It is from that vantage point that one begins to develop a broader picture of world events, a picture that can only be clarified by a "stepping away" in order to gain the necessary perspective for evaluation.

EDDIE GARMATZ will now have this opportunity to "step away" and study the order of things. As he does so, I would like to offer him my heartiest congratulations and warmest wishes for the future. I hope that he does not allow the short distance from his home in Baltimore to prevent him from revisiting, and thus honoring, his long-standing home in the House of Representatives.

Mr. DELANEY. Mr. Speaker, I am happy to join my colleagues today in paying tribute to the highly esteemed gentleman from Maryland, the Honorable EDWARD A. GARMATZ, who has chosen to retire at the end of the 92d Congress.

EDDIE GARMATZ is a man of warmth and dignity, who has given much of himself to render outstanding service to the people of his district and to the Nation at large. He has earned the trust and respect of his colleagues on both sides of the aisle, and those who have known him as an opponent on some issues have never lost their sincere respect for him as a man of great decency and integrity.

His effectiveness as chairman of the great Committee on Merchant Marine and Fisheries is well known, and we were fortunate to have the benefit of his leadership and expertise in this field that is so vital to the national interest.

ED GARMATZ will leave this Chamber secure in the knowledge that he has given many years of service that possibly might be matched, but can never be excelled.

It has been a genuine privilege and pleasure to have known him and worked with him. As EDDIE GARMATZ ends his service in the House, I wish him many happy and productive years in his future endeavors.

Mr. MONAGAN. Mr. Speaker, the retirement of my good friend and colleague, EDWARD GARMATZ of Maryland, from the House marks the departure of a valuable and dedicated Member who has served his constituents and the Nation for a quarter of a century.

Consistently reelected to Congress since the 80th Congress, ED GARMATZ has gained national recognition as the champion of the American merchant marine and the entire maritime industry. As chairman of the House Merchant Marine and Fisheries Committee he has striven to revitalize our declining mer-

chant marine and to that end he has supported and guided through the House numerous legislative proposals including legislation which is designed to build 300 modern merchant vessels in the next decade, the Merchant Marine Act of 1970.

ED has also striven to guarantee that high standards of safety are maintained both here and abroad in the maritime industry for the greater protection of American employees, passengers and property.

A strong advocate of America's position on the seas, he has worked to protect American fishermen from illegal seizures and harassment and has been outspoken against the intrusion into American waters of foreign fishing fleets.

Congressman GARMATZ has also served with distinction on the House Government Operations Committee and is a ranking member of the Subcommittees on Legislation and Military Operations and Special Studies.

I personally shall miss ED and I hope that he will have a happy and fulfilling retirement.

Mr. PATMAN. Mr. Speaker, may I join at this time in paying tribute to a respected colleague, the distinguished dean of the Maryland delegation, the Honorable EDWARD A. GARMATZ, with whom I have had the privilege of being associated in this Chamber for a quarter of a century.

EDWARD GARMATZ entered the House of Representatives with an excellent and firm background in business and public service. During his many years in this House, he has earned the esteem and admiration of his colleagues through his steadfast and heartfelt concern for the welfare of this Nation and by his remarkable dedication to the needs and interests of the people of his District. He has served with high distinction as chairman of the Committee on Merchant Marine and Fisheries, a position from which he has been a powerful force to infuse new life into the merchant marine which is so critical to our country's economy and an important adjunct of our national defense. The citizens of my own great home State of Texas, which is fifth in the Nation in miles of coastline, have had occasions to be grateful to Mr. GARMATZ for his wonderful leadership in programs to strengthen our oceanborne commerce and vital lifelines.

On the occasion of his impending retirement, I would like to express to EDDIE my very best wishes for a continuation of the outstanding success that has marked his brilliantly constructive career. He is a statesman and a patriot and he will always be a champion for the American people.

Good luck to you, Mr. GARMATZ.

Mr. RODINO. Mr. Speaker, those of us know him well can readily attest to the deep sincerity and the extreme conscientiousness my colleague and friend, the Honorable EDWARD GARMATZ, has continually demonstrated over these 25 years. He has carried forth the responsibilities and commitments of his chairmanship with the devotion, the sensitivity, leadership and the tenacity which deserves only the highest of praise.

Having worked so closely with EDDIE GARMATZ, I have grown to respect and to admire his thorough approach to all matters brought to his attention and his firm commitment to the preservation and the enforcement of just rights for all. We will surely miss his presence among us come January. Yet, Mr. GARMATZ can depart from these Chambers with the knowledge and the personal satisfaction that he has surely served his constituents and the citizens of this entire Nation well.

Mr. LENNON. Mr. Speaker, it has been a special privilege for me to have served for 16 years on the Committee on Merchant Marine and Fisheries with our colleague, EDDIE GARMATZ. He has ably chaired this committee for the past 6 years.

I know no more dedicated and conscientious Member of the Congress. There is no one more concerned about our maritime and marine interests, or more knowledgeable of the problems and the importance of this vital field of our economy and national defense. His effective leadership has produced a legislative record replete with landmark achievements.

I am deeply fond of EDDIE as a personal friend. I am grateful for the benefit of his cooperative understanding, keen judgment, and his always helpful counsel. To have been closely associated with this outstanding committee chairman and legislator will remain one of the cherished highlights of my service in the Congress.

EDDIE, I proudly salute your distinguished service to your constituency and to our Nation. You and Ruth have the best wishes of Kay and AL LENNON for a retirement filled with relaxation, good health, and happy days.

Mr. KARTH. Mr. Speaker, it has been an honor and privilege to serve on the Merchant Marine and Fisheries Committee under the dedicated chairmanship of Representative EDWARD GARMATZ. Under his steady leadership this committee has helped to revitalize the shipping industry in this country for the benefit of all of its citizens. And as the focus of public attention became more and more concerned with conservation, the importance of Congressman GARMATZ' leadership once again came to the forefront. As Chairman GARMARTZ retires after 25 years of service to the country and his district, we should also recognize his leadership on the House floor. It is a wise and effective leader who has the respect of both sides of our aisle, and ED GARMATZ has that respect.

When the 93d Congress convenes this coming January we shall miss Chairman GARMATZ' wise counsel and leadership.

Mr. ANDERSON of California. Mr. Speaker, I wish to join with my colleagues who have expressed tributes to EDDIE GARMATZ, a great American who has made a lasting mark in the U.S. Congress as a leader in the improvement of the maritime and fisheries industries, and the national welfare.

The House of Representatives and the Nation have indeed been privileged to benefit from his efforts, especially through his long and tireless service as chairman of the Merchant Marine and Fisheries Committee where he has applied both wisdom and understanding to the problems of our shipping and fishing community.

It is with profound regret that this body will no longer be graced by the wisdom, the judgment, and the intelligence of this distinguished gentleman and friend.

Mr. Speaker, as a member of the Merchant Marine and Fisheries Committee for the past 2 years, I have felt extremely fortunate to serve with Chairman GARMATZ, and to admire his courage and his legislative skill as he articulately spoke in behalf of the causes of our country.

As our friend and colleague approaches a well-deserved retirement, he can be assured that what he has accomplished, what he has stood for, will live to serve the future for the betterment of all.

Mr. PELLY. Mr. Speaker, rising to say a few words about the chairman of the House Merchant Marine and Fisheries Committee, EDDIE GARMATZ, I am mindful of an old saying that the best way to make a friend is to ask him a favor. Well, ever since EDDIE GARMATZ became chairman, I have asked favors of him and certainly the result has been a wonderful friendship.

Mr. Speaker, as ranking Republican of the Committee, I was always asking favors; I wanted a more adequate minority staff, I wanted hearings often on very short notice on my administration and personal bills. I wanted these reported to the House favorably and promptly. I wanted certain people on my side of the aisle appointed conferees with the Senate on certain measures and often requested that he make appointments to subcommittees or as special observers to our committee to various important international meetings. I guess, you might say, I always wanted my chairman's help on something and now I can say he never turned me down. Furthermore, the longer we served together the better friends we became.

Mr. Speaker, this close relationship resulted in a consistent effort on our part to benefit the American Merchant Marine and other important agencies under the jurisdiction of our committee. Important legislation has resulted to benefit our American fishing industry and also to fill the need for legislation to improve the environment and to increase conservation.

So all that remains for me at this time is to publicly thank my colleague as I have done privately for his great contribution to the national interest and likewise for the privilege of working with him.

Mr. Speaker, never once in these many years did my chairman fail to respond when I needed his help. So, for the administration and for myself personally, I offer my most heartfelt thanks. I could not have had greater cooperation.

My wife joins me in wishing EDDIE GARMATZ well in the future. Meanwhile, he has been a great chairman and deserves fully a long and happy retirement.

Mr. CONTE. Mr. Speaker, it is with profound regret that the House of Rep-

resentatives bids farewell to our distinguished colleague from Maryland, ED GARMATZ.

As chairman of the Committee on Merchant Marine and Fisheries, he has shown himself to be one of the hardest working and most competent men in Congress. In his 25 years as a Member of this House, his longstanding interest in and innumerable hours of work on maritime matters have been a credit to his constituents in the great port city of Baltimore, to his State, and to the Nation.

ED GARMATZ, in the best sense of the word, has been a true professional. He is a man who has enjoyed the political life, and has enriched it immensely. As one who has had the privilege of watching him and working with him since I first came to the Congress, I too can attest to the profound respect he has earned from all his colleagues.

Mr. Speaker, I am sure it is hard for all of us to imagine ED in retirement. One thing we can be sure of is that ED GARMATZ is not headed for a period of inaction. He knows only one way to live a life, and that is to live vigorously. We can be certain, as he leaves this House after a quarter century of public service, that ED GARMATZ will continue to serve the public good in other places and other ways.

Mr. ICHORD. Mr. Speaker, earlier this year when I heard the news that one of the ablest Members of this House was adding his name to the many of our colleagues who are retiring at the end of this 92d Congress, I could hardly believe the report.

The man of whom I speak is one of the most respected and effective committee chairman we have and the youth and vigor he contributes to our legislative work belie the suggestion he is even eligible to retire.

I speak, of course, of Congressman EDWARD A. GARMATZ, that distinguished Marylander who has so long guided the fortunes of the Merchant Marine and Fisheries Committee. I know of no man who has made a greater contribution to the critically needed development of America's port and shipping facilities. His work has been acknowledged, by those far more expert than I, to have been outstanding.

He has served his Baltimore constituency ably since coming to the House in 1947 and, throughout the Nation, he is recognized as a powerful voice on the "Hill" for the interests of organized labor, for our shippers, importers and exporters, and for the kind of people who make up his constituency—Mr. and Mrs. America, the man on the street in our urban society .

I believe I can say for all of my colleagues that ED GARMATZ is looked upon as a chairman who is eminently fair, high principled and very understanding. His presence in this chamber will be sorely missed. I join in wishing him the happiest of retirements.

Mr. JOHNSON of California. Mr. Speaker, it is a pleasure to join my colleagues today in paying tribute to the Honorable EDDIE GARMATZ, who is retiring after 25 years of loyal service in the House of Representatives.

As we all know, EDDIE has contributed so much to the maritime and fisheries industries and to the welfare of his district, his State and the Nation.

Since I was first elected to the Congress EDDIE has been most helpful to me in matters affecting the State of California, and he has always been willing to assist his colleagues. I want to thank him for his assistance and commend him on a job well done.

It has been a privilege and a pleasure to serve in the House of Representatives with EDDIE. His leadership, his guidance and his dedication will be missed in future Congresses.

Mrs. Johnson joins me in wishing him a long, healthy and happy retirement.

Mr. ADDABBO. Mr. Speaker, for the past 25 years EDDIE GARMATZ has given dedicated service to his constituents, to his State and to his country.

Under his chairmanship during the past 6 years, the Merchant Marine and Fisheries Committee has initiated and pushed through many bills which contributed significantly to the maritime and fisheries industries of this Nation.

While our colleague has earned the right to retire by his long and outstanding service, I express regret that he has decided to leave. He takes with him the good will of all of us who have had the pleasure of knowing him over the years.

The knowledge and judgment which he possesses are the result of years of hard work and diligent effort. This body will be poorer without his presence.

I join with my colleagues in wishing EDDIE GARMATZ continued good health and happiness in the years ahead.

Mr. METCALFE. Mr. Speaker, I am very honored to have been a member of the Merchant Marine and Fisheries Committee with Chairman EDWARD GARMATZ who is retiring at the end of this Congress.

The chairman has been a member of the U.S. House of Representatives for the last 25 years, six of which he has served as chairman of the very important House Committee on Merchant Marine and Fisheries. Having served on that committee with him, I have come to know him as a dedicated servant of the American people. He is first and foremost an American of the highest order. He has worked hard to protect American shipping rights around the world while working diligently to promote the American merchant marine.

One only need look at the record of our distinguished chairman and he will see that when the going gets tough, EDWARD GARMATZ is in there fighting. For example, the Merchant Marine Act, 1971, represents only one of the times that the chairman has worked to promote the well-being of the American merchant marine. This law provides that 300 highly productive ships will be built over a 10-year period. This is all the more impressive when one considers the fact that this is the first time in many years that our merchant marine has been overhauled.

With the knowledge that our merchant marine was going to be the finest, Mr. GARMATZ strove during this Congress to bring the productivity of the American flag ships up to par with the rest of the world. The chairman introduced the cargo preference bill, H.R. 12324, which would require that at least 50 percent of all the oil imported into this country be carried on American flag ships.

The bill, controversial in its nature, has been opposed by the whole oil lobby, which has even asked the White House to intervene and prevent passage of this bill. Mr. GARMATZ' will has not yielded to the pressures that exist; he is still determined to see this bill passed. That determination is what has marked the chairman throughout his career. It is further exemplified by the way he fought for and gained an upgrading of the safety standards aboard passenger ships of all nations. These are but a few of the many examples which prove that EDWARD GARMATZ, an individual who has stood the ground for those things he believes, is a highly principled man.

I am sure that this is all a result of his background. Chairman GARMATZ is a man who has come up through the ranks. His career began as an electrician's helper at the rate of 37½ cents an hour; and he is still carrying an active, up-to-date union card. He comes from an area that we can call a "melting pot" of all the nationalities and religions of the world. The chairman, himself, likes to refer to this areas as the "Little League of Nations." Like his constituents, Mr. GARMATZ is down to earth, a grassroots type of person, who is direct and honest with all of the people.

We are going to miss this great man of courage and determination in Congress. He definitely has not outlived his usefulness to either his country or the world. We will miss everything about the chairman, and I know that I will miss him as a friend and a colleague.

Mr. GUDE. Mr. Speaker, I rise to share in tribute and to extend my warmest good wishes to my dear colleague and good friend, the Dean of the Maryland Delegation, Mr. GARMATZ. My distinguished colleague is indeed a great friend who helped me to adjust and learn the ways of the House when I first came to the House. I think he helped me because he was interested in seeing to it that all of Maryland had the fairest representation and treatment, just as he has contributed so much to greater Baltimore and the entire State through his long service and chairmanship of the Merchant Marine and Fisheries Committee. My Maryland colleague fought for years to revitalize our ailing merchant fleet, and as chairman, was instrumental in the enactment of the Merchant Marine Act of 1970; the first concrete rebuilding program since 1936, this act is designed to build 300 modern merchant vessels in the next decade.

He also gained an international reputation for his courageous fight to upgrade safety standards aboard passenger ships of all countries and he was instrumental in encouraging foreign nations to adopt the higher American standards.

He has been extremely active in the entire field of maritime safety. He fought constantly to protect American fishermen from illegal seizures and har-

assments. In the same typical desire to protect American interests, he has often lashed out at foreign fishing fleets poaching in American waters.

But really his generosity and kindness were a mark of the man, a genuine decency, which his constituents had come to know as well. He has been a pillar of strength in the Maryland Delegation and in the House, and a warm friend to us all.

Mr. ANNUNZIO. Mr. Speaker, the distinguished chairman of the Merchant Marine and Fisheries Committee, the Honorable EDWARD A. GARMATZ of Maryland's Third District, is retiring after more than 25 years of service in the U.S. Congress.

Having served under his authority, as a member of the Committee on Merchant Marine and Fisheries, I have come to regard him as a man of high purposes and considerable accomplishment—an able, industrious co-worker of the finest kind.

EDWARD A. GARMATZ is a true son of Maryland, in every vital respect. Born in Baltimore some 69 years ago, he grew up and was educated in Baltimore, and attended the Polytechnic Institute before entering the electrical business, in which he proved a remarkable success. In addition to his commercial enterprise, he was associated for 3 years with the Maryland State Racing Commission and 3 years as a police magistrate.

During the Truman administration, in 1947, ED GARMATZ was prevailed upon to seek election to the seat left vacant by the retirement of Baltimore Congressman Thomas D'Alasandro—and in the ensuing canvass proved himself a vigorous and effective campaigner. He was duly elected, and took his seat as a member of the 80th Congress, in which he at once identified with the Fair Deal programs of President Truman, which then were under siege.

In the 1948 campaign, with President Truman the heavy favorite to lose, ED GARMATZ stumped his District talking up the President and Fair Deal policies. While others held back, fearing political disaster, ED GARMATZ campaigned like a whirlwind for Truman and the liberal cause. When the votes were in, the State of Maryland had gone Republican; but Baltimore went for Truman, and ED GARMATZ had carried his own District.

As a Congressman, he wanted to serve the port of Baltimore to the best advantage, and therefore sought and was accorded a position on the Committee on Merchant Marine and Fisheries. And with the passage of time, invaluable service to the committee, and repeated reelection by his grateful constituents, ED GARMATZ advanced to the exalted position of committee chairman, which position he holds today.

Upon assuming the chairmanship, ED GARMATZ found himself confronted by the fact of a staggering increase in Soviet merchant shipping, at the expense of American interests. And from the moment of his ascendency, as chairman, he has worked to alter the preexisting trend in this regard, to some considerable effect.

No harder working committee chairman is to be found in the halls of Congress today than this remarkable man, EDWARD A. GARMATZ, whose performance in the interest of our Merchant Marine has earned him the thanks of everyone concerned with every aspect of American commercial shipping, from coast to coast.

We shall be sorry to see him go, and I would like at this time to express my admiration for his magnificent performance in Congress over the past quarter century, in which he established himself as a major legislator, basically concerned for the interests of his District and his Country.

He is an outstanding public servant, a credit to the people of the State of Maryland, and a great American. He will be missed in the halls of Congress, both by his constituents whom he has served so well, and by his fellow legislators.

I would like to extend my congratulations to EDDIE GARMATZ for a job well done, and best wishes for the future.

Mr. EVINS of Tennessee. Mr. Speaker, as Congress nears adjournment at the conclusion of this session I realize regretfully that our colleague, EDWARD A. GARMATZ of Maryland, will not be with us in the 93d Congress.

The distinguished chairman of the Committee on Merchant Marine and Fisheries is retiring at the conclusion of this Session of the Congress and as he takes his leave of the House I want to join our colleagues from Maryland and others in paying a brief but sincere tribute to him and his record of public service in the Congress.

ED GARMATZ—a personable, genial friend—has served more than a quarter century in the Congress. We came to Congress together as classmates in the 80th Congress and it has been my privilege to watch EDDIE GARMATZ become one of the outstanding legislators in the House—one of the great chairmen in the Congress.

He has dedicated his career to strengthening the merchant marine and to developing the waterways of our country—much legislation bears his imprimatur.

Chairman GARMATZ has served his district, State and Nation faithfully and well and we shall miss him in the 93d Congress.

As he nears a richly deserved retirement I am sure all of us wish him good luck, good health and much happiness.

Mr. STUBBLEFIELD. Mr. Speaker, I am pleased and proud to join my colleagues in paying tribute to the outstanding character, dedication, and service of EDWARD GARMATZ. All of us who have had the privilege of knowing him and working with him will miss him terribly, and I am sure that his constituents in Baltimore will never find a more loyal, able or hardworking Representative than he.

Since 1947, when he first came to Congress, Representative GARMATZ has consistently upheld the proudest traditions of service in the House, and he has earned the respect and admiration of all who know him. His constituents, his colleagues, his fellow committee members, the members of the Maryland Delegation, and his many, many friends are saddened by the thought that the Nation is losing one of its finest servants, but we are united in wishing him the very best in the years to come.

In particular the House Committee on Merchant Marine and Fisheries will miss Representative GARMATZ' brilliant direction and expertise. As its chairman, he has made an inestimable contribution to the health and growth of one of the most vital areas of our economy. No one has worked harder or more effectively to find solutions to the pressing problems of our struggling merchant marine.

A true son of Maryland, Representative GARMATZ has maintained Baltimore's role as one of the great port cities of our Nation. He has fought to increase the flow of cargo around the world carried in American ships sailed by American seamen. He has not only sought solutions to problems of the present; he has looked ahead to plan for the future, to assure the continued growth and vitality of our merchant marine industries.

The retirement of EDWARD GARMATZ is a great loss indeed to his district, to Maryland, and to Congress, but the magnificent contribution he has made in a quarter century to service to the Nation remains with us. Once again, I am proud to join his many friends, colleagues, and admirers in wishing him the very best in the years to come.

Mr. DENT. Mr. Speaker, it has indeed been a privilege and a profound personal pleasure to have served with the gentleman from Maryland. I am certain that the work of the good gentleman, who has served faithfully as a Member of this Body for 25 years, will not quickly pass from memory.

The citizens of the Third District of Maryland will be hard pressed to find a servant as capable as he to fill his chair in the House. But I am sure they will be delighted to again have the gentleman from Maryland as a permanent resident in his home State once again. Although the gentleman from Maryland has undoubtedly earned the right to rest and enjoy his family, I doubt that he will cease to be an active and interested member of the community.

Though I do not know what his future pursuits may be, I am sure that his absence in the Congress will be felt. I wish to extend my personal best wishes for his good health and happiness.

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 EDWARD GARMATZ which he has rendered his own State of Maryland and the entire Nation during his past 26 years in the U.S. House of Representatives.

His able leadership as chairman of the House Committee on Merchant Marine and Fisheries, of which I have been privileged to be a member since coming to the Congress, has won him the respect and admiration of his colleagues. Due to his keen understanding and knowledge of vital legislation affecting the fishing, shipping, and related industries, as well as the U.S. Coast Guard, he is held in the highest esteem by both the military and business segments of our society. His presence in the 93d Congress will be

missed, but all wish him a well-deserved retirement.

To him and his family, I join with his many friends in extending our hopes for many years of health and happiness in the years ahead.

WHO KILLED THE CONSUMER PROTECTION AGENCY BILL?

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 60 minutes.

Mr. HOLIFIELD. Mr. Speaker, the 92d Congress is about to adjourn without passing the bill to establish an independent Consumer Protection Agency. It passed the House a year ago, but it died in the Senate. It was filibustered to death.

A golden opportunity was missed. This Congress and preceding ones have enacted many bills to help the American consumer, but the Consumer Protection Agency would have been, in a very special sense, the most important measure of all. It would have given consumers a spokesman and a defender in governmental affairs affecting their health and their safety, their well-being and their pocketbook. This consumer legislation would have been a new charter for consumer rights, a congressional declaration that consumers have co-equal standing with producers in the regulatory concerns of Government.

Why did the consumer legislation fail? We must ask that question, Mr. Speaker, because the people will be asking it, and we should try to give an answer.

The Washington Post, October 6, 1972, under the frontpage caption "Consumer Agency Killed by Senate," described the consumer legislation as "the victim of business lobbying, administration hostility and a Senate filibuster." These are the immediate reasons for the demise of the consumer bill, but another one lurks in the background.

The consumer bill was killed by some of its avowed friends as well as its enemies. Take Ralph Nader, who is reputed to be the great friend of the consumer. By insisting on the politically impossible, he helped us get nothing at all. He played into the hands of the business lobbies by his shrill denunciations of the House-passed bill—a bill he never seems to have fully understood.

The business lobbies were more politically sophisticated than Ralph Nader. He attacked them, and they used him. They got what they wanted—no bill at all. Perhaps he got what he wanted—an issue. The consumers of America are the great losers.

How did it come about? The crucial time was 1 year ago. Remember that the consumer bill passed the House on October 14, 1971 by an overwhelming vote of 344 to 44. A Senate subcommittee held hearings shortly thereafter, and Mr. Nader was a key witness.

What did this self-appointed consumers' advocate do? He urged the Senate subcommittee to lay the bill aside until the following year. This was done. The momentum of the House action was lost. The business lobbies had more time to maneuver. Nader's counsel of delay enabled the forces of obstruction to prevail.

Why did Mr. Nader press for delay? Well, he fancied himself a political expert, and the bill which we passed in the House did not suit him. He argued that if the Senate waited until this year—an election year—his kind of bill would stand a much better chance. Mr. Nader gambled and lost. And what the American people lost was the Consumer Protection Agency.

I do not want to exaggerate Mr. Nader's importance in influencing legislation, but neither do I want to underrate it. He had the greatest reputation in the country as the consumers' friend, and he misused that friendship. He became obsessed with maintaining his prestige rather than seeking practical means of getting legislation through the Congress.

The story of Mr. Nader's role in the failure of the consumer legislation bears telling in some detail, Mr. Speaker, because it is not well understood. There has been much error and confusion in the press coverage of this complicated affair. Also, some deliberate falsehoods have been bandied about by Mr. Nader or his partisans, I am sorry to say. Specific examples will be cited in these remarks.

The story starts a few years ago when Mr. Nader, working closely with some Members of Congress—whom I will refer to as the Nader group—developed legislation for an independent agency to serve as the consumers' advocate in Government. This legislation evolved from numerous ideas by Members of Congress and others concerning the functions and and location of a consumer agency in the executive branch.

One of these earlier proposals was an ambitious but impractical scheme to establish a Department of Consumer Affairs. Mr. Nader, to his credit, opposed the creation of such a department because he saw rightly that many operations and functions of Government involve or affect consumer interests. Rather than attempt to concentrate consumer functions in a single department, it was preferable to have a consumer advocate with authority and flexibility to champion the consumers' interests throughout the Government.

The Committee on Government Operations—I was not then the chairman—reported out a consumer bill in December 1970. It had Mr. Nader's approval. Indeed, it was, in significant part, his handiwork. At least the Nader group in Congress was quick to acknowledge his influence and his contribution.

Unfortunately, as so often happens when new ideas take legislative form, the bill was not too well drawn. Possibly it suffered from attempts to compromise too many conflicting ideas. There was too much duplication between an Office of Consumer Affairs and the Consumer Protection Agency, both provided in the bill. It carried no definition of "consumer" or "consumer interests," leaving uncertain its scope and coverage. It had excssively broad powers of investigation, including subpena, and additional authority to compel investigations by the regulatory agencies, which invited sharp controversy and the risk of rejection in the House.

The bill was stopped in the Committee on Rules. Members of that committee set forth a long list of objections to specific features of the bill, and in many ways, these were well taken. We were faced with a practical problem. If we wanted a consumer bill, it would have to be rewritten and recycled through the Committee on Rules. This meant no consumer legislation in the 91st Congress, even though the Senate had passed its own version of the bill on December 1, 1970, by a vote of 74 to 4.

In the 92d Congress, a new effort was made. A subcommittee under my direction went to work on consumer legislation. We held extensive hearings, consulted with experts, patiently examined suggestions from all interested parties, spent many long hours in markup sessions, and finally developed H.R. 10835. It was a new consumer bill, retaining much that was in the previous one, but carrying the necessary definitions, safeguards, and clarifications of scope and function.

This time the Rules Committee let it go through. Although not all its members were supporters of the consumer bill as reported by our committee, they recognized that we had done a workmanlike job and that the bill made more sense than before.

As the consumer bill progressed from my subcommittee to the full committee, and then to the House floor, we had to ward off disabling amendments from two sides.

The approach from the right, spurred by the business lobbies, would have limited the Consumer Protection Agency to an amicus curiae role, meaning a "friend in court" for the consumer, who would be relatively ineffectual—a mild, harmless sort of fellow, approaching the regulatory agencies with hat in hand.

The approach from the left, led by the Nader group, would have made the Consumer Protection Agency a super agency with unnecesary snooping powers—not a friendly harmless fellow with hat in hand, but a mean, nasty fellow with brass knuckles.

Yielding to the amicus curiae sponsors would have meant a weak bill. The heart of the new consumer legislation was the representational role of the Consumer Protection Agency. We wanted more than a friend of the court, we wanted a consumer advocate who could participate in old line agency proceedings.

Yielding to the Nader group would have meant defeat in the House of Representatives. Essentially they were aiming for a consumer agency which would be much more than an advocate and participant in proceedings of other Government agencies. Counseled by Nader, they wanted to make the Consumer Protection Agency a sort of regulatory agency in its own right, with wide-ranging investigative and subpena powers.

The House of Representatives chose to walk a middle path on consumer legislation. It passed a strong and effective bill. It chose not to pass the weakening proposal from the right or the unworkable proposal from the left.

This middle path made sense. It made sense politically because it was the best bill we could get. It also made sense administratively because the new agency would need a little time to get established, gain experience, and decide what else it needed in sources and authority.

The overwhelming vote in the House of 344 to 44 vindicated our position on the consumer bill. Both the amicus curiae and the Nader group amendments were defeated. Both had their day in court, both were tested in committee and in the House, both were defeated—by a constitutional majority.

Mr. Nader contended all the while that I was misjudging the sentiment of the U.S. House of Representatives, that I was proposing a bill unnecessarily weak—I doubt that he ever grasped its real strength. Instead of supporting the consumer bill as the best obtainable from the Congress, and as a sound base upon which to build for the future, he tried to tear it down. He did not want to take my political judgment; he wanted me to take his. The House votes on the bill and its amendments show as clearly as anything can show that my political judgment was right and his was grievously wrong.

Mr. Nader needed an explanation for the defeat of the Nader group in committee and on the floor of the House. Instead of taking his defeat graciously and according me at least the benefit of good intentions, he depicted me as not only a tool of business interests, but as a White House minion working in cahoots with Peter Flanigan and others to sabotage the consumer bill. He helped to spread false rumors and fanciful stories like the one in his little paperback study, "Who Runs Congress," that I was converted to President Nixon's ideas on the consumer bill after a ride on Air Force One. This is an outright falsehood.

I never discussed consumer legislation with President Nixon on Air Force One or anywhere else. I rode on Air Force One at the President's invitation once in my life, months before the consumer bill was actively before the committee. Since the purposes of that trip to California and that episode had nothing to do with consumer legislation, Mr. Nader's scribes saw fit to invent a second trip, which never took place. They had me riding on Air Force One again in mid-1971, at which time, according to this wholly imaginary account, I agreed to support "an administration version of a consumer-protection law."

This fiction was nourished by a Nader henchman and would-be lobbyist, one Gary Sellers. He spread the false rumor that I was peddling a "secret draft" of a consumer bill, prepared by White House aides, and he tried to persuade a Los Angeles representative of the Consumer Federation of America to organize a picket line in front of my district office in Pico Rivera, Calif. Failing in this, he arranged a picket line of his own. The pickets carried signs protesting this—wholly imaginary—"secret draft." This event was written up in the Los Angeles Times of November 3, 1971.

One of Nader's Raiders, by name Robert Scott Michaels, got so carried away with this conspiratorial theory that he gave angry press interviews in my district and even decided to run against me in the Democratic primary—until he found that he was not qualified. It seems that he had been registered as a Republican until a few months before he filed as a candidate.

The consumer bill was our own product. It was the result of painstaking work by the staff over a period of days and weeks. To suggest that the bill was drafted in the White House was not only false but malicious.

Of course, it was necessary to consult experts in the executive agencies on technical points in this complex legislation. One of those whom we consulted was Roger C. Cramton, then chairman of the Administrative Conference of the United States, a body of experts created by Congress to continuously study and recommend improvements in administration.

Even this fact was distorted. Mr. Cramton was made to appear in some news stories as an administration official, in effect a White House agent, shaping the consumer bill. I might add, Mr. Speaker, that the Senate committee also consulted Mr. Cramton. His advice was strictly professional and helpful with regard to administrative procedures, but in no sense did it reflect White House or administration policy positions.

Certainly there were administration spokesmen and executive agency officials who were opposed to the consumer bill or had specific reservations about it. Most of the regulatory agencies were opposed to an independent Consumer Protection Agency. The Federal Trade Commission wanted to acquire the consumer mission. The Office of Consumer Affairs, possibly torn between its professional interest and its understanding of White House opposition, had reservations about the bill. I am sure there were many in the executive branch and White House orbit who would have preferred that the bill die a natural death.

The White House record on consumer legislation, I might say, is a record of changing attitudes over a period of time, no doubt influenced by White House appraisal of the political necessities. In 1969 President Nixon had designated Mrs. Virginia H. Knauer as his Special Assistant for Consumer Affairs. In the face of mounting pressure for legislative action, the President proposed late in 1969 that there be established a statutory Office of Consumer Affairs in the Executive Office of the President and a new Consumer Protection Division in the Department of Justice. In February 1971, he created the Office of Consumer Affairs by executive order.

When we held hearings on pending consumer bills in April 1971, Mrs. Knauer, now Director of the Office of Consumer Affairs, appeared on the President's behalf and conveyed his views that legislative action should be deferred until the President could evaluate recommendations in a report of his Advisory Council on Executive Organization—Ash Council—that the consumer advocacy function be placed in a reorganized Federal Trade Commission.

On September 27, 1971, a day after my Committee on Government Operations reported the consumer bill by a vote of 24 to 4, Mrs. Knauer issued a statement in support of this bill. To Ralph Nader that was proof of how bad the bill was. I prefer to think that the administration had enough political sense to see that the vote in committee pointed to preponderant support in the House, and that it was good politics to jump on the bandwagon. Whatever the White House motivations on the consumer bill, to suggest that I sold out to the White House was a bare-faced lie.

Mr. Nader not only suggested it, he encouraged or influenced dozens of articles excoriating the "sellout." Publications such as Progressive magazine and Consumer Reports, and various newspaper columnists and reporters, taking the Nader cue, ran articles linking me with the White House and Business interests in an alleged conspiracy against the consumer.

Some newspapers to this day repeat erroneous characterizations of the consumer bill, which appeared frequently in the press coverage at the time of the committee and floor debate a year ago. Recently, September 22, a writer in the Washington Post, not with intent to deceive but because of the legacy of misinformation in earlier press stories, identified my bill as carrying the amicus curiae concept put forward by filibustering Senators. When I wrote a rebuttal letter, the editor of the Washington Post added this italicized comment below the printed letter:

Mr. Holifield is correct.
See edition of October 2, 1972.

Many fictions were spread by Mr. Nader and his aides, but perhaps their crusading zeal made them engage in such fantasies. One of their more vivid fantasies was that the gentleman from Arkansas (Mr. MILLS) the distinguished chairman of the Committee on Ways and Means, was in the Nader camp. Mr. Nader widely advertised on the eve of the House debate on the consumer bill that the gentleman from Arkansas would support the amendments of the Nader group. When this proved to be fantasy and not fact, Mr. Nader made insulting remarks about Chairman MILLS.

In Mr. Nader's eyes the difference between a hero and a villain is whether or not one agrees with him. No matter that a man has a long and distinguished record of public service. If he does not play the Nader game, he is public enemy No. 1.

The Nader derogation of the consumer bill reached a peak when the bill passed the House by a resounding majority without the Nader amendments. Mr. Nader referred to the bill as a "legislative fraud against the consumers." He charged me with gutting the bill. He announced to the press:

Chairman HOLIFIELD, the White House and the business lobbies have won today.

Then Mr. Nader, the self-appointed political pundit and legislative strategist, saw clearly what must be done: Dissuade the Senate from taking any action on such a terrible bill. Next year, in an election campaign, things would be better. The public, more sensitive to the political

issues, would rally to the Nader cause. The politicians would be less inclined to vote the dictates of the special interests. The Nader bill would triumph.

So Mr. Nader thought—and so he argued before the Senate subcommittee which held hearings a few weeks after H.R. 10835 passed the House. Mr. Nader painted before the Senators a picture of a White House plot to run the bill through the Congress in a preelection year to avoid a stronger bill—meaning the kind of bill which Mr. Nader preferred.

Senator PERCY, a strong supporter of consumer legislation, asked a pointed question as Mr. Nader proferred his advice on political tactics: Would we not lose momentum for consumer legislation which had passed the House with such a resounding majority?

"No," said Mr. Nader, the political expert. In his view the momentum for consumer legislation really would be generated in the election year. He wanted action put off until then. That was his advice to the Senate subcommittee in November 1971.

Not only would the election contest generate Senate support for this kind of bill, Mr. Nader advised, but the Senators would gain points for bargaining with the House in conference. Listen to this, Mr. Speaker. Here are Ralph Nader's exact words to a Senate subcommittee during a colloquy with Senator Percy: "Have you ever talked to the senior members of the House of Representatives about how they view the Senators' role in a conference committee? To describe their attitude as utter contempt and overconfidence would be an understatement."

Mr. Nader, you see, is the expert on conference committees and bicameralism, the adviser on parliamentary and political tactics, the great student of the Congress. He has not served in elective office a single day, but he knows all about the political process. I have served in Congress 30 years, Mr. Speaker, and I am still learning about politics.

When I appeared before the Senate subcommittee, accompanied by Congressman FRANK HORTON, ranking minority member of my subcommittee, our advice was exactly the opposite of that urged by Mr. Nader. Here is what I said, Mr. Speaker:

> I would hope that your committee, in its wisdom, elects to report the House-passed version, in the interest of expediting action in this session of Congress. I would urge the subcommittee not to be persuaded by those who want no bill at all, or those who want an issue instead of a bill.

Note what I said:

In the interest of expediting action.

I could foresee that undue delay would jeopardize this legislation. The political momentum of the House-passed bill had to be maintained in the face of organized opposition, which could only get stronger as more time passed.

The Senate committee decided to put things off. They let a year go by. They did not get around to action on the consumer bill until this fall. That is what Mr. Nader had preferred.

The Senate Committee on Government Operations reported out S. 3970 on September 8, 1972. It accommodated Mr. Nader's concerns to some degree, but a careful reading will show that in the representational power—a key element—the Senate bill is much closer to the House bill than to the Senate bill passed in 1970, which Mr. Nader had endorsed. In any case, the new Senate bill died on the Senator floor, suffocated by a filibuster.

Through all the filibustering on the Senate side, nothing much was heard publicly from Mr. Nader until he dashed off a telegram to a one-time Nader Raider, Mr. Edward Cox, son-in-law of President Nixon—see Washington Post, October 3, 1972. Mr. Nader urged Mr. Cox to appeal to the President to save the consumer bill from a Senate filibuster.

This gesture to one of the President's in-laws was belated, futile, and ridiculous—belated because there was not time enough left in the session for the House and Senate to compromise their differences, even if the Senate could pass their own bill; futile because the kind of things Nader wanted in the bill could not get through the Congress; and ridiculous because a young son-in-law was expected to override the President's seasoned political advisers.

The only practical way to save consumer legislation in the closing days of the session would have been for the Senate to lay aside its own bill, blocked by a filibuster, and adopt the house version. In this way there would be no need for a conference. The bill could have been quickly passed and sent to the President for signature.

After three unsuccessful attempts in the Senate to break the filibuster on the consumer bill, the alternative of passing the House bill began to look more and more attractive to Senators interested in getting consumer legislation this year. Several of them appealed to the President to lend a hand in this effort. Mr. HORTON and I made a similar appeal. Evidently these appeals were of no avail, but at least they pointed to a practical means of getting the consumer legislation passed.

Now you see, Mr. Speaker, we do not have any consumer legislation at all. When H.R. 10835 passed the House last fall, I called it landmark legislation, while the Nader group scorned it as a fraud. Had the Nader group, and Mr. Nader himself, gone to the Senate last year, not to oppose our bill but to stand with me and support it, then the consumer bill would be the law of the land, and the Consumer Protection Agency would be a reality.

There is irony in all this, Mr. Speaker, and also an object lesson. Mr. Nader, who claims to be the consumers' friend, has been instrumental in denying to consumers an effective Government agency for their protection. The House bill did not measure up to his concept, and so he insisted on one which could not be passed by Congress. Perhaps he thought he was working for a better bill, but knowing nothing about politics, he worked for the unattainable. He helped to bring about precisely what the special interests wanted—no bill at all.

Mr. Nader thought he knew something about politics. He tried to instruct me on what kind of bill would get through this House. He undertook to advise the Senators on political tactics. His handiwork made the consumer bill an exercise in futility rather than a big step forward toward consumer protection.

There are those who say that Mr. Nader wanted an issue instead of a bill. They hazard the belief that this self-styled and self-appointed consumer advocate wants to be a one-man Consumer Protection Agency; that he is afraid that once the Agency is created by law, the steam will go out of his own enterprise and the sources of his financial support will dry up.

Perhaps so, Mr. Speaker, but I would prefer to identify a more serious issue. The policy of rule or ruin is uncongenial to a democracy. We, in this House, know that rigid adherence to doctrinaire positions is not the way to get legislation enacted.

We know that in areas of sharp controversy—and certainly the consumer bill was controversial—every reasonable effort must be made to compose differences in the interest of majority support. We know that in a complex society such as ours, conflicting interests and competing values must be reconciled in legislation if our society is to stay together, not fall apart.

Mr. Nader was not interested in the politics of constructive achievement. Yes, he played politics, but it was his own brand of politics, played according to his own rules. He wanted to rule or ruin. In the case of the consumer bill, saving face was more important for him than saving the legislation.

If I may draw an object lesson, Mr. Speaker, the Nader Congress project depicts, on a larger scene, what Mr. Nader failed to understand about the consumer bill. He tried to cast the Consumer Protection Agency in his own image. Now he wants to reorganize the Congress according to his own lights. Those who differ with him can expect to be maligned.

Taking on the whole Congress seems absurd to many but not to Mr. Nader. He is corrupted by the illusion of power. He seems to think that being on what he considers the right side of causes automatically endows him with superior wisdom. He criticizes not only the Congress as a whole but the committees, their chairmen, legislative tactics and decisions. His pervasive sense of righteousness leads him to believe that he knows more about legislation than the legislators.

The consumer bill, as passed by the House, is a case study for Mr. Nader's devil's view of the world. He was trapped by his own ambitions and the numerous misconceptions he spread about. His opposition to our bill was marked by increasing stridency and exaggeration. Never once did he state fairly the provisions of the House bill.

Now the legislative program for consumer protection lies in shambles. Its enemies have smelled blood and may have wrecked the legislation for years to come. Selfish commercial interests want no bill; sanctimonious fanatics want an impossible bill. Both pursue their aims at

the people's expense. Ralph Nader's involvement in the legislative process had the same result as that of the special interests he deplores—he helped kill the Consumer Protection Agency.

THE HONORABLE JOHN L. McMILLAN

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DORN), is recognized for 60 minutes.

Mr. DORN. Mr. Speaker, it is a very distinct honor for me tonight to pay tribute to one of the greatest South Carolinians of our time.

JOHN MCMILLAN is not only a great South Carolinian, but, an able American who helped guide our national ship of state during critical and trying times.

JOHN MCMILLAN served in this august body for 34 years. For 10 years prior to that time he served with dedication as counsel of the District Committee and as secretary to Congressman Gasque.

Mr. Speaker, JOHN MCMILLAN has dedicated 44 years here on Capitol Hill, in the national arena, as a public servant in that long period of excelled public service. JOHN MCMILLAN earned the respect of countless colleagues, his constituency of South Carolina, and the American people.

JOHN MCMILLAN is an assuming, modest leader. He is a fine Southern gentleman with his bearing marked by the utmost courtesy and good manners.

As chairman of the District Committee, he was the guardian and champion of our Federal City. He believed in maintaining the Nation's Capital as envisioned by George Washington and the Founding Fathers of our country.

He provided the leadership for the District of Columbia during a tumultuous time of change. Washington today is emerging as one of the most beautiful, serene, and sophisticated capitals in the world—due in no small measure to the superb leadership of JOHN MCMILLAN.

"JOHNNY MAC," as he is affectionately known, in addition to devoting long hours to the Nation's Capital and to agriculture, devoted a special concern to those not as well off.

No request was too small to warrant his personal attention, no citizen so humble, or underprivileged, who could not find an audience with JOHN MCMILLAN. His congressional district blossomed, and progressed, under his guidance.

Florence, his home town, became one of the greatest commercial and industrial market centers in the Carolinas. Myrtle Beach grew from a deserted strand into one of the greatest recreational centers in the world.

JOHN MCMILLAN was born and reared on a farm—he devoted much of his talents to agriculture, and the development of rural America. Soil conservation, watersheds, farm ponds, and forestry throughout the Nation, are monuments to his foresight and love of rural America.

Agriculturalists in the United States will never cease being grateful to this champion of the farmer, with his rural philosophy that made America great.

As dean of the South Carolina delegation, he is loved and respected by his colleagues, and admired by the people of the entire State. Before the sessions of the Congress became so long, he inaugurated the policy of holding a public hearing in the State capitol with any citizen, regardless of station in life, invited to appear and make known his or her recommendations on national issues and policies.

Mr. Speaker, we will greatly miss, here in the Halls of Congress, this man of unquestionable character, uncorruptible honestry, and determined, courageous leadership.

We will miss his charming, cultured, and lovely wife Margaret, and his wonderful son Johnny. However, Mr. Speaker, I can assure you—he will be at home, and extend a welcome hand, in his beautiful city of Florence, to any of us who might have the pleasure to visit the great Pee Dee area of South Carolina.

Personally, I sought his wise counsel, and shall always cherish his friendship.

My wife Millie, and my children, join with me in wishing JOHN MCMILLAN much happiness, every success, and the very best always.

(Mr. DORN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, I am proud to rise in tribute to my good friend, JOHN MCMILLAN.

I regret that this must be a valedictory of parting for a man whose unswerving dedication has been to serve his people and his country in the Congress of the United States for 34 years.

My friend, JOHN MCMILLAN, has always been a gentle and courteous man—win, lose, or draw in the political wars where his convictions led him to take a stand. He stands here unbowed today.

Time, I am convinced, will prove that whenever he was forced to the wall of decision, he chose well, for his country, for her future, for her heritage, and her security.

No Congress, no country, can ask more of any man. He served for 34 years with the full might of his convictions, and he served with distinction. And I honor him for that and for being a gentleman, a patriot, and a friend I shall miss with everlasting regret.

Mr. LANDGREBE. Mr. Speaker, it has been my great privilege and pleasure to serve on the District of Columbia Committee since December 1967 with JOHN L. MCMILLAN, distinguished chairman of that important committee.

I have only the high words of praise for this fine, dedicated American and must confess that the news of his defeat by his own party caused me deep anguish and regrets. As Chairman JOHN L. MCMILLAN leaves the U.S. House of Representatives my most sincere best wishes go with him.

Mr. MONAGAN. Mr. Speaker, the retirement of my good friend and colleague, JOHN L. MCMILLAN, dean of the South Carolina delegation, from the House marks the departure of a valuable and dedicated Member who has served his constituents and the Nation for 34 years.

Consistently reelected to Congress since the 76th Congress, JOHN MCMILLAN has gained national recognition as the chairman of the House District Committee, a position in which he has served for 24 years. He has also represented the United States Congress as a delegate to the Interparliamentary Union in London in 1960 and again in Tokyo, Japan the following year.

Congressman MCMILLAN has served with distinction on the House Agriculture Committee and is chairman of the Subcommittee on Forests and vice-chairman of the Tobacco Subcommittee.

I personally shall miss JOHN MCMILLAN and I hope that he will have a happy and fulfilling retirement.

Mr. JOHNSON of California. Mr. Speaker, it is a pleasure to join my colleagues in paying tribute to the Honorable JOHN L. MCMILLAN, dean of the delegation from the great State of South Carolina.

Since he was elected to the Congress in 1938 he has served his district, the State of South Carolina, and the Nation with distinction. As chairman of the Committee on the District of Columbia, and a senior member of the Committee on Agriculture he has been instrumental in having legislation enacted which was vital to the welfare of his district, the District of Columbia, and the Nation.

I want to thank Mr. MCMILLAN for his cooperation and assistance, and to commend him on a job well done. His leadership and guidance will be missed by all who have been privileged to serve with him in the House of Representatives.

Mrs. Johnson joins me in wishing him every success in his future endeavors.

Mr. ICHORD. Mr. Speaker, I wish to add my voice to those who have so eloquently recorded their dismay over the forthcoming departure from this august Chamber of the distinguished gentleman from South Carolina, the Honorable JOHN L. MCMILLAN.

He has served his district, State, and Nation ably since 1938. Though perhaps best known as the long-standing chairman of the House District Committee, JOHN MCMILLAN should also be remembered by us for his work as the officially designated representative of this Congress to the Interparliamentary Union in London in 1960 and in Tokyo in 1961.

As No. 2 man on the House Agriculture Committee his statesmanship has been demonstrated in his talented chairmanship of the Forestry Subcommittee.

It has been an honor and a privilege to serve with Congressman MCMILLAN and he has often rendered invaluable help to me at times when such assistance is most needed in meeting the challenges we all must face. I am sure I express the views of my colleagues when I say—we hate to see him go but we wish him every success and happiness in the years that lie ahead.

Mr. MANN. Mr. Speaker, I am both pleased and saddened to join in this tribute to our retiring dean of the South Carolina congressional delegation, the Honorable JOHN L. MCMILLAN, who has so outstandingly served our

State and our Nation for more than 34 years. We of South Carolina are especially proud of and indebted to "Mr. MAC" for his consistent dedication to good government. This dedication, I know, will stand as an outstanding example to future generations.

Although his legislative contributions during his long and fruitful career are too many to cite individually, I should like to pay special tribute to the exception service he has rendered to farmers and those in our rural communities in his capacity as ranking member of the House Committee on Agriculture and to his vital role in the enactment of much important legislation affecting our Nation's Capital as the chairman of the House District Committee for 24 years.

"Mr. MAC" will be deeply missed by all those whose honor it has been to serve with him, but especially by those of us who have had the privilege to work closely with him. He and his most gracious wife have our fondest wish for continued success and happiness. I know that he will continue his service to his fellow man in the years ahead.

STATEMENT BY CONGRESSMAN FLOYD D. SPENCE ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES

Mr. SPENCE. Mr. Speaker, when the 93d Congress convenes in January, an honored chair in this great hall will stand empty. An extensive career of public service is gradually waning, as this session moves into its final days.

Recently, a reporter asked me what I though of Congressman JOHN L. MCMILLAN, and the first thing that came to mind was, "He is a gentleman." That is a common reaction, even though the word is not thrown about lightly in my part of the country. All who know him agree that "Mr. MAC" is a gentleman in the highest and truest sense.

To me, the distinguished dean of the South Carolina delegation has long represented an ideal—a model of devotion to country and constituency which I have attempted to approach. Today, while I am grieved that he will not be among us in the next Congress, I am also thankful to have served with him in this one.

South Carolinians throughout the State share the pride that those in the Sixth District have long felt for Mr. MCMILLAN. He is a native son who "made good" in a big way, and they all know what he has accomplished. They know, for example, that he has served many terms at the pinnacle of power and prestige in Congress as the chairman of a congressional committee. They realize that this is an achievement attained by few in the history our Government.

Mr. MAC's achievements and honors are a matter of public record, and there is no need to detail them here. But we are fortunate to have this opportunity to remind ourselves of the impact his presence has had on our congressional experience.

Congressman MCMILLAN was often pilloried by small minds which apparently could not grasp the realities and intricacies of what it takes to be a committee chairman. They blamed him for the way the Constitution set out the Federal City, instead of acknowledging the long hours he devoted to the problems of the District. Surely the use of his quintessential legislative skills to guide District bills through Congress could have been better emphasized. But this is not their way.

Congressman MCMILLAN has served with great ability and dignity in a thankless position, and one must admire his unflinching demeanor before controversy and invective which often reached the extreme. Those "in the know" who are fair-minded will acknowledge that Mr. MAC has been a valuable friend of the District of Columbia. The rest do not matter.

More importantly, however, is the fact that JOHN MCMILLAN has served his country with high distinction. For this, he will most rightfully be remembered and honored for years to come.

I join my colleagues today in saluting a great American—my warm friend, the Honorable JOHN L. MCMILLAN of South Carolina.

Mr. Chairman, we will miss you.

Mr. ABERNETHY. Mr. Speaker, I deeply regret the forthcoming departure of JOHN MCMILLAN from this body. Such will leave a void that will be difficult to fill.

"JOHNNY MAC", as we all have known him, will leave behind a fine record of service in behalf of his great State and also his country. South Carolina is a great agricultural State. It has been in the field of agricultural legislation, particularly in support of forestry, cotton, and tobacco, that he has been a tower of strength. From his service here the economy of his farmers, and in turn that of all of his constituents, has been enhanced.

As chairman of the Committee on the District of Columbia of the House of Representatives, a very thankless job, Mr. MCMILLAN has rendered service far beyond the call of duty. Regrettably, the people, and more especially the news media, of the District have not exhibited the appreciation that his efforts deserve.

He has fought for legislation that would put down crime, that would elevate the standards of education, and the economic status of teachers, policemen and firemen here in the District. They will miss him as they will soon find out.

During my 30 years here, I have been closely associated with "JOHNNY MAC" as a member of both the Agriculture Committee and the District of Columbia Committee. I have been in position to really know of the tremendous time and effort he has put in on legislation before these committees.

He has been a dedicated Congressman. He is a clean, honest, and forthright gentleman. And he has never exhibited anything but the kindest of spirit toward anyone, even those who wrongfully criticized him.

For his service I say, "Well done." For his friendship, I am grateful. I wish him and his charming wife, Margaret, a long and restful retirement back in his beautiful Carolina country.

Mr. DERWINSKI. Mr. Speaker, I take this opportunity to join the many friends of JOHN MCMILLAN in congratulating him on his outstanding career as a Member of Congress. His effective leadership throughout his career set the highest standard of public service.

JOHN was an outstanding chairman of the District of Columbia Committee as evidenced by its very effective and successful functioning under his jurisdiction. 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. MORGAN. Mr. Speaker, I rise to join with my colleagues in expressing esteem for the distinguished gentleman from South Carolina, the Honorable JOHN L. MCMILLAN.

Since his election to the House of Representatives in 1938, JOHN MCMILLAN has been a stalwart defender of the rights and prerogatives of the legislative branch. Few members in this body have dedicated themselves as he has to a deep understanding of parliamentary government and how it may be used for the benefit of people.

As chairman of the House District Committee since 1948, he has had difficult responsibilities in a period of rapid change. Similarly, as second-ranking Democrat on the House Agriculture Committee, he has helped make possible the vast productivity of our farms and ranches.

Because of his knowledge of the rules and procedures of this body, it was indeed fitting that the Speaker of the House in 1960 chose him to represent the U.S. Congress at the Interparliamentary Union in London, and in 1961 to represent this body at the Interparliamentary Union in Tokyo.

The wisdom and knowledge which JOHN MCMILLAN takes with him can never be replaced. I know, however, that he will always be ready to provide us with his counsel, and hope he will return often to the Halls of Congress where he spent so many eventful years.

Mr. DAVIS of South Carolina. Mr. Speaker, my colleagues, I rise today to join the Members of my distinguished delegation, to pay tribute to the dean of the South Carolina delegation and my good friend Mr. JOHN "JOHNNY MACK" MCMILLAN. As the newest Member of the South Carolina delegation I must admit when I first arrived at the House of Representatives I was somewhat apprehensive about the greeting I might get from such a busy and important Congressman. After all, I knew he was chairman of the House District Committee, and had ranking duties on the Agriculture Committee, and had many other things going every day. How much time could he possibly devote to a freshman Member? With my first meeting with the chairman I had my mind put to rest on that score. There was never a problem, and believe me I had a few, that he did not have time to discuss and then offer his good advice. He has constantly been a most trusted counsel on all matters. He has constantly kept abreast of the issues of the day, and is always ready to share his expertise. Mr. MACK has been to me a wise captain who has pointed out the shoals upon which many a freshman Congressman has foundered, and has gone out of his

way to help me around them. I can only hope my own career will be as long and distinguished as Mr. McMILLAN's. The House will miss his wise leadership, the delegation will miss his readiness to be of aid, and I will miss his warm friendship. I wish him, Miss Margaret, little "Johnny Mack" and his family all of the success in the world in their future endeavors.

Mr. GRIFFIN. Mr. Speaker, at the end of the 92d Congress, the Honorable JOHN L. McMILLAN of South Carolina will be retiring from the House of Representatives and returning home. This body will be diminished by this man's absence and his loss will be keenly felt.

JOHN McMILLAN was born, not too many years ago, in the great Southern State of South Carolina. He grew up there and came to Congress as one of the youngest Representatives in that State's proud history. His distinguished contributions as a civic and political leader and committee chairman have marked him as an outstanding leader of men and always a gentleman. I wish him well in the future.

Mr. FISHER. Mr. Speaker, I join with my colleagues in paying tribute to our distinguished colleague, JOHN McMILLAN. It is most unfortunate that a Member who has done so much for our country will not be returning to the Congress next year. He has given much of his time and great talent to the affairs of the District of Columbia, in which capacity he has done a remarkable job for this city and for the Nation.

In addition, JOHN has, of course, been a leading advocate of sensible and prudent agricultural legislation. His leadership in that respect has been truly outstanding.

In a broader sense, he is a statesman who has always fought for what is best for the country, unmoved by the greed and selfish demands of special interests. As is well known here, JOHN McMILLAN is one of the most valuable and trusted members of the House of Representatives.

His removal from Congress is a personal loss to me. I value and cherish his friendship. He will have made a record here of which he and his family can be justly proud. I extend my very best wishes in their retirement.

Mr. WHALLEY. Mr. Speaker, at the conclusion of the 92d Congress, the House will lose an able and distinguished Member whose dedication has become nearly legendary over the past 34 years. JOHN L. McMILLAN of South Carolina will return home.

Can it be nearly 34 years since this leader came to our Nation's Capital as a freshman Representative? Time has passed by swiftly, but not so swiftly that an indellible mark will not be left on the House of Representatives by JOHN McMILLAN, for indeed it will.

Chairman McMILLAN has been steadfast in defense of his principles in the face of nearly constant aggression. As chairman of the District of Columbia Committee since the 79th Congress, Chairman McMILLAN was a source of strength to those who believed in his philosophy.

His time-tested leadership proved resilient to his adversaries, but it was not so immobile as to resist change for the sake of progress. JOHN McMILLAN kept up with the times. Those close to him can attest for his fairness and good judgment.

Everything that JOHN McMILLAN does he does with honor and valor in a manner reflecting on himself and his constituents. He will be sadly missed in the Halls of Congress.

For the future years, we wish JOHN McMILLAN the best of everything. May he find peace and happiness, for if anyone in Congress truly deserves it, that man is JOHN McMILLAN.

Mr. POAGE. Mr. Speaker, within the last few days we have become aware of the fact that many of our good friends are leaving the Congress. We regret to see them go because we know of the many contributions they have made in the past.

I have been closely associated with Hon. JOHN J. McMILLAN. For more than a quarter of a century he has served with me on the Committee on Agriculture. He has been the vice chairman of my committee and the chairman of the Subcommittee on Forests. I have relied on him and I have appreciated his outstanding work. We are going to miss him here in the Congress but he will be especially missed by the Agriculture Committee.

We want to join with his many other friends in extending our very best wishes for his future health and happiness.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this special order in regard to the distinguished dean of the South Carolina delegation, the Honorable JOHN McMILLAN.

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

There was no objection.

THE LIFE AND WORK OF JAMES KEE

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, for a number of years, I have served in the Congress with a member of the Kee family. And early, I learned to respect their interest in good government, their concerns for their people, and their devotion to the country.

In recent years, it has been my pleasure to serve on the Public Works Committee with Congressman JAMES KEE of West Virginia and the last 2 years, I served under him as the ranking member of the Subcommittee on Conservation and Watershed Development. As a conservationist and as one who has great faith in the watershed program and in conservation, I am glad to report that he responded to the opportunity as chairman magnificently, adequately, and with a great sense of devotion. One of his greatest and boldest acts was to take the Subcommittee on Conservation and Watershed Development on an inspection tour of the country to gather information and to hear testimony from the grass roots, so to speak, and to learn two very important things—the effectiveness of the small watershed program and of the great need for conservation.

The series of meetings held under his leadership proved to be successful beyond the fondest hopes of anyone. During the hearings, we collected a most valuable storehouse of knowledge and experience that set the stage for the initiation, through legislation, of a plan to complete the watershed and conservation needs program in a foreseeable future. Without exception, the testimony was very favorable. The only qualification in the testimony was who should administer the program.

With this program and with the information at hand, we have formed a basis and background of knowledge and experience that will be invaluable as we tackle the problem of water pollution. It is evidenced from the testimony, Mr. Speaker, that until and unless we resolve the watershed problem and the conservation development problem, we will not find any real and complete answers to the water pollution problem.

Mr. Speaker, this fine gentleman will not be with us in the next session and on his parting, he deserves a tribute and I am very glad to encourage and initiate this tribute at this point.

Congressman KEE is one Member in the U.S. House of Representatives who has had a rare and unique opportunity to learn all phases of our Government and the desires and needs of the people of his district, his State, and our Nation. This is true because of the Kee family background and their 40 years of diligent efforts and dedicated public service in the U.S. House of Representatives. This they considered their most important and sacred obligation.

JIM's father, the late John Kee, referred to as "Judge Kee" by his friends, was a distinguished lawyer, member of the West Virginia State Senate, and became a Member of the U.S. House of Representatives during the 73d Congress in 1933. He was chairman of the House Foreign Affairs Committee and was presiding over the committee at the time of his death on May 8, 1951. He always kept the committee strictly nonpartisan.

JIM's mother, the Honorable Elizabeth Kee, was an author of a weekly West Virginia newspaper column, court reporter, sponsor of a library for the physically-handicapped, and served as her husband's executive secretary from November 1932 until his death. She was elected to fill the vacancy in a special election and served in the 82d Congress from July 19, 1951, having been reelected to the 83d and five succeeding Congresses. She retired for health reasons, thereby ending her tenure of office on January 2, 1965.

Mrs. Kee served on the House Committee on Interior and Insular Affairs and the House Committee on Veterans Affairs. She was chairman of the Veterans Affairs Subcommittee on Hospitals.

Our friend and colleague, JIM KEE,

has an excellent background on his own. He served as Assistant to the Clerk of the U.S. House of Representatives for 4 years; was Housing Adviser to the former U.S. Housing Authority; served in the U.S. Army-Air Force; and Career Foreign Service Staff Officer of the U.S. Department of State, with both domestic and foreign duties, including service as a member of the U.S. Delegation to the Third North American Regional Broadcasting Conference.

For approximately 12 years prior to election as a Member of the U.S. House of Representatives, JIM served as Administrative Assistant to his mother.

During these years, he worked diligently with people from all walks of life, from various levels of government, and more specifically with people at the local level. In fact, it was during the early part of 1960 that he became extremely active in local redevelopment programs to stimulate economic growth and employment opportunities throughout southern West Virginia. JIM devoted a considerable amount of his time in working with local, State, and Federal officials in putting together local overall economic development programs, securing formal approval by State and Federal officials, and conducting local conferences to iron out problems and secure expeditious and favorable results.

After his election to the House of Representatives in 1965, JIM continued, as a Congressman, to prepare legislation for economic development programs throughout Appalachia and the Nation. Congressman KEE was an original cosponsor of extremely important Federal legislation, such as the Public Works and Economic Development Act; the Appalachian Regional Development Act; Federal Coal Mine Health and Safety Act, and many others.

He supported legislation involving watersheds, soil conservation, highways, recreation, tourism, social security, VA, housing, mining, water pollution, sewer and water systems, desalinization programs, and other vital legislative measures.

Since 1965, JIM has been successful in securing over $1½ billion Federal investment for his congressional district. This includes new hospitals, recreation and tourism facilities; postal facilities; general and commercial airports; vocational education facilities; sewer and water facilities; elementary, secondary, and higher education assistance, and other related projects.

Congressman KEE sponsored and conducted the first congressional district-wide series of conferences dealing with narcotics and dangerous drug abuse in the Nation, pulling together representation from all facets of local human resources.

He introduced the very first bill in the Congress, H.R. 9850, dealing with respiratory problems of coal miners, later to become known as black lung legislation. Other legislation was introduced with broader coverage in the coal mining industry to provide for health and safety provisions.

JIM was designated to represent the House of Representatives at important international conferences in Canada, Spain, and Antarctica.

He serves on the House Committee on Public Works, with membership on the Subcommittee on Flood Control and Internal Development; Public Buildings and Grounds; Special Subcommittee on Economic Development Programs, and is chairman of the Subcommittee on Conservation and Watershed Development.

Congressman KEE also serves as a Member of the House Committee on Interior and Insular Affairs, with membership on the Subcommittees on Mines and Mining, Public Lands and The Environment.

In May of this year, JIM completed 32 years of public service in his own right.

Mr. Speaker: Mr. KEE has earned the respect of his Colleagues, the gratitude of his people and is entitled to continued good health and happiness and I join with his many friends to wish him happiness, long life and all kinds of prosperity.

Mr. STAGGERS. Mr. Speaker, the breaking up of pleasant and long-established working relationships is always a trumatic experience. Especially is this true when it comes to the affable and courteous JIMMY KEE, whose friendship I have been privileged to enjoy through a good many years. His retirement from the House leaves a void that it will be difficult to fill.

Congressman JIMMY came to the House in January 1965, having succeeded his mother, the distinguished Congresswoman Elizabeth Kee as Representative from the Fifth West Virginia District, who in turn had followed his father in the same post. Before 1965, the present Congressman had served in several capacities in the House, and was thoroughly grounded in the traditions and practices of Congress.

The Kee dynasty is a tribute to the integrity and ability of a conscientious and useful family in the public affairs of an area. The Fifth West Virginia District embraces the richest coal reserves in the whole world. Its representatives were called upon to uphold the interests of wealthy and powerful coal and railroad barons, and at the same time the interests of the great variety of working men who operated these great industries. The election of father, mother, and son, Congress after Congress, by overwhelming majorities, is fitting testimony to their fidelity to their trust.

The West Virginia Representatives in Congress have traditionally been a happy and effective working group. To add to the prestige and good name of their native State has engaged all their faculties. It is no secret that Congressman KEE has contributed his full share of energy and ability to an active and effective team. We shall miss him in the years to come.

But I am confident that West Virginia may still command his talents in its service. His interests cover the public and private affairs of the State. In the years to come, we all wish him the satisfaction and happiness that come from an unimpeachable record of duty performed and obligations met. To him and to his fine and closely knit family we extend our warmest wishes for many joyous and successful years to come.

Mr. HECHLER of West Virginia. Mr. Speaker, the Kee family constitutes an unparalleled tradition in West Virginia politics. The Honorable John Kee, who served as chairman of the House Foreign Affairs Committee, was first elected to the House in the Roosevelt landslide of 1932 and served until his death in 1951. At that time, he was succeeded by his widow, Mrs. Elizabeth Kee, who served for 13 years, and our colleague JAMES KEE who was first elected in 1964.

JIM KEE serves on the Interior and Insular Affairs Committee and the Public Works Committee. He has worked hard to build up the West Virginia State Society in the District of Columbia, and has also served in numerous posts in the American Legion. He is a fine gentleman, and I am pleased that my colleague from Iowa (Mr. SCHWENGEL) is paying tribute today to his service and to the service of the Kee family.

Recently, I was fascinated to read a little volume by Howard B. Lee, written in his 92d year, and entitled "My Appalachia." Mr. Lee served as attorney general of West Virginia during the period 1925 to 1933. One chapter of his book is entitled "The Rise of the Kee Political Dynasty." This constitutes such an interesting story that under unanimous consent I include it with my remarks on our colleague, Hon. JAMES KEE, and his remarkable family:

CHAPTER 11. THE RISE OF THE KEE POLITICAL DYNASTY OR IN THE SHADOW OF THE GALLOWS

For nearly forty years the Kee family has represented the West Virginia Fifth (coal field) Congressional District in the United States Congress. First was Honorable John Kee, a brilliant lawyer of Bluefield, elected in November, 1932. He died in office in May, 1951, after serving nineteen years. By virtue of his seniority, he was Chairman of the powerful Foreign Affairs Committee at the time of his death. He was succeeded by his widow, the talented Mrs. Elizabeth Kee, who served thirteen years and retired voluntarily in 1964. She was succeeded by their son, James Kee, who is still (1971) a member of that body. Thus the "Kee Political Dynasty" lives on—a family record for Congressional service without parallel in the history of the United States House of Representatives.

Why this long-time fealty to the Kee family by the voters of their Congressional District? The answer is in the story of the long-time fight made by Attorney John Kee to save an innocent Negro from the gallows.

Lord Byron once said that "truth is stranger than fiction." The accuracy of that aphorism has never been shown more clearly than in the fight of Payne Boyd to escape the gallows for a murder he did not commit, and never heard of until he was arrested as the killer—all caused by his almost-fatal physical resemblance to Cleveland Boyd, the actual murderer.

The savants tell us that Mother Nature produces no duplicates. But in the case of those two men, both Negroes, she developed such a physical sameness that thirty work-companions and long-time associates of the former believed and testified the Payne Boyd, an innocent man, was Cleveland Boyd, the killer.

As a result of that whim of Mother Nature, and the fallibility of witnesses, Payne Boyd was twice convicted by juries in Mercer County, West Virginia, of murder in the first degree. The first verdict carried the death penalty, by hanging; and the second, life imprisonment. Both convictions were set

aside because of errors committed during the trials.

Cleveland Boyd, an Alabama criminal, was brought into Mercer County, West Virginia, on a coal operator's labor train. He worked as a miner for a couple of years, and then became a "moonshine runner" and "bootlegger." In 1917, during World War I, he was convicted of vagrancy and sentenced to thirty days on the public roads by Justice of the Peace Harry Cook.

As the Justice and Constable were taking Boyd to jail they passed his shanty, and he asked them to stop and let him change to his work shoes. They told him to go in and make the change, and they sat down on the edge of the porch to wait for him. In a few seconds Boyd came out with a pistol in each hand and began firing at the officers. The Justice was killed instantly, but the Constable saved himself, as he said, by his "fast foot work." The killer escaped into the junglelike mountain fastness.

A substantial reward was offered for Boyd's arrest and this writer, as Prosecuting Attorney, mailed a circular describing the murderer and announcing the reward to hundreds of sheriffs and chiefs of police east of the Mississippi River.

In the meantime, a few months before the murder, Cleveland Boyd had registered for military service with the County Draft Board. From that record we learned that he was born in Selma, Alabama. A letter and reward circular were sent to the chief of police of that city, who replied that he knew Cleveland Boyd when he lived in Selma, and should he return he would be arrested, and we would be notified.

Thus matters rested until August, 1924, seven years after the murder, when I received a telegram from the Chief of Police of Norfolk, Virginia, stating that he had Cleveland Boyd in jail, and I should send an officer for him at once.

I sent two officers who had known Boyd for a few years prior to the murder. In the Norfolk jail at the time were more than one hundred Negro prisoners. The officers entered the jail separately, as they had been instructed, and each one identified the same man as Cleveland Boyd, and they brought him to Mercer County jail.

The prisoner was penniless, and at the October (1924) Term of Court the Judge appointed attorneys John Kee and C. B. Martin to defend him, and the case was continued until the January (1925) Term of Court.

On January 1, 1925, Walter V. Ross succeeded me as Prosecuting Attorney and took over the prosecution of the Boyd case. The Cook family assumed that the prisoner was Cleveland Boyd, and employed two very able attorneys to assist Ross in the prosecution. In the meantime, I had been elected Attorney General of the State, but would not assume the duties of that office until March 4. Being "temporarily out of employment," I attended Boyd's first trial, as an observer only.

Attorney Kee's opening statement to the jury clearly stated the issue—mistaken identity. In part, he said:

"This man before you is not Cleveland Boyd. He is Payne Boyd. He was not born and raised in Selma, Alabama, but in Danville, Virginia. This man was never in West Virginia, until he was brought here by the officers. He is not a deserter from the army, as is Cleveland Boyd. This man served in the army, spent eighteen months overseas, and was honorably discharged. This man never murdered Harry Cook, or even heard of him until he was brought here by the officers."

In effect, the Prosecuting Attorney replied:

"The State will prove that the man now on trial is Cleveland Boyd, and that he murdered Harry Cook."

The prosecution introduced thirty witnesses, white and colored, who testified that they knew Cleveland Boyd for a few years prior to the murder of Harry Cook, and that the man on trial was Cleveland Boyd. But the most damaging testimony was given by a miner and mountain Baptist preacher, who testified that he worked in the mines with Cleveland Boyd for two years, and knew him well. He was asked to tell the jury whether the man on trial was Cleveland Boyd. He turned to the Judge and said: "Your Honor, I would like to pray over this before I answer." The Judge told him that he might do so. The witness went into an adjoining room, got on his knees, and prayed fervently for a few minutes, asking for "divine guidance."

After the prayer the witness returned to the stand and said: "This man is Cleveland Boyd, and there can be no mistake. If you will look under his jaw on the right side you will find a scar. Also, on his right shoulder blade is a scar that he told me was caused by a bullet. I have seen this scar many times when he was in the bathhouse."

The prisoner was required to stand before the jury and lift his chin, and there was the telltale scar. He was also required to remove his shirt and undershirt, and on his right shoulder blade was what appeared to be a scar.

The defense introduced forty-seven witnesses, white and colored, who testified that they knew Cleveland Boyd for a few years before the murder, and that the man on trial was not Cleveland Boyd. The prisoner testified that his name was Payne Boyd; that he was born in Danville, Virginia; that he was never in West Virginia until he was brought into the State by officers; that the scar on his jaw was caused by the kick of a mule, received while in the army in France; that he did not know that he had a scar on his shoulder blade; and that he did not kill Harry Cook. A local doctor testified that the "blemish" on the prisoner's shoulder blade was a birthmark, and not a scar. The father of the accused, and a white man who owned a textile mill in Danville, Virginia, for whom the father had worked for thirty-five years, testified that the accused was Payne Boyd and that he was born in Danville, Virginia.

But all this was unable to overcome the "scars" and the evidence of the praying preacher who asked for "divine guidance." The jury found the prisoner guilty of murder in the first degree, without a "recommendation for mercy," which then meant death by hanging. But, because of an improper instruction given the jury, the trial Judge set the verdict aside and ordered a new trial for the accused.

Before the second trial got started, one of the privately employed prosecutors stated to the Court that he was convinced that the prisoner was not Cleveland Boyd, returned the fee paid him by the Cooks, and withdrew from the case.

At the second trial, the evidence was practically the same as in the first trial. Even the preacher again prayed for "divine guidance"; and again the jury found the accused guilty of murder in the first degree, but "recommended mercy," and he was sentenced to the penitentiary for life.

Mr. Kee was convinced of his client's innocence, and so appalled was he at the death verdict in the first trial and the life-imprisonment penalty in the second, that he personally paid the expense of the appeal of the latter to the higher court, where the jury's verdict was set aside and a new trial ordered.

Because of the widespread prejudice in the county against the prisoner, as the supposed murderer of a very popular official, his attorneys secured a change of venue, and his trial was transferred to Cabell County, city of Huntington, 150 miles distant.

In the meantime, the Negroes in the coal fields of Mercer and McDowell counties became aroused. Pastors preached sermons on the "enormity of the sin of convicting an innocent man." A committee began the collection of a "Payne Boyd Defense Fund," and soon had sufficient money to pay the attorneys a reasonable fee and to meet their necessary expenses. The lawyers went to Washington and secured from the War Department certified copies of Payne Boyd's complete military record, including his military discharge, which he had lost; and, also, a certified copy of Cleveland Boyd's registration card, which showed him as a "Deserter" for failure to report for military service when called by his draft board.

These records disclosed that Payne Boyd was born in Danville, Virginia; that he registered for military service in Roanoke, Virginia, on the same day that Cleveland Boyd registered in Mercer County, West Virginia; that he was inducted into the army at Winston-Salem, North Carolina, on the same day, and two hours before, Harry Cook was murdered in Mercer County, West Virginia—225 miles distant; that he served eighteen months overseas; and that while in France he was kicked by a mule, which left a permanent scar on the right side of his face, just under the jawbone.

This made it certain that Payne Boyd did not murder Harry Cook. But was the prisoner Payne Boyd, or was he actually Cleveland Boyd now masquerading under the name of Payne Boyd? Only by a comparison of the prisoner's fingerprints with those of Payne Boyd in the army files could this be factually determined. Attorneys for the accused employed the fingerprint expert in the Huntington police department to make this test.

On October 13, 1925, Boyd's case was called for trial in the Circuit Court of Cabell County, but the fingerprint expert was not ready to report. An hour went by—an hour of suspense. If the prints were identical, the prisoner would be a free man. If they were different, he would be tried and possibly hanged or sent to the penitentiary for life, as the jury might find.

Suddenly, the expert came into the courtroom with his report, walked straight to the counsel table and said: "You sure as hell have the right man, for these prints are identical." He did not understand that if they were the same, the State had been holding and trying an innocent man.

The jury found that "the prisoner at the bar is Payne Boyd, and not Cleveland Boyd, and he is not guilty of murder, as charged in the indictment." After fifteen months in jail, and being twice convicted of murder in the first degree, Payne Boyd was completely exonerated and received the apologies of the Court and Prosecuting Attorney. But, to the shame of the State, under the law, there was no way to compensate this unfortunate man, not even for his loss of time, to say nothing of his great mental and physical torture. Just an apology, that was all.

Payne Boyd returned to Mercer County along with the attorneys and witnesses, settled down in Bluefield, lived there a few years and disappeared.

Cleveland Boyd, the murderer, has never been apprehended.

Shortly after the termination of the case, Attorney Kee told me that on the train going back to Bluefield he asked Boyd if he were scared at any time during the proceedings in Huntington, and he replied:

"No, Mr. Kee, when you has been in jail and lived in the shadow of the scaffold for a year and a half for something you knows you didn't do, you don't git scared. You just gits numb, numb all over, Mr. Kee. Nothin' seems to matter."

I also asked Attorney Kee why Boyd's military records were not used in his first and second trials. His explanation was: (a) Boyd had lost his army discharge; (b) these certified army records were expensive, and Boyd was penniless; and (c) his attorneys thought

that they had sufficient evidence to acquit him without his army records.

But the most baffling thing in this weird case is the fact that nature could produce two men, in communities 300 miles apart, bearing the same surname, but not related by any blood ties, who were such counterparts that the most intimate associates and work companions of one could detect no physical differences between them. And the awesome thing about that fantastic vagary of nature is that it almost brought about the execution of an innocent man.

This case also had far-reaching political repercussions. A few months after Payne Boyd was exonerated, Attorney Kee became the Democratic candidate for Congress in his coalfield Congressional District. At that time the miners were not unionized, the Negroes were Republicans, and the District was a Republican stronghold. Kee's chances for election seemed slim.

But a few Negro leaders took up Kee's cause. Their appeal was that Kee's successful fight to save a penniless, friendless, but innocent, Negro, showed that he was a friend of, and would deal fairly with, the Negro race. Kee sentiment in the coal fields began to grow and spread from camp to camp with the rapidity of a woods fire. "Kee For Congress" clubs were organized by the scores, and by election day the sentiment for Kee for Congress was overwhelming, and he was elected by a large majority.

And thus the Kee Political Dynasty was launched on its phenomenal career.

STATEMENT OF HONORABLE WALTER V. ROSS

On January 1, 1925, I succeeded Howard B. Lee as prosecuting attorney of Mercer County, West Virginia, and took over the prosecution of the Cleveland Boyd murder case. I have read Chapter 11 of Mr. Lee's book, and it gives an accurate account of the trials and final termination of the case.

Signed: WALTER V. ROSS.

BLUEFIELD, W. VA., *June 28, 1961.*

THE RECORD OF THE 92d CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Illinois. Mr. Speaker, with adjournment pending, it is appropriate to review the role of the 92d Congress in national affairs during the past 2 years. It was a time of testing old assumptions and new ideas. The process is not completed, but there are several discernible trends that relate to Congress.

First, there was increasing interest in Congress. The general public focused greater attention on congressional affairs and the impact Congress has on public policy. Second, there was increasing interest within the Congress to strengthen its role in the policymaking process. Consequently, the 92d Congress initiated important legislation in various areas. Third, relations with the Executive branch were reexamined, not because of partisanship, but because of recognition on the part of Congress that the Federal Government cannot ignore pressing public problems.

As the most representative legislative body in the world, the Congress is particularly sensitive to public needs and more attuned to filling voids left by the more remote Executive branch. This sensitivity produced solid legislative accomplishments for the American people in the 92d Congress.

ECONOMIC AFFAIRS

The uncertain state of the economy was the major policy concern of the Congress. Confronted with the administration's record of the highest inflation in 20 years, the highest unemployment in 10 years, the highest trade deficit in 10 years, and the highest interest rates in 100 years, the Congress acted to achieve the goal of a balanced economy with adequate rates of economic growth, full employment of resources—both men and material—and reasonable price stability.

Faced with compounding budget deficits since 1969 that will total an expected $110 billion by the end of this fiscal year, more than all the debt this Nation accrued before World War II, the Congress sought to restore the confidence in the American dollar that has been battered in the international markets.

Specifically, the Congress provided the President with standby authority to impose wage and price controls. Initially, the President opposed controls. However, faced with a rapidly deteriorating economy, the President finally followed congressional initiative by imposing a 90-day wage-price freeze in August 1971. Since then the authority has been extended at the request of the administration in conjunction with phase II of its economic program.

The critical unemployment situation prompted the Congress to act; however, the President vetoed two measures designed to help put the unemployed back to work: The 1970, Public Service Employment Act authorized $7½ billion for public service employment, expanded Federal manpower services and improved manpower programs and the Accelerated Public Works Act, which I cosponsored, authorizing $2 billion to create an estimated 170,000 jobs in the public sector. Successfully, the Congress enacted the Emergency Unemployment Compensation Act earmarking $275 million for extended unemployment benefits and allowances.

To further spur the economy, the Congress passed the Revenue Act of 1971 increasing the personal exemption for Federal income tax purposes, liberalizing deductions for child-care expenses, repealing the automobile excise tax, providing a 7-percent investment tax credit for new equipment purchases and establishing a tax credit for employees hiring persons on long-term basis through the work incentive program.

To aid small business, when business failures began mounting at an alarming rate, the Congress approved legislation increasing the amounts of loans and guarantees provided by the Federal Government.

Recognizing the impact excessive Federal spending has on the economy, the Congress cut presidential budget requests by $4.2 billion. Cuts were made in foreign aid, defense spending, military construction and public works. Also, pending at this time is imposition of a $250 billion ceiling on Federal expenditures. I opposed this approach because it meant the complete abdication of congressional authority by granting the President an item veto over important programs.

In reviewing the 18 bills the President has vetoed in 4 years of office, 10 of them pertain to appropriations or authorizations for important domestic programs such as child care, veterans, housing, education, health, railroad retirement benefits, blue-collar wage increases, employment and economic development. Given this past record, I could not grant the President further authority. In addition to his veto power, the President is not compelled to spend the funds that Congress appropriates; therefore, he does have the authority to control Federal spending.

In the international monetary field, the Congress approved legislation the administraion requested which amounted to devaluating the dollar because of the lack of confidence in the American dollar abroad because of our weakened economy at home.

FOREIGN AFFAIRS

Congress approved a 5-year interim agreement between the United States and the Soviet Union on limiting nuclear weapons. President Nixon, in conjunction with his trip to the Soviet Union, recommended the agreement which is designed as a first step toward a permanent nuclear arms control treaty. In approving the agreement, Congress added an amendment calling for numerical missile equality in the permanent treaty. As vice chairman of the Joint Atomic Energy Committee, it has been my privilege to serve as congressional adviser to the U.S. delegation to the strategic arms limitation talks where much of the preliminary work was done on the United States-U.S.S.R. agreement.

The Senate ratified a treaty under which the United States and the Soviet Union agree to limit ABM installations to two sites in each country.

Concern with the war in Indochina resulted in passage of legislation in both the House and Senate defining the war powers of Congress and the President. Under both versions, the President would report to the Congress whenever he acted without prior congressional authorization to commit U.S. forces to hostilities. In addition, the Congress adopted my amendment to the Selective Service Act of 1971 calling for a cease-fire as a means of ending the hostilities.

The Middle East continued to draw congressional attention. The Olympic tragedy underscored the importance of the United States maintaining its commitment to Israel. Congress repeatedly took the initiative in making certain that Israel has sufficient wherewithal to protect her integrity.

HUMAN RESOURCES

The strength of America is with her people. That strength is in large measure based on the economic security and spiritual well-being of the people. Quality educational opportunities, adequate health care and retirement security contribute to the well-being of the American people.

In the field of education, Congress enacted an omnibus higher education bill which included operating and maintenance funds for many hard-pressed institutions. Expanded student assistance programs were authorized also.

Congress grappled with the very emo-

tional issue of busing. It approved language restricting busing to achieve racial balance. Notwithstanding this action, the Congress must continue to act to provide quality education for all students, which is the basic issue.

Health education opportunities were greatly expanded by congressional action. The Health Manpower Training Act and Nurse Training Act were expanded to provide greater assistance for students in health profession and institutional assistance in an effort to offset the critical shortage in health manpower.

In responding to the health crisis, Congress also enacted the National Cancer Act of 1972, the National Heart, Blood Vessel, Lung and Blood Act of 1972, the National Institute of Arthritis, Metabolism and Digestive Diseases Act, the Communicable Disease Control Amendments Act, and Sickle Cell Anemia Prevention Act and the National Cooley's Anemia Control Act.

In the health and welfare sector, Congress established a special drug abuse prevention structure to coordinate national programs for drug abuse control. Also, the national school lunch program was expanded.

An omnibus welfare reform bill was passed by both houses. It includes provisions for expanding medical care protection and coming to grips with the welfare crisis in this country.

Our older Americans benefited from congressional action. Despite administration opposition the Congress raised social security benefits by 32 percent in the 92d Congress. Congress approved legislation providing nutritious meals for senior citizens, especially for the homebound. Comprehensive services were authorized including low cost transportation, expanded employment and volunteer services, community centers, improved service delivery and expanded health, education and other social services. Additionally, the Congress created a National Institute of Aging to conduct research on the aging process and on the special health problems of older persons.

Clearly, the 92d Congress made a commitment to the principle that our older citizens should be able to live their lives in comfort and dignity.

ENVIRONMENTAL AFFAIRS

After 2 years' work, Congress enacted a far-reaching water pollution control act allocating $18 billion for the construction of waste treatment plants over a 3-year period. The Federal share for such projects is increased to 75 percent and does not require State involvement. The measure establishes as national policy the goal of ending all pollution discharge into navigable waters by 1985.

Pesticide control was strengthened considerably by providing the Environmental Protection Agency with primary regulatory authority over all pesticides moving in commerce. The measure also establishes registration and classification of pesticides to protect humans and the environment.

Congress moved to establish a national environmental data system with a clearinghouse facility in order to strengthen and expand the information base on environmental matters. This will assist policymakers in determining the impact technology has on our environment.

In our area, Congress appropriated $30,210,000 to continue planning and construction on area flood control and navigation projects. Included in this total are: Madison-St. Clair County interior flood control plan, $250,000 for advance engineering; Kaskaskia navigation project, $18,000,000 for construction; Alton Lock and Dam No. 26, $2,300,000 for advance engineering; Chain of Rocks navigation project, $8,100,000 for construction; Mississippi River regulating works, $1,500,000 for construction, and Silver Creek Reservoir project, $60,000 for general investigation.

CONSUMER AFFAIRS

The consumer protection movement won an important legislative victory as Congress approved the creation of an independent Food, Drug, and Consumer Product Agency designed to protect consumers from hazardous products. The House approved the Consumer Protection Act that is designed to expand Federal protection of consumer interests; unfortunately, the Senate was not able to complete action on the bill because of intense opposition to the legislation.

Both the House and Senate passed legislation strengthening flammable fabrics protection by requiring manufacturer certification of fabrics and materials against fire hazard.

In the field of automobile safety, Congress enacted legislation requiring auto manufacturers to construct front and rear bumpers that will withstand low-speed collisions.

GOVERNMENTAL REFORM

A governmental system must be accountable to the people it serves if it is to remain viable and legitimate. Our Government is no different. Recognizing this, the Congress acted on four important measures that expanded the scope of our democratic system. Eighteen-year-old citizens were granted the right to vote; female citizens were granted equal protection and status under the law by passage of the equal rights amendment; and legislation was enacted repealing the onerous emergency detention program that remained on the law books as a painful reminder of the treatment accorded Japanese-Americans during World War II.

Importantly, Congress enacted a campaign finance reform law that provides pending limits for political campaigns and requires disclosures of contributions and expenditures over $100. Further consideration must be given to developing legislation concerned with the raising of political funds. Also, legislation covering the disclosure of lobbying activity is needed. I am pleased to report that the House Ethics Committee, of which I am chairman, is working on these two subjects.

VETERANS AFFAIRS

Congress did not overlook our Nation's debt to our veterans. Veterans' Administration medical care was extended to wives, widows, and children of veterans who were either totally and permanently disabled or died as a result of service-connected disability. The measure expanded outpatient hospital treatment for veterans. Congress also passed legislation providing comprehensive drug treatment and rehabilitation for veterans.

In the education field, Congress passed legislation raising educational assistance grants to a level equal to the rate of benefits provided for World War II veterans. These benefits are authorized for those who served in the armed forces after January 1955.

Disabled veterans benefits for service-connected disabilities were increased by 10 percent and a clothing allowance of $150 a year was authorized for veterans whose disability required the wearing or use of a prosthetic or orthopedic device.

A new survivors benefit program for retired military personnel was enacted. It enables a military retiree to leave an annuity of up to 55 percent of his retirement pay for his dependents.

LABOR

Congress enacted legislation beneficial to the working men and women of America. The black lung disability benefits program was liberalized and expanded because of dissatisfaction with the abnormal number of claims that were denied initially. Railroad retirement benefits were boosted 30 percent as the result of two separate measures that were passed over administration opposition.

Efforts were made to increase the minimum wage, but administration opposition thwarted final congressional action. Both the House and Senate passed bills improving the standard of living for individuals covered by the minimum wage law.

INTERGOVERNMENTAL RELATIONS

American federalism took on a new dimension as Congress enacted the revenue-sharing bill that will mean approximately $9 million for the local governments in Madison and St. Clair County. The funds may be utilized for a number of public services, including public safety, financial administration and environmental programs.

Another landmark piece of legislation approved was the Rural Development Act that greatly expanded Federal assistance to rural America. It increased Federal assistance for water and sewer grant and loan programs; provides assistance for community centers and firehouses; and provides Federal support for industrial development.

LAW ENFORCEMENT

Congress continued to act in the crime control field. Juvenile delinquency prevention and control programs were extended; narcotic addiction rehabilitation programs were expanded.

In closing, it should be noted that unfinished business remains. Clearly, priorities for the new Congress include private pension protection and reform legislation, tax reform legislation and health security legislation.

FAIR SHARE OF POVERTY PROGRAM FOR RURAL AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Mis-

souri (Mr. RANDALL), is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, during December 1971 our office was the recipient of about 8,000 letters concerning the President's veto of the extension of the poverty program. Those letters urged me, their Congressman, to start over and try to pass a new measure that would be approved by the President, rather than suffer another veto.

I take this means to summarize my views on the poverty programs of the past and also to outline the reasons, for my constituents, why I supported and voted for the new effort, notwithstanding my opposition in former years.

Mr. Speaker, on August 8, 1964, please note the year, I joined with a majority of the Congress in voting for the first Economic Opportunity Act. I was enthusiastic that it might strike a telling blow against poverty in this Nation. It seemed to me the programs proposed in that act and the manner provided to carry them out would give new promise and new hope to all the poor and underprivileged no matter where they lived.

I was soon to be disappointed, however. Disillusionment was not long in coming to a substantial segment of our people for whom life had held little or no opportunity to rise above poverty conditions inflicted upon them by the circumstances in which they were born, or of the changing economics of a growing and shifting nation. I refer, of course, to the rural poor and the economically deprived citizens in the small towns of America.

In its first year of operation, it became clear that the Economic Opportunity Act discriminated against our rural people, and beamed most of its benefits to poverty pockets of the big cities. Speaking plainly, to the ghettos. The Office of Economic Opportunity seemed to exist and to function only for the relief of those men, women, and children in the large cities.

True, the percentage of our total population who still live in rural areas is small by comparison with the cities. But more than 60 percent of our substandard housing is to be found in rural areas. While the Office of Economic Opportunity directed its attention to the urban poor who may have suffered from some insufficient or inadequate plumbing, hundreds of thousands of the poor suffered in the countryside with no plumbing at all. While Federal assistance programs struggled to overcome what was termed under-employment and deficient opportunities among the urban poor, the rural poor continued to live with no employment and no opportunities.

When the Economic Opportunity Act was before the Congress for renewal and extension in 1967, I tried to get several amendments into the Act through which the needs of the rural poor would get greater recognition. Had my amendments been adopted, the benefits of the war on poverty would have been more equitably delivered to the rural poor, who were described by President Johnson's Commission on Rural Poverty of that same year as "the people left behind." The majority of the House did not agree with me that a fairer share of the Economic Opportunity Act's funding should be directed to the rural poor and voted down my amendments. In protest against the continuation of this kind of discrimination, I had no choice but to vote against continuing the program in 1967. Again in 1969 I voiced my protest and disapproval of the Economic Opportunity Act for exactly the same reasons.

As late as December 7, 1971, I voted against further extension of the act for the reasons stated above and in addition, because that extension proposed a new comprehensive child development program which, although exorbitantly expensive, did not provide for the needs of our rural communities.

As you know, President Nixon vetoed that 1971 bill, calling the child development program's cost the "greatest flaw" in the bill. It then became absolutely necessary or imperative to pass a new bill if the war on poverty were to avoid a sudden death.

As things worked out, February 17, 1972 was a good day for the poor and especially for the elderly poor who, in their rural status, had for too long been too much left behind as far as the good things in life are concerned. When the House on that date considered extending the Economic Opportunity Act a provision had been added which specifically provided $35 million in the next 2 years for improving rural housing. Not enough but at least a start. On that day, I also had the opportunity as one of two cosponsors to work for and pass an amendment which added $50 million to the bill to serve the rural elderly poor who are at present being under-served or not served at all by any existing programs. My amendment is of specific benefit to the poor in rural areas like ours where there are few or no programs serving them. This amendment especially serves the elderly poor. My amendment was adopted overwhelmingly on a voice vote. In the debate on this bill I helped write legislative history to make it clear that this $50 million was to help meet the needs of the poor who are not touched by any other helping-hand program. By the very nature of their circumstances, the elderly poor in rural areas are singled out for this new, special help.

But the good news of February 17, 1972 did not stop here. $8 million was included in the bill to finance the Senior Opportunities Services that have been so beneficial, especially to the older people in rural areas.

For the three above-listed provisions of the 1972 Economic Opportunity Act, I am most grateful. I thank my colleagues in the House for recognizing the truth of the axiom that:

It is bad enough to be poor; it is worse to be poor and also old, but worst of all is to be poor and old and isolated in a rural area.

I am glad that the Congress has reshaped the Economic Opportunity Act in such a way that I can now enthusiastically support its programs. I have never opposed any of the worthwhile objectives of this act. My opposition has been based upon omission heretofore from its benefits for that important segment of our poor who live outside the big cities, in the rural areas. Until now, as I have pointed out, nearly all of the OEO programs were concentrated in the huge metropolitan centers. I said last year that all the rural areas received in the past from the poverty program were the crumbs that fell from the tables from the generous helping of benefits provided for the big cities. Because we changed that, I am happy and proud that on February 17 and again on September 5, 1972, I could vote "yes" to the extension of the Economic Opportunity Act.

But we are not yet through, Mr. Speaker, in our job to make the Economic Opportunity Act and its administering agency, the Office of Economic Opportunity, truly efficient and effective in fighting the war against poverty.

In July of this year some constituents of Missouri's Fourth Congressional District wrote our office, bringing to my attention newspaper reports that one of the programs under the jurisdiction of the Office of Economic Opportunity was being mismanaged in the state of New Jersey. The Government Operations Subcommittee on Special Studies, of which I am chairman, investigated the report and held hearings which revealed that a local Community Action Agency in Monmouth County, N.J. had conducted a program under which 67 youths had been sent on a trip to Europe, Asia, Africa, the Philippines and perhaps other countries. Such a project was without a doubt unrelated to fighting poverty. To compound this wrongdoing, it was found that several of these young people were from families whose incomes ranged from $10,000 to an alleged $50,000 a year and yet were touring abroad at taxpayers' expense. This investigation led us to other allegations of some highly questionable battle tactics in the war on poverty.

Why do I mention this investigation to my constituents? For two reasons. First, because mal-administration of this kind must be stamped out or it may yet contribute to the demise of the entire program, and, second, to show the striking contrast between such instances or examples of loose and careless administration and the excellent management and fine administration of the programs in west central Missouri. But until we can stamp out all mismanagement and misdirection anywhere in the Office of Economic Opportunity or by any of its employees who oversee the administration of poverty programs, the job of the Congress in authorizing or approving these programs will remain difficult.

In the meantime, the poverty program has been extended and has been given a new lease on life. The new 1972 Economic Opportunity Act is now at work, and is now directing for the first time at least some of its benefits to the rural poor, and particularly to the elderly poor who happen to be in rural areas. Once these amendments were adopted, I enthusiastically supported passage of the new bill. I am proud to have had a part in the improvements we have accomplished this year.

INVESTIGATIONS BY COMMITTEE ON BANKING AND CURRENCY

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, during the last 8 weeks, the Banking and Currency Committee has been conducting an interesting series of investigations, meetings, and press conferences occasionally concerning its own oversight jurisdiction in the field of banking, but always directed at the political impact of the Watergate incident.

These adventures may, or may not, have culminated yesterday in two sessions, both lacking a quorum of Congressmen, but with nearly perfect attendance by the press. Since the afternoon session took place during debate on the revenue sharing bill, I did not attend.

On October 3 the committee defeated 20 to 15 a motion by Congressman REUSS to grant to the committee extensive subpena powers, which, in the judgment of most committee members, could have prejudiced the rights of those persons under criminal indictment in connection with the Watergate affair.

No one condones the incident. It is a scandalous affair, and another symptom of the sickness of our society, which now seems to place high monetary value, or other high values, on information gained by illegal means. Those responsible, at any and all levels, should be indicted, and if guilty, convicted. The criminal investigation should be thorough and wide ranging—but the criminal aspects of the case should be left to the Justice system until the guilt or innocence of the accused parties has been proved.

There are two edges to the sword. Undue publicity can free those already convicted and proved guilty, as demonstrated by the Delaney case; or, worse, it can imply guilt for those who may be innocent.

The worst aspect of the Banking Committee caper—a 2-month caper by now—is that during this extensive period the committee could have carried out its jurisdictional responsibilities by conducting hearings on the bank charter in question and on the transfers from foreign banks.

In a short phrase, the committee blew it. It allowed itself to be seduced from its responsibilities by the sweet smell of political gain. The chairman's political circus had to take priority over solid committee work. And so the Congress failed in its responsibilities.

There is an especially interesting contrast in the other body. There, Senator KENNEDY, who according to the New York Times article on page 18, October 13, is "under pressure" from GEORGE MCGOVERN and Larry O'Brien "to conduct an inquiry into the Watergate affair," said, as reported on an AP wire of September 30, that he does not plan to hold hearings on the Watergate affair. The same wire quotes him as saying:

> This is a criminal indictment, and we must be sensitive to the fact that any adverse publicity might impinge on a fair trial.

I am particularly concerned because a bank charter, issued for the Ridgedale National Bank in Minnetonka, Minn., within my district, was questioned by the chairman of the committee. His statements and reports said the charter was issued "in an unusually rapid time" and that there was a deviation from normal practices. Yesterday he referred to it as a "quickie bank charter."

I take no position on the issuance of that charter, except that for 2 months the person to whom it was granted have been tried in the press by the chairman's allegations, which, up until now, have been unbacked by evidence. I have begged the chairman to hold a hearing to determine whether he can prove his allegations.

The Comptroller of the Currency, a Johnson appointee, takes the opposite point of view. He says the charter was normal and not unusual, and he offered to present additional information to the committee. Apparently the chairman thought the facts might interfere with the politics of the situation, because the Comptroller was never asked for more information, nor was he asked to appear before the committee.

The Comptroller's letter to Chairman PATMAN follows:

THE ADMINISTRATOR OF
NATIONAL BANKS,
Washington, D.C., September 28, 1972.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. PATMAN: This is in further reference to your letter of September 5, 1972, wherein you requested information concerning applications for new national banks within the past five years.

There is enclosed a tabulation showing all bank applications since January 1, 1967, which contains the date each application was accepted, the decision rendered with respect to such application, whether or not a hearing was conducted, the date the charter was issued, the location of the proposed new bank and the names of the applicants appearing on the application.

The attached tabulation does not include applications for new national banks which were organized in connection with corporate reorganizations as they relate to holding company banks. There have been 244 corporate reorganization applications during the past five years.

The attached list of all applications processed by this office during the past five years reflects 424 cases. The tabulation shows that the processing period on new bank applications varies substantially from case to case. This is due to many factors. For instance, applicants are normally given 30 days after the application is accepted for filing to prepare supportive material to present to the investigating examiner. The examiner must work out a mutually agreeable time to meet with the applicants and proposed directors for the purpose of reviewing all banking, economic, personal and other data in connection with the application. On occasion the applicants file additional data to the application which must be evaluated. In many instances additional individuals are added as organizers and proposed directors. Evaluating new information, of course, lengthens the processing period. The investigating examiner is then required to interview a good cross-section of people representing the business, civic and consumer life of the community in order to determine their views as to the need for a bank. It should be noted that the examiners who conduct the regular examinations of banks also conduct the field investigations. The scheduling of these field investigations are therefore sometimes delayed in view of the work loads in the respective regions. As a matter of procedure we do not disrupt the examiner's schedule to conduct field investigations for new bank applications. All of these features present many variables as to the time taken in processing new bank applications.

In addition, the processing time is sometimes substantially affected if a request is received for a public hearing. If a request is received from any party in interest, this office grants a public hearing on new bank applications.

You will note that there were 50 applications on which decisions were rendered in a period of less than 100 days. The processing time on these applications ranged from 49 days to 99 days. There follows a list of days required to date of decision:

	Days
Heflin, Alabama	90
Chatom, Alabama	71
Selma, Alabama	99
Ventura, California	99
Arcadia, California	65
Santa Rosa, California	84
Gilroy, California	94
Longmont, Colorado	84
Winter Park, Florida	86
Dade County, Florida	71
Deerfield Beach, Florida	82
Sarasota, Florida	87
Palm Spring, Florida	74
Dade County, Florida	89
North Miami Beach, Florida	89
Plantation, Florida	69
Orlando, Florida	95
Fort Myers, Florida	98
Brandon, Florida	98
Miami, Florida	84
Pinellas Park, Florida	72
Hillsborough Co., Florida	97
Loves Park, Illinois	78
Oak Brook, Illinois	98
Mandeville Parish, Louisiana	61
Kentwood, Louisiana	77
Wellesley, Massachusetts	98
Portage, Michigan	49
Oak Park, Minnesota	92
Olivia, Minnesota	90
Minneapolis, Minnesota	93
Minnetonka, Minnesota	86
Corinth, Mississippi	84
Mt. Laurel, New Jersey	85
Pennsville, New Jersey	91
Melville, New York	49
York, Pennsylvania	60
Pasadena, Texas	78
Tomball, Texas	78
Pharr, Texas	84
Austin, Texas	57
Ft. Worth, Texas	71
Richfield, Utah	99
Kennewick, Washington	97
Chester, West Virginia	67
Huntington, West Virginia	94
New Berlin, Wisconsin	69
Hales Corners, Wisconsin	74
Monona, Wisconsin	97
Sheridan, Wyoming	89

There were 79 applications processed in 100 days to 130 days. In summary, 30.3% of all applications handled by this office were processed within a period of 130 days.

All of this means that the processing time on new bank applications will vary widely from case to case and from region to region throughout the country.

Formal hearings were held on 152 cases representing 35.9% of all cases processed. These formal hearings are conducted whenever requested and a transcript is made by a court reporter.

The above data shows clearly that there was absolutely nothing unusual about the processing of the Minnetonka application.

Far from being hasty or unusual, as apparently characterized by your well-publicized staff report, of which we have not been furnished a copy, the record shows the usual routine of filing, investigation and office processing. We cannot understand how any fair-minded person could conclude that the subject applicant got a federal bank charter faster than most people do. The fact that the location of the proposed bank was in a large shopping center complex to occupy approximately 1,100,000 square feet of retail space, was not a reason to delay processing. Quite the contrary, normal business and lease requirements demand that final commitments must be made well in advance of construction and completion of such a large project.

As you well know, there is nothing secret about the filing or processing of new bank applications. This office publishes a complete summary of actions each month. In addition, all applications for national bank charters are required to be published in a paper of general circulation in the area where the bank would be located. This publication includes the names of applicants, the proposed location and the proposed capital structure. Specific notice is also sent to the State Banking Supervisor and to competitor banks.

Over the years all of us have heard criticism of Government agencies, for failure to respond timely to requests from citizens generally. It seems strange to me that the Comptroller's office now would be criticized for endeavoring to process an application before this office on a timely basis.

If there is any further information you require on this matter, we shall be glad to cooperate.

Sincerely,

WILLIAM B. CAMP,
Comptroller of the Currency.

The other banking aspect of the case, foreign bank transactions, could also have been investigated by the Committee. The chairman of our International Finance Subcommittee said yesterday that he has tried to get the committee to investigate this aspect since 1966. On October 3 he reported in the RECORD that he had asked the chairman that his subcommittee be allowed to investigate this aspect of the Watergate incident or of other campaigns. I joined in his request. Yesterday, I challenged the chairman on this authority, got no response, and I believe that the authority has not yet, nor will be, granted.

Many Members will be queried on this subject during the campaign. Therefore, Mr. Speaker, I am inserting now my remarks made yesterday during the quorumless morning meeting of the Banking and Currency Committee:

STATEMENT BY MR. FRENZEL ON OCTOBER 12, 1972 BEFORE THE COMMITTEE ON BANKING AND CURRENCY

Mr. Chairman, because you refused to recognize me during the Committee hearing of October 3, I have prepared a lengthy statement, for which I request time now. I request unanimous consent that this statement be put in the record.

During the last week in August I received several phone calls from local bankers that the staff of this Committee was making phone calls and asking for information relating to the charter recently granted to the Ridgedale National Bank in Minnetonka. As the questions were explained to me, they were couched in such a way as to encourage the local bankers, most of whom had protested the issuance of that charter within their trade area, to indicate that the charter had been issued hastily.

Bankers also asked me what kind of investigation our Committee was carrying on. Since there had been no information from you or the staff that an investigation was in process, I could only advise them that I was unaware of such activities. When I returned after Labor Day to the Congress, I saw in the newspapers that you were investigating the Watergate incident. During the hearings on the Housing Bill, one of our Committee's notable failures, I talked to the staff member who had been identified to me as one of the callers into my district. He admitted to making the telephone calls and indicated that he was not looking for anything special except some comment from the local bankers.

During that week, following a point of personal privileges requested by Congressman Brown on the same subject, I asked for the same privilege. I asked you during one of our housing meetings what the scope of the investigation was, why the Committee could not be involved and why I could not be involved as to the nature of the investigation. You benignly smiled my request into oblivion and made no reply.

After that meeting I talked to you briefly and explained the local nature of the problem. The location of the charter is within my district, but I did not know of the application, nor of the granting of the charter until I read it in the newspapers. The individuals who were granted the charter, or at least some of them, are constituents; and some have been contributors to various of my political campaigns. At that time you gave me no further explanation of the investigation but told me that you would release a confidential report to committee members when it was completed.

Your next action was to release a confidential memo dated September 12 which I heard read on television by Jack Anderson the evening before it was delivered to my office. I note that across the face of the report was written the word "confidential".

In that "confidential" report, on Page 5, you, or your staff, wrote:

"In the midst of the investigations of the Watergate incident, at least two major newspapers reported that the contributor of one of the sums in question—the $25,000—had received a bank charter on August 22—just 88 days after the application was filed with the Comptroller of the Currency. The $25,000 is now an integral part of the campaign law violations reported by the GAO to the Justice Department and this is a portion of the money which went into the bank account of Bernard Barker, a suspect in the Watergate case.

"A preliminary investigation indicates that the bank charter was granted in an unusually rapid time—88 days—particularly considering the fact that the shopping center in which the bank is to be located has not been constructed and apparently the bank could not be ready for banking operations until 1974 or 1975. In addition, a preliminary investigation has indicated that the Comptroller of the Currency may have deviated from the normal practices in the procedures leading up to the granting of the charter. There seems no question of the Committee's jurisdiction over the activities of the Comptroller and the granting of national bank charters."

After the release of the confidential memo, both to the press and to the Committee, I again spoke to you indicating that an investigation was in order since the bank charter issued in my district had been questioned in your report. Your report indicated that the charter was received "in an unusually rapid time" and that there was a deviation from normal practices.

In your later press release of October 3, which is headed "Opening Statement of Chairman Wright Patman", you also refer to the phrase "unusual practices" in connection with this bank charter and of the men in the group to whom the charter was issued, Dwayne Andreas and Kenneth Dahlberg.

On September 5 you had written to the Comptroller of the Currency requesting information concerning applications for new national banks. On September 28 Mr. Camp, who I understand is an LBJ appointee, responded to you. On Page 3 of his letter to you was the following paragraph:

"The above data shows clearly that there was absolutely nothing unusual about the processing of the Minnetonka application. Far from being hasty or unusual, as apparently characterized by your well-publicized staff report, of which we have not been furnished a copy, the record shows the usual routine of filing, investigation and office processing. We cannot understand how any fair-minded person could conclude that the subject applicant got a federal bank charter faster than most people do. The fact that the location of the proposed bank was in a large shopping center complex to occupy approximately 1,100,000 square feet of retail space, was not a reason to delay processing. Quite the contrary, normal business and lease requirements demand that final commitments must be made well in advance of construction and completion of such a large project."

Perhaps of greater importance than the Comptroller's statement that there were no irregularities in connection with the charter was his offer to volunteer further information. It is of special interest to me that you were not interested in further information on this matter at all. I have asked the question a number of times in the pages of the Congressional Record why this Committee and its Chairman have not been willing to investigate those materials which lie within its jurisdiction. A simple calling of the Comptroller of the Currency before this Committee would, I believe, go a long way toward clearing up questions raised on the bank charter. Somehow since the 28th of September you haven't been able to squeeze enough time in to ask the Comptroller to come here and make his explanation.

I don't know whether there were "unusual procedures" in connection with the Minnetonka charter or not. At this time it seems to be your allegation against a letter from the Comptroller of the Currency. Based on the record to date, that makes it an easy choice. However, I believe that further investigation is warranted. I believe that the persons who were granted the charter have stood accused by you in the press. Whether their charter had any irregularities deserves a hearing. We should get the Comptroller in here to see if your staff or you can prove that his statements are wrong. If you can't, there should be a public apology by you and your staff. If you can, then there ought to be legislation, or indictments.

I only ask that your allegations stand or fall on their own merits. No subpoenas are needed. The Comptroller's letter indicates his willingness to appear here. If you need his secretary or his file cabinets, I am sure that their appearances can be arranged as well. Because of your failure to ask for such testimony, I am led to the conclusion that you are afraid to ask him to come in because it would spoil the political nature of these hearings.

On October 3 you called this Committee into session for a meeting on the Watergate incident. The meeting was open to the public, a procedure I applaud.

Although you had indicated that there was to be a Committee meeting, the procedure was run as a press conference for yourself. You ignored points of order. You refused to answer parliamentary inquiries. You refused to accept preferential motions, especially made by the Ranking Minority Member. The "gag-rule" procedures of that meeting again led me to the conclusion that

whatever it is you do want to do, there is no intention to hold an investigation of matters within the jurisdiction of our banking duties.

In the Congressional Record of October 10 on page 9385, you are quoted as making the following statement:

"Another reason why I resent the bill is that it comes to the floor under a double gag rule. One gag rule is bad enough, but here in this rule no Member has permission to strike out the last word and speak for 5 minutes. There are only four amendments, and the rule provides 5 minutes to the side on each amendment. With these four amendments then the show is over and the gag rule prevails. I do not believe that is right. I think that is taking advantage of the Members."

In addition to this statement, I have heard you previously on the floor accuse the Chairman of the Ways and Means Committee of denying Members a chance to amend bills or to speak on bills, indicating that it was an important point of principle to you. If there ever was a case of the pot calling the kettle black, your statement in the Record must be such a case. This Committee's performance on October 3 was the worst case of gag rule that I have witnessed in my short time in Congress.

On October 3, the same day, Mr. Gonzalez wrote in the Record that he had requested authority to investigate certain foreign banking transactions through his subcommittee. On the following day I wrote him indicating my endorsement of your suggestion, with a copy to you, also asking that another subcommittee be authorized to investigate the Minnetonka charter. Mr. Gonzalez responded on the 6th that you had given him no authority for such an investigation as yet. I'll bet that today, 6 days later, he still does not have the authority.

On my return to Washington on October 10, after a weekend of campaigning, I find that you had held another press conference and announced that you were calling another Committee meeting with witnesses from the Committee to Re-elect the President. If such a meeting were to take place today, it would, of course, be out of order under the rules because of insufficient notice. You invited people to testify today who undoubtedly cannot appear. Unfortunately, Mr. Chairman, some of us, namely a few Members of this Committee, feel an obligation to be here, but I do not want the public to think that by my presence here I am condoning any of your personal political press conferences carried on under the guise of Committee meetings.

This whole series of episodes began on August 17, according to your "confidential" staff report. It is now October 12 and nothing has happened except that you have regularly appeared on TV, and on the front pages of some of the printed media, notably the local ones. Other than information already revealed in the Watergate cases pending in the courts, you and your staff in all of your press releases and interviews and conferences have brought forth little but allegations. On my calendar, that's almost two months. Seldom during that period have you discussed the banking problems. You have always centered your attention on the political figures. While you could settle the bank charter question with calling of voluntary witnesses, and at least begin to build a basis for the investigation of foreign bank transactions, not only in this election but in many elections, as has been suggested by Mr. Gonzalez, there has been no real effort to investigate these banking matters.

The whole attention of your series of press conferences and the direction of this Committee (because you have not allowed other Members to be recognized) has been politically aimed at the criminal aspects of the Watergate affair, which are pending in a court of justice.

With respect to this question, I think that the statements of the Gentleman from New York, Mr. Brasco, at our meeting of October 3 are well taken. They coincide very closely with the remarks of Senator Edward Kennedy, reported in the Associated Press wire of September 30 of this year. On that wire Kennedy is identified as one of the few Senators in a position to hold hearings on the Watergate affair. He is quoted as follows: "This is a criminal indictment, and we must be sensitive to the fact that any adverse publicity might impinge on a fair trial. So far as I am aware, the Senate has not felt a need to get into the criminal aspects of this case with the same enthusiasm as the Chairman of this Committee has.

Although I have restated this proposition many times, I do so again. This Committee has an obligation to investigate banking matters. It has miserably failed in that obligation. It has no obligation, and, in fact, no authority, to investigate the criminal aspects of the break-in.

We could have made an investigation. We could have identified irregularities or exonerated the people who stand accused in the public press by you. Instead we have had only bright lights and front page stories.

Mr. Chairman, this Committee has had a wonderful record during the last two years. During 1971 we spent more time on your Bank Reform Act than on any other single piece of legislation, but after a couple of months and some nice TV coverage, we never brought it to a vote. This year we hurriedly called up a redundant sewer and water bill which was decisively rejected on the House floor. Recently we put in about three months struggling with a Housing Bill which passed this Committee by a significant majority but which perished in the Rules Committee. I am informed that you exerted no influence to pass it.

With a record like that, it seems highly unlikely that this Committee is going to be able to conduct any significant business between now and Saturday, when the Congress adjourns. Our own record, coupled with your obvious lack of enthusiasm to conduct fair and reasonable investigations, is extremely disappointing.

Mr. Chairman, the way this Committee has been run, as a private vehicle for your own publicity, with little regard for the public interest, with no regard for other Members or for House and Committee rules and with little record of effectiveness (except some bills which were proposed by the Administration), I personally would not vote to give you any kind of powers whatsoever. I hope that the criminal cases pending on the Watergate will bring forth the information that is needed and that this Committee next year will show the courage that is necessary to conduct the real investigations which we should have done this fall.

NORTH VIETNAM'S LONELY WORLD WAR

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 15 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, in an August 17 editorial entitled "Victory of the Revolutionary Trend," the Hanoi daily, Nhan Dan, placed the Vietnam conflict in the forefront of what it termed "a mighty current of revolution that is shaking imperialism and colonialism to their very foundation." It stressed that—

The victory of the revolution in a country is not the end *but only the beginning* of the long travel toward the triumph of communism on the world scale. . . . We communists must persist in revolution and *should not compromise.*" [Emphasis added.]

The editorial has the following to say to those who might think North Vietnam's tactics of armed invasion are out of step with the rest of the world.

The victory of the National Liberation Movement and of the [recent non-aligned nations'] Georgetown Conference is actually failure of the "Nixon Doctrine." This victory should serve as a serious warning to those who are departing from the great, all-conquering revolutionary thoughts of the time and who are pitifully bogging on the dark, muddy road of compromise.

In an even more specific reference to North Vietnam's supporters, the Hanoi daily cautions:

For the socialist countries, safeguarding peace and carrying out peaceful coexistence cannot be separated from the world movement of independence, democracy, and socialism. If this is aimed only at caring for the narrow, immediate interests of a country, it will not only harm the revolutionary movements of various countries, but, in the end, will bring to these very countries incalculable losses and make them give up their *lofty internationalist duty*. The vitality of Marxism-Leninism and proletarian internationalism manifests (itself) first of all in the revolutionary deeds, not in empty words. [Emphasis added.]

These states are exhorted to an even greater militance, despite the movement among the vast majority of the world's people away from confrontation toward cooperation in a spirit of enlightened mutual interest:

The policy of principled reconciliation with the imperialist powers must aim at consolidating and strengthening the revolutionary forces, isolating and differentiating the enemy of the class, directing the spearhead of the revolution at opposing the schemes of the bellicose forces of the imperialist ringleaders. In given conditions, it is correct to make some reconciliation in order to impel the offensive of the revolutionary forces. But, if out of the narrow interests of one's nation one tries to help the most reactionary forces avert the dangerous blows just like throwing a life-buoy to a drowning pirate, that is a cruel reconciliation beneficial to the enemy and not beneficial to the revolution.

North Vietnam seems strangely anachronistic in this new era characterized by the rapprochement underway on the Korean Peninsula and in Germany, the negotiation of strategic arms limitations and a variety of other agreements by the Soviet Union and the United States, and the growing reconciliation between the People's Republic of China and the United States.

Nor is this rapprochement limited to states that were once cold-war antagonists. The Simla Agreement between India and Pakistan and the steps taken by Indonesia and Malaysia toward greater cooperation indicate that this spirit, not Hanoi's much-belated "protracted struggle" theme, is the way of the future. Nhan Dan's statement that "we are fighting staunchly, unflinchingly, without compromise" proves how out of touch North Vietnam's aged Politburo remains with a world much changed from the times of Joseph Stalin.

Mr. Speaker, I include in the CONGRESSIONAL RECORD the full text of the Nhan Dan editorial following my remarks:

VICTORY OF THE REVOLUTION TREND

An important international political event of profound significance, has just taken place at the conference of foreign ministers of non-aligned countries in Georgetown, Guyana. The conference, representing the will of almost half of the countries in the world with a population of over 1 thousand million, focused its discussions and adopted many resolutions on questions related to the struggle against colonialism and neo-colonialism, against the imperialists' war of aggression, and for peace and national independence. It accepted as full members the delegation of the Provisional Revolutionary Government of the Republic of South Vietnam and that of the Royal Government of National Union of Cambodia.

The Georgetown conference clearly is a conference of solidarity among nations, first of all the nations in Asia, Africa and Latin America, and of opposition to U.S.-led imperialism and colonialism. Since the first conference of this kind held in September 1961, the movement of the non-aligned countries has witnessed new steps of development in terms of the number of participants as well as the content of its activities. Starting with 25 countries, it now has a membership of 64 countries and six national liberation movements. The voice of opposition to imperialism, colonialism and neo-colonialism is prevailing more and more over the aberrant voice in face of the tide of national independence now surging in all continents.

The recognition of the full membership of the representatives of the South Vietnamese resistance and those of the Cambodian resistance is an expression of the warm feelings other nations are nurturing toward the just struggles of the Indochinese peoples. It is a strong, precious support for our stand on a correct political solution to the Vietnam issue and the problems of other countries of Indochina. This support is encouraging the three Indochinese peoples to persist in and step up their resistance against U.S. aggression and for national salvation, till the complete triumph of this stand. While U.S. imperialism is resorting to the "Nixon doctrine" and taking advantage of the reconciliation among a number of countries in an attempt to negate the RSV Provisional Revolutionary Government and the Royal Government of National Union of Cambodia, this event spells out the ardent feelings of the third world nations toward the just patriotic struggle of the nations of Indochina. This recognition is an affirmation of the will of the third world nations to take their destinies in their own hands and oppose all the U.S. imperialists' schemes of settling international problems with certain countries, in disregard of their own interests and aspirations.

The nonaligned movement representing the third force made its appearance after the formation in the world of two systems—the socialist system and the capitalist system. Belonging to the third world are the countries that have got rid of colonialist rule or that are carrying on their struggle to achieve national independence. As such, these countries naturally constitute a great anti-imperialist force. The independence movement, developing incessantly, has become a trend of history, which together with two other trends—the socialist trend and the peace and democratic trend—form a mighty current of revolution that is shaking imperialism and colonialism to their very foundation. The storm of revolution is surging on in Asia, Africa and Latin America. The center of this storm, as recognized by the whole mankind through practical deeds, lies in Vietnam and the other countries on the Indochinese peninsula, which has been singled out by U.S. imperialism—the international gendarme, the enemy number one of all nations and the biggest exploiter and aggressor of the present-day world—for the main place to check the national liberation movement and the testing-ground of its various strategies of neo-colonialist war. That is why the victories of the peoples of Vietnam, Laos and Cambodia and the defeats of the U.S. aggressors are playing an important role in accelerating the movement of national liberation, and the movement of peace and democracy, in helping to ensure the security of the socialist countries, and in the weakening of U.S. imperialism.

In view of its role and character, the patriotic struggle of the Indochinese countries has the sympathy and support of the socialist countries, the working class in various countries, the peace, independence and freedom-loving nations and the whole progressive mankind.

In the global strategy U.S. imperialism has been pursuing since the World War Two, neo-colonialism forms an important part. This is the scheme to replace the old-type colonialism of the other imperialist forces on Asia, Africa and Latin America by U.S. neo-colonialism, and to turn these vast regions of the world into the rear of the U.S., a spring-board and a ring to encircle, contain and attack the socialist countries. This strategy of the U.S., however, is an anachronism born at a time when deep changes have taken place in the world, where the socialist system has become the factor that decides the trend of development of the human society, where imperialism and colonialism, condemned by history, is in the process on crisis and disintegration, and where the enslaved nations have risen up for the right to live in independence and freedom.

As the political representative of American military-industrial corporations, the clique of the biggest reactionaries and war-maniacs headed by Nixon is carrying out a new global strategy called the "Nixon doctrine." In the context of this strategy, an equilibrium of forces among the big powers and the division of the socialist countries, especially the division of the main components of the socialist system, is conceived as a shield to give U.S. imperialism complete freedom of action in checking, by means of violence, the national liberation movement, first of all hurling back the patriotic struggle of the nations on the Indochinese peninsula. The offensive and uprising that has been going on without interruption in South Vietnam since March 30 is breaking the backbone and shattering by big chunks the "Vietnamization" strategy. The aggressors have had to hurriedly re-Americanize the war by throwing in a huge American air-naval force, going far beyond the limits the "Nixon doctrine" has set to the war. This great material and technological force and the unprecedented barbarities of the U.S. however, have failed to stop the heroic fight of the armed forces and people in both zones of Vietnam. Neither can it check the valorous struggle of the resistance forces in Laos and Cambodia either. The complete defeat of the U.S. aggressor is inevitable.

The national liberation movement continues to rise in various countries while Nixon is seeking every means to contain it. We have witnessed, in the recent years, the emergence of many independent countries: Bangladesh, Sri Lanka, and many others, which makes the ranks of the [word indistinct] nations swell incessantly. The Georgetown conference, held in the immediate neighbourhood of the United States, is a reflection of this new situation. This conference clearly embodies a new trend of the time: The struggle of small nations to shape their own destinies in defiance of all sinister schemes of imperialism and regardless of all rightist tendencies and unprincipled compromises.

The victory of the national liberation movement and of the Georgetown conference is actually failure of the "Nixon doctrine." This victory should serve as a serious warning to those who are departing from the great, all-conquering revolutionary thoughts of the time, and who are pitifully bogging on the dark, muddy road of compromise.

How is the basic situation of the world at present? Are the forces of revolution repelling the forces of imperialism? Or is imperialism having things its way? Is the world revolution on the offensive, or is it in regression? Which force is deciding the course of history? Who is the chief enemy of the world revolution? Where lies revolution and where counterrevolution? These questions which were easy to answer in the past have become today puzzling questions because of unhealthy tendencies. To make things worse the perfidious imperialists capitalize on the general confusion to confound wrong and right, black and white.

For the revolutionaries and people in Vietnam who are standing at the forefront of the fight against U.S. aggressors, for peace, national independence, democracy and socialism, to elucidate the above problems bears an important significance in the domain of knowledge as well as in practical deeds.

We are living in an era where the invincible revolutionary thoughts of Marxism-Leninism have won the minds and hearts of hundreds of millions of people, scientific socialism has become the lively reality of more than 1 thousand million people and is exerting a deep influence on the trend of development of history.

Our generation which has the rare privileges reserved by history, has witnessed one big revolutionary change after another as never seen in the past centuries and even millenaries. We have witnessed almost every few years the outbreak and success of a revolution and the emergence of many independent countries.

We have witnessed the disintegration and collapse, one after the other, of the imperialist forces which formerly seemed to last forever to rule over other peoples. The myths about the terrible and almost matchless power of U.S. imperialism have before long gone up in smoke. The "miracles" of the U.S. scientific and technical revolution have also very soon revealed their negative aspects, and the wrong view according to which the big forces of production of imperialism could avert its economic crisis and repel the revolution has today been shattered by realities.

Those people who persist in revolution and are loyal to Marxism-Leninism have witnessed the bankruptcy and failure, one after the other, of the opportunist tendencies of all states, including the forces that once lorded it over.

However, the current reconciliation is a product of a world situation that has changed: The revolutionary forces, though still having to overcome many difficulties in their march forward, continue to grow, whereas imperialism is facing a new period of its general crisis. A general and acute crisis is taking place in the United States, the main bastion and last support of imperialism. The repeated defeats sustained by the U.S. everywhere, including the bitter setbacks incurred in Vietnam, have turned it into a "clay footed colossus." Right in the United States, the popular masses, particularly the youth, are demanding a change to the U.S. policy. . . .

The policy of genuine reconciliation among various countries must be based on the respect for the independence, sovereignty, unity and territorial integrity of all nations, big or small. However, for the U.S. imperialists, reconciliation is but a Machiavellian policy to materialize designs of aggression, enslavements, subversion and peaceful evolution by new methods. In other words, to carry out the "Nixon doctrine" U.S. imperialists have applied the policy of reconciliation toward a number of big powers in

the hope of having a free hand to consolidate their forces, oppose the world revolutionary movement, suppress the revolution at home, bully the small countries, break the national liberation movement while not relinquishing its plan to prepare a new world war.

For the socialist countries, safeguarding peace and carrying out peaceful coexistence cannot be separated from the world movement of independence, democracy and socialism. If this is aimed only at caring for the narrow, immediate interests of a country, it will not only harm the revolutionary movements of various countries, but, in the end, will bring to these very countries incalculable losses and make them give up their lofty internationalist duty. The vitality of Marxism-Leninism and proletarian internationalism manifests [itself] first of all in the revolutionary deeds, not in empty words. We have, in the world today, numerous examples to show that very seldom is there a clash between the genuine interests of a nation and the common interests of the world revolution. The policy of principled reconciliation with the imperialist powers must aim at consolidating and strengthening the revolutionary forces, isolating and differentiating the enemy of the class, directing the spearhead of the revolution at opposing the schemes of the bellicose forces of the imperialist ringleaders. In given conditions, it is correct to make some reconciliation in order to impel the offensive of the revolutionary forces. But, if out of the narrow interests of one's nation one tries to help the most reactionary forces avert the dangerous blows just like throwing a life-buoy to a drowning pirate, that is a cruel reconciliation beneficial to the enemy and not beneficial to the revolution.

The struggle to solve the question of "who will win"—socialism or capitalism—during the period of transition from capitalism to socialism on the worldwide scale is a protracted, hard and complicated struggle, but is also one with very diversified forms, contents and concrete steps. This is a violent and non-violent struggle, in the military, political, economic and ideological fields. The revolutionary trends which are rising are actually part of the development in this transitional period. To safeguard peace, prevent a world war and carry out principled reconciliations as required by the necessity to broaden the possibilities of the revolutionary struggle of the masses, that alone is a revolutionary policy.

We hold that to strengthen and increase the socialist forces is an important historic task. Many more countries in the world still have to achieve liberation and hundreds of millions more of workers still have to be liberated from slave labour.

The existence and development of the world socialist system is the factor deciding the trend of development of history, but this trend can become a reality only through the persistent revolutionary struggle of thousands of millions of people. The evolution of each country is an integral part of the world revolution and the revolutions in all countries have the effect of impelling and assisting one another.

The victory of the revolution in a country is not the end but only the beginning of the long travel toward the triumph of communism on the world scale. Socialism and communism are tens of thousands of times better than feudalism and capitalism. Compared to capitalist nationalism and national selfishness, proletarian internationalism is like light compared to darkness. The road of revolution is full of fragrant grass and flowers. Opportunism is a stinking swamp. We communists must persist in revolution, and should not compromise. Under the leadership of our party our Vietnamese people have persistently struggled for decades against three brutal imperialists one after another, and the reactionary forces, their henchmen. Hundreds of thousands of our comrades and millions of our compatriots have gloriously laid their lives for the independence and freedom of the fatherland, for the liberation of the working class and the oppressed peoples on this globe. We are standing steadfastly on the stand of Marxism-Leninism. This is also the stand of the patriotism and proletarian internationalism. We are fighting staunchly, unflinchingly, without compromise. The battles which are going on in Quang Tri are standing out as a new epic. North and South Vietnam are fighting like a prodigious force. The enormous strength of the U.S. air and navy forces cannot subdue the Vietnamese people, on the contrary the U.S. aggressive will is being crushed by the strength of our people.

We are resolved to persist in our revolution to achieve a peaceful, unified, independent, democratic and prosperous and powerful Vietnam.

THE IMPACT PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, on Thursday, October 12, I was pleased to join the majority of my colleagues in casting an affirmative vote for H.R. 14989, Departments of State, Justice, and Commerce, the judiciary, and related agencies appropriation bill. I am particularly encouraged that adequate funding of at least $30 million was sustained for the public works impact program which is conducted by the Economic Development Administration of the Department of Commerce.

The public works impact program was established by Public Law 92–65, Public Works and Economic Development Act Amendments of 1971. As the title implies, this act provided for certain amendments to the Public Works and Economic Development Act of 1965, which created the Economic Development Administration within the Department of Commerce. The mission of the EDA is to encourage economic growth in those areas of the United States which are below the national norms in employment opportunities and income levels. The framers of the original legislation believed that the quality of life in these depressed areas could be improved by creating new jobs, by taking steps to encourage the continuation of existing jobs threatened one way or another, by generating local income, and by stimulating the economic development process at the local level.

To attain these goals, the legislation established a comprehensive program consisting of grants and loans, loan guarantees, and technical planning, and research assistance designed to help communities solve their economic problems.

The public works impact program—PWIP—was first implemented in fiscal year 1972. Areas eligible for PWIP grants include those communities or neighborhoods which experience one or more of the following conditions:

First. Substantial unemployment;

Second. An actual or threatened sharp rise in unemployment because of the closing or curtailment of a major source of employment;

Third. Substantial outmigration—applicable primarily to rural areas; and

Fourth. A large concentration of low-income persons.

While EDA projects have typically been of a relatively long-range developmental nature, PWIP projects are designed for almost instantaneous effect—to create jobs immediately in economically distressed areas.

Results of the public works impact program may be summarized as follows:

First. PWIP appropriations for fiscal year 1972 totaled $47,775,000;

Second. As of June 16, 1972, $47,671,405 had been obligated for PWIP projects;

Third. A total of 203 projects had been funded, including projects in 49 States, the District of Columbia, Puerto Rico, and U.S. territories in the South Pacific;

Fourth. PWIP projects included the creation of useful facilities such as community buildings, fire stations, and water and sewerage systems;

Fifth. In fiscal year 1972, 10,773 persons who were unemployed or underemployed were given jobs;

Sixth. 34,600 man-months of employment will have been generated by the projects completed or currently underway.

In my own State of Illinois, as of June 16, 1972, six PWIP projects had been established and $1,187,900 had been obligated by EDA for these projects. An estimated 197 persons previously unemployed or underemployed were given jobs.

It is clear that PWIP has been a successful and worthwhile undertaking. However, there has been an extensive demand from States and localities for PWIP expenditures which cannot oftentimes be fulfilled. In fiscal year 1972, 98 projects involving $28,300,000 in expenditures were denied because of lack of funds. Unemployment remains a serious problem in the country. Although the latest Department of Labor statistics reveal the situation is improving with regard to unemployment, our current level is still too high.

I believe the public works impact program is one means of helping resolve the Nation's unemployment problem, and I am pleased the Congress yesterday responded properly to the program's need for additional funds. The action will be of encouragement to all PWIP projects, notably the ones in Rock Island, Ill., which I am proud to represent.

FINAL REPORT ON HIGHLIGHTS OF THE 92D CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 10 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, at the end of each session of Congress since being sworn in as a Member of Congress in 1953, I have prepared a final report outlining some of the highlights of the session. Included in this report is a record of bills I have introduced or cosponsored and my vote on some of the more important bills.

After a long and occasionally controversial session, Congress stands ready to adjourn. In some ways this session has

been productive, legislative landmarks including passage of the President's revenue-sharing bill and a far-reaching water pollution control bill. In other areas there has been disappointment. We took no action on a major revision of the welfare system or on Government reorganization—two of the many recommendations urged on us by President Nixon.

In all, of 64 major requests sent to Capitol Hill, only one-third were enacted. Many others, in various stages of completion, were acted upon by the House but not by the Senate, or vice versa, and some have been ignored altogether.

As usual, many of the most important issues were left to the waning days of this 92d Congress—a $250 billion spending ceiling, the highway funding measure and the Consumer Product Safety Act, to name a few.

A great disappointment to me was the failure of Congress to provide an authorization this year for foreign military assistance. Both the House and the Senate had approved substantial military assistance, along the lines of what was requested by President Nixon. However, a deadlock developed in the House-Senate conference over a separate matter—congressional approval of certain executive agreements—approved by the Senate. The Senate conferees refused to compromise with House conferees, and we then were obliged to break up. As a consequence, foreign military aid will have to be funded at a lower level than would otherwise have been the case, by means of a continuing resolution.

Of particular satisfaction to me was approval by Congress of the strategic arms limitation agreements reached by President Nixon during his visit to Moscow last May. As a senior member of the Foreign Affairs Committee, I had the pleasure of attending the ceremonies at the White House when Soviet Foreign Minister Andrei Gromyko and the President formally signed the accords. As Mr. Nixon said, this represented "a significant step" toward peace, and we hope that further negotiations on offensive weapons can soon be initiated with the Soviet Union.

CONSUMER PRODUCT SAFETY ACT

Members of Congress, like the general public, are often at a loss to explain the function of the dozens of temporary commissions that seem to be established each year. For example, few people remember that nearly 5 years ago Congress voted to establish a National Commission on Consumer Product Safety. In the intervening period this particular Commission was hard at work researching an area of concern to all Americans. They reported its findings and recommendations to Congress and in September the House passed the Consumer Product Safety Act.

This measure would set up a permanent agency whose job it would be to insure the safety of consumer products—articles used in the home, at school or work. The agency would have considerable power to enforce its rulings. At the time of this writing, however, the measure is stalled in the Senate, partly because it is the target of intense lobbying efforts.

REVENUE SHARING

For the past 3 years I have been urging that Congress enact revenue sharing measures. Sharing Federal revenues with hard-pressed State and local governments is a practical way to assist other levels of government financially, and to encourage them to solve their own problems. I have long felt that local and county governments are best equipped to cope with many of our Nation's pressing needs.

In the closing days of this Congress agreement was finally reached on a general revenue sharing bill, and payments retroactive to January 1, 1972, should soon be reaching State and local governments. Nationwide, revenue sharing will provide $30.1 billion in Federal funds over a 5-year period—with a first year ceiling of $5.3 billion.

New Jersey's share for the first year will be $163.5 million, of which $54.5 million goes to the State and $109 million to local governments, according to a formula based on population, tax effort, and relative poverty.

Under this formula the Morris County area will receive more than $3½ million; the Somerset County area will receive in excess of $1.6 million.

Each community will decide how best to use the money. Some may spend it on existing programs and thus will be able to reduce local property taxes; others may choose to expand existing programs, or institute new ones.

While I applaud congressional approval of general revenue sharing, it is unfortunate that President Nixon's "special" revenue sharing measures were not acted upon. Special revenue sharing would make an additional $12 billion available to local communities for six specific purposes: Law enforcement, education, transportation, urban community development, rural community development, and manpower training.

As President Nixon put it, Federal assistance programs are suffering from "hardening of the arteries," with a bewildering multiplicity of narrow, separate grant programs. This kind of aid in many cases develops expectations, but little is provided in the way of performance. In 1963, there were some 160 individual grant programs providing $8.6 billion; today nearly 1,000 programs disburse almost $40 billion. These rigid categories, in the President's words, represent "the worst kind of arrogance"—that only the Federal Government knows local needs and how to cope with them.

WATER POLLUTION CONTROL ACT

The Water Pollution Control Act represents a very substantial commitment to the protection and enhancement of the Nation's waters. More than a year and a half ago I cosponsored legislation which both Houses of Congress—in somewhat different form—passed at the end of the session.

The measure sets a goal of clean water by 1985. To accomplish this, the bill authorizes the expenditure of $24.6 billion in Federal funds over a 3-year period. Nearly $18 billion will be available in contract authority for Federal grants to municipalities through the fiscal year 1975, for the construction of waste treatment plants. For every $3 the Federal Government pays out, the States and municipalities must match it with $1 of their own.

In a time of continuing heavy Federal spending this measure will not add to current deficits. Because it only provides authority to make agreements, no significant impact will be felt on the Federal budget until the fiscal year 1975; at that time major appropriations will be required to pay off the contracted Federal obligations.

WELFARE REFORM

Three years ago President Nixon first proposed major reforms in the Nation's welfare system. Since that time more than 3.5 million persons have been added to the welfare rolls, to bring the total to nearly 15 million. Federal costs have skyrocketed by 55 percent in that period, to over $17 billion per year.

The House of Representatives has twice passed a welfare reform measure only to have the Senate after lengthy debate fail to agree on a major revision of welfare reform. I consider this regrettable. The measure as passed by the House would provide a basic Federal minimum of $2,400 a year for a family of four. At the same time some 200,000 jobs would be established and job training would be provided for the able-bodied on welfare. To encourage recipients of welfare to seek employment, some payments would continue to be made as adults find work; the more they earn, the lower the payments.

The Senate, however, rejected a major reform of the chaotic welfare system, and the bill passed by the Senate increased social security, medicare and medicaid benefits, and also included a plan to test three rival welfare plans.

FRELINGHUYSEN VOTES, 92D CONGRESS, 2D SESSION

The items listed are a sampling of the many important votes taken during the second session of the 92d Congress. While it is impossible to list all my votes during the past session, a complete record is maintained at my Morristown and Somerville offices.

I voted in favor of the following measures: Establish Consumer Protection Agency, higher education funding, increase in minimum wage, congressional guidelines for busing of schoolchildren, Water Pollution Control Act, Strategic Arms Limitation Agreement, Noise Control Act, Drug Abuse Office, assistance to National Rail Passenger Corporation, and revenue sharing.

I include the following:

LEGISLATION INTRODUCED AND COSPONSORED BY CONGRESSMAN FRELINGHUYSEN, 92D CONGRESS, 2D SESSION

ARMED SERVICES

H.R. 13542 Permit sons of "missing" servicemen appointments to military academies.

H.R. 14560 Uniformed Services Special Pay Act of 1972 to aid establishment of all volunteer army.

CONSUMER INTEREST

H.R. 13151 Amend Federal Trade Commission Act re trademark licensing.

ECONOMY

H.R. 12982 30% credit on income tax for college.

H.R. 16306 to place a $250 billion budget ceiling.

ENVIRONMENT

H.R. 13812 U.N. cooperation to protect oceans and atmosphere.

H.R. 15787 Environmental Quality Corps.

H.R. 16110 Establish Airport Noise Control Commission.

H.R. 16581 Tax incentives to encourage recycling.

H.J. Res. 1163 Designating support for the U.S. delegation to U.N. Conference on Human Environment.

EDUCATION

H.R. 14511 Higher Education Funding Act of 1971.

FIREMEN'S BILLS

H.R. 16961 Creation of a National Fire Academy.

H.R. 16963 To provide grants for community fire training programs.

H.R. 16965 To provide grants for higher education fire science programs.

H.R. 16967 To provide aid to fire departments in purchase of advanced equipment.

H.R. 16969 To Provide aid to fire departments in purchase of suits and breathing apparatus.

H.R. 16971 To extend authority for fire safety and research programs.

H.R. 16975 To establish toxicity standards for construction materials.

H.R. 16990 To amend Disaster Relief Act.

FOREIGN AFFAIRS

H. Res. 973 Nuclear test ban treaty to include underground testing.

H. Res. 977 Withdrawal of U.S. Forces from Viet Nam.

H. Con. Res. 609 Withdrawal of U.S. Forces from Viet Nam.

HEALTH, WELFARE, HUMAN RESOURCES

H.R. 13447 Emergency Medical Services Act.

H.R. 14717 Training of personnel for child care centers.

H.R. 16649 To correct inequities created by social security increases.

H.R. 16650 To correct inequities created by social security increases.

LOCAL INTEREST

H.R. 8595 Limit State authority to impose tax on residents of other states.

H.R. 14110 Expansion of Beverly National Cemetery, Burlington County, N.J.

H.R. 14180 Additional school board, town, and township officials to Advisory Commission on Intergovernmental Relations.

H.R. 14487 Prohibit funds for certain airport development without public hearings.

H.R. 16682 To provide greater flexibility in utilizing highway funds.

H.R. 16312 Safe States Act of 1972; establishes minimum Federal standards for disaster preparedness.

H. Con. Res. 707 Flood Control Study of Green Brook Basin.

H. J. Res. 1193 Designating September 24, 1972 week as National Microfilm Week.

H.R. 16977 To provide placards for vehicles carrying dangerous materials.

MISCELLANEOUS

H.R. 12848 Amend Railway Labor Act and Labor Management Relations Act concerning national disputes.

H.R. 13623 To require flood insurance coverage for property covered by Federal insurance.

THE ILLEGAL VIETNAM WAR

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, 4 years ago, Richard Nixon, the candidate, made two main promises to the American people which resulted in his election as President.

One promise was to bring what he called "law and order" to America. On November 30, 1967, Richard Nixon stated:

I have a full program—with regard to technical ways to improve law enforcement.

Now, after 4 years of the Nixon administration's reign, the true nature of that "full program" stands revealed for what it really is. For while Richard Nixon has always been a "law and order" advocate, it is now clear that on several occasions, he has abused his powers as President and placed himself above the law. At the same time the FBI reports show that over the past 3 years, reported serious crime has increased 30 percent to an alltime high in the Nation's history. Meanwhile, the courts continue to be so overburdened that the quality of justice is dreadful. Conditions in our correctional institutions have degenerated to the point where the scourge of Attica had to remind us of the unconstitutional perpetuation of conditions of "cruel and unusual punishment" that this administration has done nothing to end.

Many of us, particularly black people, saw the "law and order" promise as an assurance of continued racism on the part of the Federal Government; as a kind of code language to local officials to "get them colored folks off the streets." "No," the Nixon people assured us; it meant that a democracy could only function if all citizens were equitably held accountable to the Nation's laws. But today it has become apparent that the Nixon administration believes that "some are more equal than others" before the law. A strict legal eye has focused on poor people, students, people of color, and political activists, while the illegality of conduct among the wealthy and favored few under the Nixon administration has reached incredible proportions. For this is the "law and order" administration that has given us the ITT scandal, the dairy fund scandal, the secret $10-million campaign fund, the wheat scandal, the secret Mexican bank accounts, the break-in of the Democratic Party headquarters, and now a systematic espionage campaign against political opponents. The first promise now lies exposed for what it really was: A vain and cruel hoax on the American people.

The utter failure of Richard Nixon to keep his second promise is even more serious. I am speaking here of the empty pledge to end the war in Vietnam. This promise was no casual campaign remark. It was a solemn pledge, repeatedly stated by Mr. Nixon:

On March 5, 1968, candidate Nixon said:

I pledge to you the new leadership will end the war and win the peace in the Pacific.

On May 14, 1969, Nixon as President said on nationwide television:

In my campaign for the Presidency, I pledged to end this war in a way that would increase our chances to win true and lasting peace in Vietnam, in the Pacific, and in the world. I am determined to keep that pledge. If I fail to do so, I expect the American people to hold me accountable for that failure.

On September 26, 1969, he said:

Once the enemy recognizes that it is not going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

On April 30, 1970, Richard Nixon said:

I promised to end this war. I shall keep that promise.

On June 3, 1970, Richard Nixon said:

I have pledged to end this war. I shall keep that promise.

On November 13, 1971, in response to a question about his 1968 pledge to end the war, Nixon curtly replied:

I would suggest that every promise that I have made I have kept to this date and that usually is a pretty good example of what you might do with regard to future promises.

Mr. Speaker, after 4 years of the Nixon administration, we now know without doubt that these promises were cynical and worthless. Contrary to all the promises, this war has not ended, and neither, by any stretch of the imagination, has American participation in it terminated. Mr. Nixon has endeavored to make the war more invisible to the American public, but the killing and slaughter go on as bitterly as ever. A decrease in American ground troop involvement in the war has been accompanied by a corresponding increase in the American air war there. Vietnamization has proven to be a racist policy of replacing American ground troops with American bombs, and American casualties with Vietnamese corpses.

The war in Indochina has become Richard Nixon's war. Elected on a pledge to end it, the administration has acted to perpetuate it, at an enormous cost to the American and Indochinese peoples.

Since Nixon took office in January 1969, over 4½ million Indochinese civilians have been killed, wounded, or made refugees. Since Nixon took office, the war has cost more than $59 billion, more than 20,000 dead Americans, more than 110,000 wounded Americans, and well over 200 captured or missing Americans who were alive and well in January, 1969. In spite of all the promises, 165,000 South Vietnamese civilians have been killed under Richard Nixon's policies; 410,000 have been wounded, and 1,855,000 have been made refugees. The South Vietnamese people have continued to survive by dealing in opium, heroin, or the black market; by pimping and prostitution; by "joining" the army or by begging in the streets.

Since Mr. Nixon ascended the great marble steps of the White House, nearly 1.5 million combatants have been killed or wounded; over 3.7 million tons of bombs have been dropped, more than by any other President in history; and the wholesale devastation of four Indochinese countries and the creation of a nation of refugees in Vietnam has continued. By universal agreement, the war has been the chief stimulant for the runaway inflation that has plagued the economy since the mid 1960's, and added $450 to the average family's grocery bill

since January 1969. Under the Nixon administration, the amount of heroin entering the United States from the operations of the ruling elites of Laos, Thailand, and South Vietnam has risen to one-third the total flow, while efforts to halt it have been compromised by Nixon in order not to lose their support in waging the Indochina war. He has dropped more bombs on Indochina than were expended during the Korean and Second World War combined. His renewal of the massive bombing over North Vietnam beginning April 6 and his mining of the port of Haiphong on May 8, tactics which the Kissinger papers had shown to be totally useless, constituted an inexcusable reneging on the "Nixon promise."

The $12 billion plus cost of the war in 1971 alone exceeds the 1971 census bureau estimate of the $11.4 billion necessary to bring all poor American families above the poverty line. The $8–$10 billion cost of the war this year tallies twice the Urban Coalition's estimate of the $4–$5 billion necessary to eliminate hunger in the United States. The cost of one aircraft carrier equals $1 billion, or the equivalent of public housing for 270,000 people. The $3 billion plus lost in aircraft losses in the last 3½ years could have built more than 200,000 low cost $15,000 two-bedroom homes. The $52.5 million cost of the helicopters lost in the Laos invasion of 1971 equals the cost of 17 local health centers, each treating 40,000 patients annually. These costs in terms of losses to poverty, hunger, housing, and health programs, because of Mr. Nixon's utter failure to keep his grandiose promise, are items which are of particular significance to the thousands of inner-city residents of my district in Detroit who cry out for an extension of those services inevitably lost to Mr. Nixon's war.

I think it extremely important to emphasize at this point that by breaking his second promise, Richard Nixon has inevitably made a mockery of his first. For all his talk about law and order, he has conducted this war in direct contravention of American and international law. Those who promised an end to the war and to foster a respect for law continue to fight a lawless war.

The war policy of Richard Nixon, for example, is violative of Article I, section 8 of the Constitution of the United States, which gives the Congress sole power to declare war. The Nixon administration claims that Congress has given de facto assent to the war by appropriating funds for its continuation. It is true that bullied, misled, and lied to for 12 years by the Executive branch, Congress has meekly acquiesced in allowing the war to go on. Yet this acceptance was and remains a response after the fact; a decision to be made after the President had already committed American troops to the thick of combat. By no stretch of the imagination did the authors of our Constitution have such a passive role in mind when they granted Congress the power to declare war. The only congressional action which conceivably permitted any kind of military action in Vietnam was the 1964 Gulf of Tonkin Resolution, which was repealed in January, 1971. Contrary to the administration's insinuations, no treaty commits the United States to military use of force in Indochina.

The Vietnam war is also violative of the Mansfield amendment (Public Law 92–156, section 601) which declared it to be:

The policy of the United States to terminate at the earliest practical date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war.

U.S. District Judge John F. Dooling ruled earlier this year—*DaCosta* v. *Nixon*, 72 Civil Action 207—that when Richard Nixon signed this law, he "illegalized the pursuit of an inconsistent executive or administration policy."

I hold that the immoral Vietnam war violates various treaties which the United States has signed, thus giving them the force of law under Article VI, clause 2 of the Constitution. These treaties, such as the 1949 Geneva Convention relative to the protection of civilian persons in time of war, are systematically undermined by the Commander in Chief's indiscriminate bombing campaign against civilian targets throughout Indochina. Mr. Nixon's blatant violations of international law lead me to the inescapable conclusion that the war in Indochina constitutes an international crime under the 1946 Nuremberg Principles which define war crimes and which were adopted unanimously by the United Nations General Assembly at the urging of the American government. These principles, written with the horrors of World War II vividly in mind, state clearly that certain acts of war, and certain wars themselves, are total obscenities to the human community, no matter what political views are involved, and must not be tolerated by the nations of the world. I would like the RECORD at this point to print the Principles of Nuremberg:

PRINCIPLES OF NUREMBERG

In 1945, at the initiative of the United States, the General Assembly of the United Nations affirmed unanimously "the principles of international law recognized by the Charter of the Nuremberg Tribunal." In 1950, the International Law Commission formulated the Principles of Nuremberg, which offer the most complete set of guidelines presently available on the relationship between personal responsibility and war crimes.

PRINCIPLE I

Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

PRINCIPLE II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

PRINCIPLE III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

PRINCIPLE IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible for him.

PRINCIPLE V

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

PRINCIPLE VI

The crimes hereinafter set out are punishable as crimes under international law:

a. Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

b. War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

c. Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime.

PRINCIPLE VII

Complicity in the commission of a crime against humanity as set forth in Principle VI is a crime under international law.

I particularly call your attention to principle VI, which defines crimes against peace as the:

Planning, preparation, initiation, or waging of a war of aggression or a war in violation of international treaties, agreements, or assurances.

And so, lawlessness and the war in Vietnam continue, and the promises remain forever broken. It is literally true that Mr. Nixon is allowing perfectly innocent people to be killed in a random way for the sake of the assured continued reign of President Thieu, whose regime has been dishonored and discredited and whose corruption has been exposed in every way, a thousand times over. That the President daily breaks his pledges of the past is an ignoble policy; it is one more indication of the low cast of mind, the distorted ethics and absence of humanitarian consideration that now rule in the White House.

Meanwhile, Congress continues to acquiesce in the continuation of this war. For too long, most of us have been browbeaten and silenced by sinister hints. For too long, we have placed our own political careers before our moral and legal duty to use congressional power to end the war.

We must end our complicity and assume our responsibilities under the Constitution. By so doing, the Congress can assert that we believe in justice under the law applied equally to all, instead of lawlessness as a reward for power. And

we must finally assert that a light of human decency in America still seeks to turn us away from our Nation's crimes in Indochina.

Mr. Speaker, I yield at this point to the distinguished gentleman from California, one of the most highly esteemed Members in the Congress who has opposed this war since its inception, the Honorable RONALD V. DELLUMS.

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

First I would like to applaud the gentleman from Michigan for conducting this special order.

Secondly, I applaud him for his very articulate statement with respect to a war that we for so long have considered illegal, immoral, and insane.

I would further, Mr. Speaker, like to join my distinguished colleague, the gentleman from Michigan, in his opposition to the war and address myself to one aspect of the war, namely genocide.

Mr. Speaker, it is of more than passing interest that after 25 years, the United States has still failed to ratify the 1946 Convention on the Prevention and Punishment of the Crime of Genocide. While Mr. Nixon gave his approval to such ratification in February 1970, the United States has yet to take action. Indeed, it would be the supreme irony that this Government should outlaw genocide while waging its war in Indochina in direct violation of the convention under consideration.

Strong words, Mr. Speaker? I ask you to consider the text of the Genocide Convention which I would like to enter into the RECORD at this point:

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided:

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

[Articles X–XIX deal with implementation of the agreement]

I call your attention to Article II, sections (a) and (b), where Genocide is defined as actions "with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group", by such acts as killing or—among other things—"deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

The United States says it is supporting "self-determination" in South Vietnam, but in fact our government maintains a corrupt dictatorship which draws almost no support from the South Vietnamese people as a whole. When our ground troops were there, they treated every Vietnamese citizen as a potential "Vietcong"—which meant in fact that civilians were often attacked without provocation, merely on suspicion. Coupled with the military's procedure of measuring the war's "progress" through the body count, this attitude led to the maxim that "any dead Vietnamese was a Vietcong". Thus every killing became sanctioned.

This process was made easier for our army by American racism, the belief that nonwhite peoples are somehow less than human. Racism has long stoked the fires of America's wars. This is the country that exterminated the Indians in order to possess all of this vast land rather than share it.

This is the country which destroyed whole civilizations in Africa in order to bring black slaves to America. The U.S. Constitution, which articulates on paper the freest possible society under law, condoned slavery and defined a black person as "three-fifths of a man".

This is the country that, while fighting fascism in Germany, saved its most violent hatred for the Japanese. In the press they were called "slant-eyes," "rats" or "rodents."

This is the only country in the world ever to drop a nuclear bomb in combat—and we dropped two of them on the civilian population of nonwhite cities. About 300,000 Japanese died while the President of the United States proudly declared,

This is the greatest thing in history.

So the systematic destruction of the Vietnamese merely echoed the more sordid episodes of the American experience. The Vietnamese just were not people as far as our military was concerned; they were "gooks," they ignored any consideration of which Vietnamese supported the government and which did not. We can be sure that many who have supported the American mission, did not after coming in contact with the Americans.

With our air war, things are much simpler. The United States has designated entire areas "free-fire zones" in which any living person is presumed to be an enemy. Those who refuse to leave their ancestral villages—which are an important aspect of life in Vietnamese culture—are ripped apart by American bombing and anti-personnel weapons. Those who flee the bombing are forced into the cities where they face the total destruction of their culture as well as extreme poverty—at best, a life of degradation servicing American GI's as laundry women, shoeshine boys, prostitutes and junkies.

Or they may go to the relocation centers, the new hamlets set up by the government—where living conditions are deplorable, there is not enough to eat, the guards are brutal and authoritarian, the identity and cultural life of their former villages is destroyed. These centers are little more than concentration camps.

Mr. Speaker, the facts are clear for those who merely have the courage to look. All of the things we have talked about here today have been documented over and over again. Americans no longer even have to search for this evidence; most of it comes in the daily newspaper and the nightly television news.

American soldiers have come home from this war, scarred by what they have seen and what they themselves have done—and they have spoken openly about all of these crimes. Last year I held unofficial hearings here in Washington in which I took testimony from dozens of Vietnam veterans. I have lis-

tened to soldiers explain what they used to do on "search and destroy" missions, and how captured troops of the other side were treated. I have listened to pilots describe their bombing missions.

And I have seen the photographs of our victims—maimed, blown apart, barely recognizable as human beings, and I have felt physically sick.

From all of this, Mr. Speaker, I have found that American strategy in Vietnam—with its forced relocation of population, its "free-fire zones," its use of antipersonnel weapons, its programs of massive crop destruction, its saturation bombing, and its entire supposition of counterinsurgency—is unable to make distinctions between different political groupings of Vietnamese. They are being killed and destroyed as a people simply because they are Vietnamese; that is, simply because the United States chose this country in which to fight.

This I submit, is the essence of genocide, as defined by the 1946 convention. It is the logical end to a war which, from conception, was racist, illegal, immoral, and insane. My fear is that Richard Nixon intends to carry this war to its logical end.

I thank the gentleman from Michigan for allowing me this opportunity to make my own statement with respect to our involvement in Indochina.

(Mr. DELLUMS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I want to commend the gentleman in the well for raising this important issue at this time. As we speak here, some of the last pieces of legislation before final adjournment, before an election, are being passed.

It is very important that the gentleman from Michigan has asked for this special order to remind us that we are still very much in a war in Vietnam.

We have been treated to many rumors and travels back and forth between Saigon, Paris and Hanoi, but not yet have we been treated to the fulfillment of the promise made 4 years ago last Monday that there would be an end to this war.

I believe that detailing the way in which this war is being conducted, despite the fact that many troops have been withdrawn, shows our continuing presence. The use of air warfare, the use of serious violations of the human rights of civilians, and the hopes and aspirations of the people in South Vietnam and North Vietnam all remind us that Mr. Nixon's vicious and cruel war continues unabated.

This issue is very much an issue before the American electorate, who long ago asked and still ask that this war be ended. The leadership in this House has a responsibility here, because steps have not been taken to insist that we use our power to end it.

We all hope and pray that the war will be ended, but we want to always remember that those who had the opportunity to end it, and did not end it, should not—in the words of our own President—be given another chance.

Mr. CONYERS. I appreciate the remarks of the gentlewoman from New York. Her reputation for trying to speak out against this war from across the country is well known. Her participation in the Congress at every level upon the legislation, in terms of policy and terms of representing the constituency, which goes beyond her own Congressional District, has earned her the commendations of Americans far and wide in the conduct of the attempt to bring more clearly to the American people the true nature of the war in Vietnam.

Mr. Speaker, principle VI, sections b and c of the Nuremberg Principles forbids the murder or ill-treatment of the civilian population in time of war. This was reiterated in article 3 of the 1949 Geneva Conventions on the Law of War, as well as by other treaties which the United States has signed.

In spite of the above restrictions, the United States has for years waged a particularly vicious form of warfare against the civilians of Indochina through the use of anti-personnel bombs. These weapons cannot destroy factories, bridges, or anti-aircraft sights. They are only effective against human flesh. Moreover, since they are only effective on people out in the open, they tend to kill civilians much more than soldiers. When the United States declares a "free-fire" zone, as it has throughout much of South Vietnam, it asserts that everyone in that area is an enemy and devices such as these may be dropped at will. The civilian casualties from such practices have been overwhelming.

I hold in my hand a "pineapple" bomb. It contains an explosive charge and 250 steel pellets. The fins spring out when the individual bomblets are released to stabilize it; the device explodes on impact with the ground. One fighter-bomber can carry some 360 pineapples; when released they create a killing zone the size of four football fields.

This is the "Guava" bomb or a BLU 24/26 as it is known to the Pentagon. Considered an improvement over the pineapple, the guavas contain 260 to 300 steel pellets and are packed in "mother bombs", which hold about 600 bomblets. The mother bomb splits in two high in the air, scattering the guavas over a wider area. Unlike the pineapples, the guavas can be fitted with different fuses, to explode them in the air, when they touch or after being on the ground for some time—so as to injure rescuers. The guavas spew out their deadly pellets in all directions, so as to hit people who might be hiding in bunkers. Some of the guavas have been defined—as this one has—so that the bomblet casings explode into thousands of jagged slivers of metal.

Other antipersonnel bombs use these tiny flechettes instead of pellets. I would like the RECORD to indicate that I am holding one in my hand at this point. This flechette is only an inch long, essentially a nail with tiny fins. Much more destructive than round pellets, the flechettes peel off the outer flesh when they hit a human being, enlarge the wound as they enter the body, and shred the internal organs.

Some newer antipersonnel weapons—this is a part of one—are made totally of plastic. They splinter into thousands of deadly slivers, which cannot be detected in the body by X-ray machines—only by highly sophisticated ultrasonic equipment which the NLF and North Vietnamese largely do not have. Victims of such weapons require lengthy and dangerous exploratory surgery in which they are cut open and carefully "fingered through" for bomb fragments.

This final device is a Rockeye bomb. Some 247 units a rocket motor, which spins upon release from the aircraft to insure a wide dispersal pattern.

In addition to all of these weapons, U.S. planes are dropping hundreds of thousands of "area denial mines", a couple of inches in size, which are used to insure certain large regions will remain uninhabitable. These weapons cannot harm a truck; they are used only against people.

Profs. E. W. Pfeiffer and Arthur Westing of the American Academy for the Advancement of Science report that approximately half of the total tonnage of U.S. bombs dropped in Indochina consist of antipersonnel weapons such as these. The use of the weapons I have described here have been thoroughly documented by American soldiers and journalists from several countries and other independent observers.

Mr. Speaker, I include in the RECORD at this point the article "The Death of a Thousand Cuts":

THE DEATH OF A THOUSAND CUTS

(By Tim Butz)

According to myths and American late night movies, a torture known as "The Death of a Thousand Cuts" is native to Asia. The death of a thousand cuts is a combination of torture and execution that requires 1,000 separate cuts inflicted on the victim before he dies.

The U.S. Government has perfected this method of death, and uses it on the people of Indochina. The death of a thousand cuts has a new name and a new form; it is now called Cluster Bomb Unites (C.B.U.'s) and, unlike the old form, the executioner is several thousand feet above the victim and never has to look the victim in the eye.

Antipersonnel weapons such as the C.B.U.'s currently in use in Southeast Asia are barbaric. The refugee camps and hospitals are overcrowded with the results of the seeding of Indochinese fields with C.B.U.'s. Walter Haney, a former U.S. Agency for International Development worker in Laos, conducted a private study in 1970 entitled "A Survey of Civilian Casualties Among Refugees from the Plain of Jars." The study documents 189 separate cases of civilian deaths from American bombings.

TARGET: THE HUMAN BODY

An official United States Information Service (U.S.I.S.) report made at approximately the same time supports Haney's study. The report, "Survey of Refugees from the Plain of Jars," shows that 97 percent of the refugees have witnessed a bombing, 95 percent have had their villages bombed, and 71 percent felt the Americans were responsible for the bombings. These 1970 figures are frightful when placed in the context of the estimated 100,000 refugees in Laos and the over 300 bombing missions per day now being flown over Indochina.

The figures are even more frightening when one realizes that approximately one-

half of the total tonnage dropped on Indochina consists of C.B.U.'s, according to the American Association for the Advancement of Science investigators, Professors E. W. Pfeiffer and Arthur Westing.

Cluster Bomb Units are the result of research and development in antipersonnel weaponry, and their primary target is the human body. The concept behind the C.B.U. is simple, the operation a little more complex.

C.B.U.'s such as the BLU 24/26 are an integral part of the strategy of the air war. The guava is a three-inch sphere containing 50 grams of Cyclotol explosive, a fuse, and 260 to 300 steel pellets. Hundreds of guavas are loaded into a container called a SUU (Suspension Unit, Utility, referred to as a Sue), and the final product is the Cluster Bomb Unit. When over the target the pilot releases several of the SUU's and they begin to tumble toward the ground. At a certain point, a fuse splits the SUU casing longitudinally, and the guavas fall to the ground covering a wide area. The rotation of the bomblet through the air arms the fuse for detonation.

At this point, three things can happen. The guava can detonate in the air, on impact with the ground, or at a later time as a result of a time-delay fuse.

When the guavas explode, the ball-bearing pellets fly out in a 360-degree pattern, killing wounding, or maiming anything in their path. A single guava contains enough pellets to make it equivalent to 15 clips of M-16 rifle ammunition.

Through a malfunction in the fuse, the bomblet can lie on the ground indefinitely and detonate from the vibrations of a passing person or vehicle. With the guava, such seismic-induced explosions are the result of a faulty bomblet, but in other systems such characteristics are preplanned.

One of the most insidious aspects of the air war has been the development of area denial weapons. The concept of area denial is to flood an entire area with undetonated bomblets, rendering it unsafe and uninhabitable, rather than bombing a specific military target. The type of area denial weapons currently in use in Indochina include the Gravel and Dragontooth mines.

These mines are dropped from American aircraft in the same fashion as the guavas, and lie on the ground, undetonated, until stepped on. The Gravel mine (officially called the XM41-E1) looks like an oversized teabag, about three inches square. It contains an explosive mix, a "stiffener" to retain its shape, and two plastic pellets. When stepped on, the plastic pellets fragment and enter the foot.

The Dragontooth, used in the MK-36 "Destructor" system, is another part of the area denial program. The Dragontooth looks like two thick three-inch arrowheads, mated at 90-degree angles. Again, several hundred of these mines are spread over a large area with the release of a single SUU.

Air Force Maj. Raymond Anderson told a Senate subcommittee in November, 1970 that both the Gravel mine and the Dragontooth were developed by the Air Force, and that both weapons were "purely antipersonnel. If a person steps on it, it could blow his foot off. If a truck rolls over it, it won't blow the tire."

The primary contradiction in this phase of the air war is very clear, for neither the Dragontooth nor the Gravel mine can distinguish between soldier and civilian.

On the mantle in the Project Air War office, a Washington-based research group, are two reminders of the air war. The defused shell casings from two kinds of C.B.U.'s are evidence of the progress of technological warfare. One of the bomblets is called a pineapple, one of the first types of bomblets used in Indochina. The pineapple looks like a perforated sterno can with six steel, spring-loaded fins on the top, and 250 pellets in the casing.

One plane can drop 1,000 of these bomblets over an area the size of four football fields. In a single strike 250,000 pellets are sent spewing in a horizontal pattern over the land below.

Although everything above ground in the area is hit, the horizontal pattern proved to be ineffective for penetrating the bunkers, caves, and shelters where the people were hiding. This led to the development of the other bomblet, the guava, with a 360-degree spraying pattern. Even the guava has been modified, improved, and used as a model for new bomblets.

One such modification has replaced the ball-bearing pellets with flechettes, one-inch barbed nails. The flechette bombs are dispensed and detonated in a fashion similar to the guava, but they have a special horror of their own. Following the path of least resistance through the body, the barbed nails lacerate body organs and muscle tissue as they ricochet through human flesh.

THE SHREDDING EFFECT

Army pilot Capt. Bill Bunton, speaking with a C.B.S. reporter in March, 1971, stated that the flechettes are preferred by some pilots who "like to use them in the trees, because the nails [flechettes] will penetrate the trees all the way to the ground." Pilots such as Bunton rarely see firsthand the results of their work, but the men on the ground do.

A former marine, stationed at Quang Tri, described the survivors of a South Vietnamese Army platoon that had been hit by a single flechette bomblet. "It landed in the middle of them—just ripped them apart. Thirty people shredded or killed . . . it will take the meat right off of your arms. It will shred your skeleton, breaking bones . . . the closer you are, the greater the shredding effect."

Former Special Forces Sgt. 1st Cl. Donald Duncan offers a more technical explanation. "Because of their shape and/or velocity, once they [pellets and flechettes] enter the body they move in a complex path, doing great damage and complicating removal."

Extracting the C.B.U. pellets or flechettes can be a complicated task. As many as six medical and paramedical personnel may be needed to treat one C.B.U. victim, rather than the one or two required to treat conventional wounds. Because modern medical equipment and X-ray machines are scarce in the refugee camps and rural areas of Indochina, exploratory surgery has become a vital, life-giving skill. Exploratory surgery is a dangerous, time-consuming method used to insure that all the pellets are removed.

In cases where the victim has stepped on a Gravel mine, even an X-ray machine would not help, for the plastic fragments would not show. The only alternative to exploratory surgery is the possibility of a slow and agonizing death from internal bleeding or damaged body organs.

PSYCHOLOGICAL IMPACT

Beyond the physical damage these weapons do, there is a distinct psychological impact from them. C.B.U.'s can be demoralizing and frightening. The trails that connect villages, the streams that supply water and fish, and the paddies that supply rice may all have undetonated bomblets or mines in them.

Dispatch News Service International correspondent Mike Morrow described two unexploded C.B.U.'s he found in a walk near the Laotian village of Ban Dorn Jok (AR, Jan. 21, 1972). Morrow states, "It is difficult to walk in the area for fear of stepping on a bomb . . . it is easy to understand the villagers' complaints that they no longer tend some of their bananas, plant hill rice, nor let their children out to play freely."

Fear of C.B.U.'s is real and justified, for they have made rural life a nightmare, if not a total impossibility, in a subcontinent where over three-fourths of the people still earn their living from the soil.

Perhaps the brutality and the consequences of American involvement in Indochina will never come to the surface. The evidence is plentiful, but the conclusion is painful in a country where the national tolerance level for atrocities is increasing.

For the people of Indochina, however, that pain is still real—maimed, shattered bodies, disrupted lives, devastated cultures, and friends and relatives who are still dying because of American bombs dropped by American pilots over 300 times a day.

These people who have suffered so long, so patiently, and so courageously, would perhaps enjoy what the people of America seem to be enjoying, a vacation from the reality of the war. Unfortunately for the Indochinese, there is no escaping The Death of a Thousand Cuts.

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

Mr. CONYERS. Mr. Speaker, I will yield at this time to the distinguished chairman of the Congressional Black Caucus, the gentleman from Ohio (Mr. STOKES).

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

Mr. Speaker, I would at this time like to associate myself with the remarks of both the gentleman in the well and my colleagues who have spoken here this evening.

Mr. Speaker, I think the gentleman in the well is to be commended for having performed a service to both this Congress and to this Nation for having gone in the well this evening and in a very articulate and perceptive and precise manner to have been able to describe to us what the past 4 years have been like under the Nixon administration, not only with respect to the war in Vietnam and in Indochina, but also with reference to many other failures, domestic failures.

Mr. Speaker, I think the distinguished gentleman from Michigan (Mr. CONYERS) in the well this evening has performed an additional service by having brought into this Chamber the very graphic evidence which was produced by which we get some description and some realistic idea of how we are spreading death in Indochina.

I think to that degree he is to be commended for having taken the time to perform this service this evening.

Now, Mr. Speaker, I would like to say that in my opinion the best solution to the war is for Mr. Nixon to lose to Senator McGOVERN on November 7.

If Mr. Nixon is reelected, however, I am convinced that the situation will become even more serious. The last 4 years have clearly shown us that as long as the United States props up the Thieu regime in South Vietnam, the war will go on and direct U.S. military involvement will be required.

The other side's offensive of the past spring demonstrated the hollowness of our so-called Vietnamization policy. While the South Vietnamese Army was crippled in several areas, the United States was forced to rush a hugh armada of bombers to Southeast Asia. Between January and June, the number of B–52's for use in Indochina tripled and the

number of fighter-bombers doubled. Four aircraft carriers were added to the two already there. The average number of sorties jumped from 383 to 900 a day.

The importance of this U.S. escalation to the Thieu regime can be seen in the recent staff report of the Senate Foreign Relations Committee, entitled "Vietnam: May 1972". After touring Vietnam for 12 days, 2 of its staff members, Mr. Moose and Mr. Lowenstein, discovered that—

Everyone with whom we spoke, including American military officers, believed that U.S. air support had been the critical element in averting a South Vietnamese defeat.

They added as well that—

No one with whom we talked, American or Vietnamese, thought that the South Vietnamese could have held had there not been American advisers.

In some instances American advisers became virtual field commanders over the South Vietnamese forces.

Whatever the goals or accomplishments of the North Vietnamese offensive may be, the present level of combat testifies to the hollowness of Nixon's claim that the war is winding down. While American casualties averaged 45 to 50 a week this year, casualties for Vietnamese combatants total 4,119 a week; in July 25,000 ARVN were wounded in combat, the equivalent of more than two divisions. Several thousand civilians are killed or wounded or made homeless each week by the war. While the United States spends $20 million a day to fight the war, it has continued since April to lose on the average a pilot a day.

Finally, Richard Nixon has no plan—secret or otherwise—for ending direct U.S. military involvement in the war. On August 24, certain Air Force generals privately admitted to the press that the United States might well be bombing in Indochina for another 2 to 3 years.

President Nixon labeled this estimate quite ridiculous in a press conference, but he pointedly refused to make any prediction as to when the U.S. bombing might cease. Secretary of Defense Laird had admitted before the House Appropriations Committee in June that the United States could well be providing air and naval support for the South Vietnamese for another 4 or 5 years.

An even more somber assessment comes from Malcolm Browne who reports in the New York Times:

Provided that American support of the war effort is not radically reduced by Congress or the election to the Presidency of Senator George McGovern, South Vietnamese commanders foresee an indefinite military conflict with Hanoi that could last years or decades.

Mr. Speaker, I for one am not willing to see this atrocious war be an issue in the 1976 presidential campaign. If Mr. Nixon manages to get reelected, then we must vigorously oppose his war policy in the name of international law and fundamental human decency.

Mr. Speaker, once again I commend the gentleman in the well for having provided each of us with an opportunity this evening to address ourselves to one of the most crucial problems America has ever faced.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. STOKES) for his perceptive comments, they have been consistent, and unceasing, in terms of opposing the war in Vietnam, since his entry into these Chambers. It is my profound hope that this dialog engaged in in the House of Representatives on this day will help elevate the understanding and the awareness of the American people as to the nature of our involvement in one of the most disastrous episodes in American history.

So, Mr. Speaker, I express my deepest appreciation to each and every one of the Members who have contributed to this discussion tonight.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members who would wish to associate themselves with this special order I have taken tonight be given 3 legislative days to extend their remarks.

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHAOS BEING CAUSED BY SKYROCKETING COSTS OF CATTLE HIDES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, as Representative of one of the largest shoe and leather producing districts in the country, I have seen first hand the chaos that the skyrocketing cost of cattle hides has created. Since February, when I first called for an export controls program, I have seen tanneries close down, and workers sent to the unemployment lines.

While I have introduced legislation to protect firms and workers who are being hurt by the lack of controls on cattle hides—legislation that has been endorsed by the Tanners Council of America—the solution to the problem lies with the President who is directly responsible for the current situation which is threatening to destroy the leather industry.

The President delayed instituting a program of cattle hide export controls until the market situation assumed crisis proportions. I, and other members of the New England delegation, worked for 6 months before convincing a reluctant administration to initiate the controls program.

The President refused to involve himself when the Congress debated, and passed by a narrow margin, an amendment which terminated the controls after just 1 month of operation. I spoke and voted against the amendment—the President signed it into law.

The President has not acted to reinstitute the controls program, although termination of the program has resulted in layoffs of workers, closing of firms, and a 20-percent rise in the cost of hides.

I have heard that no action on the cattle hide situation will be taken until after the election. The reason is obvious. But the question must be asked: "How many jobs will be lost between now and next year? How many firms will have to close down permanently, regardless of what actions are taken in 1973?"

These questions must be answered, and I believe President Nixon must answer them now, and must answer them publicly.

Mr. Speaker, I ask unanimous consent to have reprinted an open letter to the President from Seymour Fabrick, president of Vogue Shoe, Inc., which appeared in the Washington Post of October 11, 1972. This letter outlines the President's disregard of the leather and shoe industry.

I also request to have reprinted copies of my correspondence with the President, which further documents his disregard; and letters sent to the President by shoe and leather company presidents and union leaders, demonstrating the seriousness of the present situation.

The materials follow:

[From the Washington Post, Oct. 11, 1972]

OPEN LETTER TO PRESIDENT NIXON

VOGUE SHOE, INC.,
Los Angeles, Calif.

DEAR MR. PRESIDENT: Do you realize that you, personally, are responsible for the consumer paying from $2 to $4 more for a pair of shoes at retail in the past 3 months, and your failure to put price controls on hides and continuing to let them flow out of our country will cause the consumer to pay an additional $2 to $4 increase on shoes because hide prices are advancing every day?

Do you realize that you, personally, caused the closing down of 200 shoe factories in America during the past 18 months, with the loss of 50,000 jobs, because imported shoes are deluging our stores from 71 countries, all of which pay sub-standard wages?

Do you realize your inaction to help the domestic shoe industry from cheap, low labor countries will force another 200 factories to close, with another loss of 50,000 jobs?

Do you realize that nearly 4 years ago you ordered the Tariff Commission to make a report on the shoe industry and that this report has been sitting on your desk since December of 1970; and, during the past 4 years, you have not allowed a shoe man to visit you and discuss the problems of the shoe industry?

Do you realize that we have visited all of your departments, including the Commerce Department, the Tariff Commission, the State Department and innumerable members of your White House staff, all of whom told us that you are the only one who can help us. Your failure to see us or act on our behalf is the cancer that is killing us.

There are 300,000 shoe and tannery workers around the nation, in small towns, who need your help, and they deserve a better break from you than continued silence.

You are our President and we look forward to you to help us. The consumers do not want higher-priced shoes. Our workers want work, not welfare. You have advocated that you want people to work, yet you do nothing about our problem and refuse to see a shoe man. We are your friends and neighbors and fellow Americans. Help us and look kindly upon our needs.

Thank you.

SEYMOUR FABRICK,
President.

CONGRESS OF THE UNITED STATES,
September 14, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: We, the undersigned Members of Congress, urge you to exercise your prerogative under the Export Administration Act, as amended on August 3, 1972, and authorize the Secretary of Agriculture to permit the reinstitution of the cattlehide export control program.

Passage of the Gonzalez amendment, which rescinded the cattlehide export control program, has already had serious detrimental effects on the leather and footwear industry. Exports for the month of July were at an all time record high—2,152,000 hides. The price of hides has risen more than 20 per cent since July—increases that will soon be reflected in higher consumer costs for shoes. And, most serious of all, a number of tanneries have indicated that they will be forced to lay off workers if there is no relief granted shortly, thereby exacerbating the already critical unemployment situation in New England and elsewhere in the nation.

In short, the same problems that lead to the imposition of quotas by the Secretary of Commerce in July still exist, and they are growing worse. Under the provisions of the Export Administration Act, export controls can be placed on cattlehides only if you certify that they are necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities or if the increased exports affect the national security of the United States.

We believe that the present situation merits action under both criteria. The entire cattlehide problem arose primarily out of the unilateral actions of Brazil and Argentina in embargoing cattlehide exports. The rationale behind these actions was to allow the two countries to develop their own shoe industries, undermining still further the American shoe industry.

As President, we feel that you must have the authority to deal with actions such as these on an unrestricted basis. To permit other countries to completely restrict their own exports without taking any steps to counter the harmful effects of these actions, on American firms and workers, can only be viewed as a step backward in the development of a flexible foreign trade policy.

In our opinion, you are also justified to order the Secretary of Agriculture to act under the national security provision. The largest single purchase of footwear in the United States is the Defense Department. Last year alone, it purchased 4,984,240 pairs of leather shoes for use by our Armed forces. Clearly, a healthy American shoe industry is in the national security interest of the United States. And unless steps are taken to stem the rising tide of hide exports, the domestic shoe and leather industry will have a difficult time surviving.

Therefore, we ask you to use the power granted under Section 4(e) of the Export Administration Act, to authorize and urge the Secretary of Agriculture to permit the Secretary of Commerce to reinstate the cattlehide export control program.

Yours sincerely,

MICHAEL J. HARRINGTON,
JAMES A. BURKE,
ROBERT F. DRINAN,
SILVIO O. CONTE,
PETER N. KYROS,
FRANK T. BRASCO.

THE WHITE HOUSE,
Washington, D.C., September 20, 1972.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: I would like to acknowledge and thank you for your September 14 letter to the President in which you joined with several of your colleagues in urging the President to authorize the Secretary of Agriculture to permit the reinstitution of the cattlehide export control program.

As you know, on July 15 Secretary Peterson announced that after careful study of data collected by the Department of Commerce concerning the cattlehide situation, he had determined that export controls were required to protect the domestic economy from excessive drain of such hides and to reduce the serious inflationary impact of abnormal foreign demand.

However, in extending the Export Administration Act, the Congress adopted the Curtis-Gonzalez Amendment which terminated the Commerce Department's export controls on cattlehides. Further, it requires that any future controls on exports of an agricultural commodity must have the prior approval of the Secretary of Agriculture, such approval not to be given during any period when the supply of such commodity is in excess of domestic requirements. (P.L. 92-412).

Although the legislative history will require the most careful analysis by the Departments of Commerce and Agriculture, it appears that P.L. 92-412 expresses a clear Congressional mandate that controls on cattlehides not be reimposed.

Nevertheless, we share your concern with the cattlehide situation and the Commerce Department will continue to monitor matters closely.

Sincerely,

RICHARD K. COOK.
Deputy Assistant to the President.

CONGRESS OF THE UNITED STATES,
October 2, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have received from your assistant, Richard Cook, a reply to my letter of September 14 concerning the reimposition of export controls of cattlehides.

Although the letter stated that "export controls were required to protect the domestic economy from excessive drain of hides and to reduce the serious inflationary impact of abnormal foreign demand," it contained no commitment to reimpose the controls program.

The cattlehide situation, which was serious on September 14, has worsened considerably. The price of hides rose another 10 per cent last week.

The time for action is now. If controls are not reinstituted, thousands of American workers will lose their jobs, and the industry will be permanently damaged. No cattle producers will be put out of business if controls are put on. The hide is a relatively insignificant by-product of the cow.

I am asking that you announce, immediately, the reimposition of the export control program. To do less will be to endanger the survival of an important American industry.

Yours sincerely,

MICHAEL J. HARRINGTON.

THE WHITE HOUSE,
Washington, D.C., October 5, 1972.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: This will acknowledge and thank you for your October 2 letter to the President commenting on my previous letter to you concerning the reimposition of export controls on cattlehides.

We will be pleased to ask that your views on this problem be reviewed by those who have the matter of export policies under continuing observation.

With cordial regards,

Sincerely,

RICHARD K. COOK,
Deputy Assistant to the President.

N. H. MATZ LEATHER CO.
October 10, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We urge you to reinstitute export controls on cattle hides. If this is not done immediately, we will be forced to close our tannery and our workers will join the ranks of the 190,000 unemployed in the State of Massachusetts.

The governments of Argentina and Brazil, have embargoed their cattle hides to protect their leather and shoe industries, as you know. Why doesn't this administration apply the same rule for our protection, without the constant frustrating pleas for relief.

What, Mr. President, is it going to take to make this government aware of this very, very, serious plight concerning the leather and shoe industries?

Very truly yours,

BERTRMAN MATZ.

BOND LEATHER & SPLITTING CO., INC.
Peabody, Mass., October 10, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As requested by our Congressman, Michael J. Harrington, we urge you to use the power granted under Section 4(e) of the Export Administration Act, to authorize and urge the Secretary of Agriculture to permit the Secretary of Commerce to reinstitute the cattlehide export control program.

Because of the shortage of cattlehides and the exorbitant price of same, our tannery faces a lay off of workers or possible closing, if relief is not forthcoming.

Very truly yours,

MAURICE O. RAIN,
Vice President.

UNITED SHOE WORKERS OF AMERICA,
Lynn, Mass., October 10, 1972.

President RICHARD M. NIXON,
White House,
Washington, D.C.

MR. PRESIDENT: This is to inform you that Officers and Members of Local #2, United Shoe Workers of America, AFL-CIO, CLC strongly urge that you authorize the Secretary of Agriculture to reinstitute the cattlehide export control program.

Our industry of shoe manufacturing, so hard hit by imports, is now threatened unilaterally by the high cost of domestic finished tanned hides. This will result in more factory shutdowns and loss of jobs, plus higher consumer costs for shoes. For any manufacturer of footwear, the lifting of the controls on hides will mean the death knell of his factory.

Therefore, we ask you again to use the power granted to you for the reimposition of the export control program. Unless this is done the Tanning and Footwear industry will become extinct.

Yours truly.

NICHOLAS PAPPAS,
Business Agent, Local 2.
ANN MOLEA,
Secretary-Treasurer.

BARRY MANUFACTURING CO., INC.,
October 11, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: With the large problems of the world on your shoulders, it is understandable how smaller problems may escape being called to your attention.

We are manufacturers of Baby shoes. For the past twenty years we have been able to supply shoes to the volume retailer to retail

at from $2.00 to $3.00. Today with the leather market escalating daily the same shoes have to be priced to sell at $5.00 to $6.00.

In order for us not to lose the volume market we are being forced against our better judgment to manufacture imitation material shoes for babies to keep the shoes in a $3.00 to $4.00 bracket.

As for the babies, we believe this type of footwear to be detrimental to their health for any number of reasons. One being, that tender baby feet should not be confined in material that fails to shape naturally to their delicate bones.

We cannot believe that you, Mr. President, would allow conditions in our industry to run uncontrolled and at a rate that really spells doom for independent manufacturers. We are hurting and calling "uncle" as a last resort.

If your Department of Health and Welfare is concerned about its citizens, it could speak to its babies—on the other hand babies can't defend themselves. You Can Help—will you?

Yours very truly,

JACK ROTHBARD.

POLITICAL EXPEDIENCY VERSUS TIMELESS CONSTITUTIONAL GUARANTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BRASCO) is recognized for 10 minutes.

Mr. BRASCO. Mr. Speaker, in recent days a massive furor has caught the public eye as a result of the Watergate incident and facts emerging from that event.

Part of the fallout has dropped in the House Banking and Currency Committee, of which I am a member. A question has arisen as to whether or not it is proper for that committee to conduct hearings with subpena power into the Watergate incident before individuals under indictment have had their day in court.

In the partisan confusion and attendant publicity, I did cast a vote against holding committee hearings before trial. If an opportunity should again arise, I would cast a similar vote.

I would like to take this opportunity to set forth the reasons for my position.

On the surface, the "Watergate Incident," is a far-reaching imbroglio, fraught with immeasurable political consequences of a national nature. The Democratic Party, understandably, is desirous of airing all facts in this matter as soon and widely as possible.

I sympathize with this goal, and feel that the public has a right to be fully informed on all aspects of what seems to be an appalling breach of criminal law plus every elementary rule of political conduct.

To date, the Justice Department has secured criminal indictments against seven men. A civil suit has been initiated by the Democratic Party.

However, as yet there has been no trial of any kind of these accused people. Each of the defendants in this case is entitled to the full range of protections provided accused persons under our Constitution. Such rights are elementary, forming the foundation of the entire American system of justice.

These rights include, first and foremost, trial by jury in a courthouse, not trial by publicity before a congressional committee. The sole constitutional forum for such a proceeding is the courtroom.

We are, therefore, confronted with a wrenching choice. How to air the facts in the Watergate affair, while ensuring that every basic right of all defendants remains inviolate.

Can a congressional committee expand its jurisdiction to air such a situation in spite of the fact that no trial has been held? Does this not jeopardize the right of the defendants to a fair trial? Does not such a congressional hearing or hearings constitute trial by committee and trial in the media as opposed to the courthouse?

In our efforts to secure the truth before trial, are we not using the right of a congressional committee to investigate, subpena and hold hearings as a political club which violates the rights already mentioned?

In the much-lamented McCarthy era, we sustained terrible institutional damage through political abuse of constitutional guarantees. Hindsight and historical perspective have rendered the judgment that such activities were in fact attempted trials by hearing and publicity. Even today, our society bears the scars of those turbulent times.

Similar perils confront us through abuse of congressional authority by the House Un-American Activities Committee. For that reason, since first coming to Congress, I have voted against such abuse by that body.

Very recently, a legislative attempt was made by HUAC in the heat of emotions roused by the headlines, to grant the President the right to impose travel restrictions on American citizens seeking to enter areas of armed conflict. This was actually motivated by the activities and public statements of Ramsey Clark and Jane Fonda.

No action by this body could have been more misguided or foolhardy. No action could be more fraught with future peril for the liberties of our citizens. I opposed that ill-starred effort to use legislative power as a bludgeon against those holding such views and espousing such causes, even though I did not then and do not now agree with their conduct or activities.

I do not believe we should blithely place a legislative time bomb under our civil liberties, trusting to the good faith and judgment of future Presidents the right to pick and choose who should travel. A few years hence, a future chief executive could prevent media personnel from traveling to report news or restrict the elementary right to travel each American presently possesses and takes for granted. Any such punitive law is inordinately flexible, holding itself open to any negative interpretation.

It was for these and similar reasons that I voted against granting subpena power to the chairman of the House Banking and Currency Committee. For it would set the precedent for further unraveling of the fabric of constitutional and judicial guarantees. As a former legal aid attorney and assistant district attorney, I know all too well how such abuses grow and are utilized by the unscrupulous.

I hold no brief for the Nixon administration, many of whose actions I find repugnant. My statements disagreeing with the President, taking his administration to task, opposition to many of his policies and votes against many of his party's positions stand by themselves and are a matter of public record.

Nor do I possess sympathy for any attempt to violate the elementary rules of political behavior, as may be the case in the Watergate affair and in similar happenings which have recently come to light.

I am a Democratic partisan, as my activities in my home district on behalf of our presidential standard bearer amply indicate. I have toured with the nominee in my home area, an act which more than one member of my own party has refused to do.

Yet in spite of partisanship, there are issues that transcend it; national questions of permanent interest which touch the lives of all Americans in the present and for years to come. The war in Vietnam has been a glaring example of nonpartisan divisions.

Curtailment of Government secrecy; curbing invasion of privacy; civil liberties; none of these issues are negotiable. Once we allow such elementary guarantees to be eroded, no matter by whom and for what reason, we have taken an irreversible step toward a less free society.

None of these comments are offered as excuses for my vote today. Rather, they are facts which seek to place my position in some historical perspective.

In the heat of the moment, passion dictates condemnation. But we cannot allow passion to override the fundamental rights of our citizens. In the calm of future times, when perspective is available, I believe my position will be seen as the correct one in terms of American liberties.

A decade hence, the party and President in power may well be of another ideological stripe. Other such incidents may take place. Shall another committee then, using the House Banking and Currency Committee's precedent, step forward seeking to deprive other American citizens of their elementary rights in the name of political expediency and partisanship?

A GAO investigation is very legitimate and in order; so are probes by the media. But as I see it, a public hearing by a congressional committee armed with subpena power before any trial is held is prejudicial in that all testimony would of necessity be dealing with the alleged criminal conduct of the defendants.

We would be sacrificing permanent, elementary legal rights for temporary political gain. Are we not above that?

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, I regret that I was unavoidably detained and was unable to be present for rollcall No. 440. Had I been present, I would have voted "yea" on rollcall No. 440, the con-

ference report to H.R. 16654, the Labor-HEW appropriations bill.

REPORT FROM WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, in a few days I will mail to all postal patrons in my district a wrap-up report from Washington outlining some of my activities during the 92d Congress, and would like to make it available to readers of the CONGRESSIONAL RECORD.

The report follows:

HAM FISH, JR., REPORTS ON THE 92D CONGRESS

As the 92d Congress ends, it is time once again to attempt to sum up some of the legislative accomplishments, and some of the disappointments, of the past two years. In session almost steadily for the past 22 months, with over 580 pieces of legislation enacted into law, any objective assessment is difficult.

One standard of measurement—although certainly not the only one—is the number of Presidential requests to Congress for action which have found their way into our statute books.

Of the 58 Presidential requests during the past two years, 29 did not reach the Floor of either Senate or House, 24 have been enacted into law, while the remainder have died after passing either the House or Senate, or in Conference.

For me, the 92d Congress held a number of legislative dissapointments. Among the most discouraging was the failure of Congress to develop meaningful Welfare Reform, Health Insurance legislation, Parole Reform, or Housing reform, a Consumer Protection Agency or a National Land use Policy. Mass transit was aided but we are far from the National Committee I support.

A major achievement of the 92d was the enactment of a Revenue Sharing Act. This will mean that $5.3 billion in Federal revenues will be returned annually for the support of State and local governments.

Under the formula adopted in Conference, New York State will receive a total of $591.4 million, with $197.1 million going to state government, and the remaining $394.3 million distributed to local governments. For the four counties which in whole or in part make up the 25th Congressional District, this will mean a flow-back of $13,401,072 to help defray county and local government costs.

First proposed by President Nixon in the 91st Congress, the Revenue Sharing Act was hammered out in four years of study and debate by Congress. Although the wisdom of having the Federal level of government raise money to be spent by lower governmental levels on a no-strings-attached basis still raises doubts, at the moment it remains the single best hope for easing regressive property tax burdens.

In other areas, the 92nd Congress has acted aggressively to alleviate the plight of older Americans, both through passage of the Older Americans Act Amendments and in providing a 20 percent Social Security Benefits increase.

In Health (Act to Conquer Cancer), Drug Abuse (Drug Abuse Prevention Act), Education (greater funding for higher education) and Environment (Water Pollution Control Act, Pesticides Control Act), as well as in many other areas, Congress has taken meaningful progress.

But—as always happens—a large number of important measures on which work was completed, were lost in the final rush for adjournment. They will have to be taken up when the 93rd Congress convenes on January 3, 1972.

FISH BILLS PASSED BY 92ND CONGRESS

The following bills, either sponsored or cosponsored by Ham Fish, Jr., have been passed by the 92nd Congress and are now Public Law.

Drugs and Crime

H.R. 10841—Drug Abuse Prevention Act, P.L. 92-255.

H.R. 4240—To Prevent Emergency Detention Camps, P.L. 92-128.

Health and Education

H.R. 10739—Additional Funds for Higher Education, P.L. 92-318.

H.R. 2294—Encourage Doctors, Dentists and other Medical personnel to practice in rural areas, P.L. 92-157.

H.R. 11302—Act to Conquer Cancer, P.L. 92-218.

Environment and Conservation

H.R. 13724—Federal Water Pollution Control Act, P.L.

H.R. 10017—Act to Protect Wild Mustang Horses, P.L. 92-1.

Senior Citizens

H.R. 12719—Older Americans Act (Hot Meals for the Elderly), P.L. 92-258.

H.R. 15366—20 percent increase in Social Security, P.L. 92-336.

H.R. 15894—20 percent increase Railroad Retirement Act, P.L.

Fiscal and Business

H.R. 5026—Extend Farmer's Home Administration Loan Program, P.L. 92-133.

H.R. 9782—Restoration of Investment Tax Credit, P.L. 92-178.

H.R. 11736—Rural Development Act, P.L. 92-419.

H.R. 12521—Income Tax Exclusion for POW's, P.L. 92-297.

H.R. 4168—Revenue Sharing Act, P.L.

The above list covers only those bills which have become law. It does not include legislation I have introduced which has either been reported from Committee (my anti-UDC legislation) or passed the House (to increase allowable outside earnings under Social Security) or passed both House and Senate and is in Conference (Ocean Mammal Protection Act), to name only three examples.

FISH ECONOMY VOTES IN 92ND CONGRESS

With one Federal budget deficit being piled upon another for over a generation, it has long been my position that one of the greatest challenges facing Congress is to trim spending in every possible area while still maintaining essential government services.

The alternative to this is either radically higher tax burdens or substantial and continuing cheapening of the buying power of the American dollar. Either alternative marks the road to economic disaster. The only sane alternative then is to trim our spending. As a step in this direction, I strongly back the proposal of an annual spending ceiling.

In order to give a concise picture of where I stood on economy in the 92nd Congress, I have prepared the following voting record. Each vote, while reflecting my opposition to steadily increasing Federal spending, also represents my view of the sort of areas which can be cut without reducing essential services.

Against—Federal Subsidy for Rural Telephone Corporation, March 24, 1971.

Against—$728.6 million for already inflated Education budget, April 7, 1971.

For—Deletion of $2 billion from Public Works bill, April 22, 1971.

Against—Additional Funds for Foreign Travel by Members of Congress, May 6, 1971.

Against—Government Subsidy for development of the SST, May 12, 1971.

Against—$4.9 billion for 150,000 additional government employees, July 2, 1971.

Against—Adding $200 million to the Labor-HEW Appropriation bill, June 27, 1971.

Against—Child Development Program, September 30, 1971 and December 7, 1971.

Against—Sugar Quotas which penalize the American consumer, October 4, 1971.

Against—5.5% Federal Employee Pay Raise, October 4, 1971.

For—Prohibition against use of Federal Funds to support Forced Busing, November 4, 1971.

Against—$5 million for Transportation Exposition at Dulles Airport, December 6, 1971.

For—5% Cut in Labor-HEW Budget, June 15, 1972.

For—Limit of $20,000 on Farm Subsidies, June 29, 1972.

For—Upholding President Nixon's veto of inflated Labor-HEW budget, August 16, 1972.

For—Trimming $4.3 billion from 1973 Military Budget, September 13, 1972.

Against—$65 million Convention Center in Washington, D.C., October 3, 1972.

For—$250 billion ceiling on Federal Spending, October 10, 1972.

BILL TO CUT UDC MAKES PROGRESS

The thrust of my legislation to restrict the power of UDC to enter a community without local governmental approval through a cut-off of Federal funds, should such approval be lacking, was incorporated in the Omnibus Housing Act Amendments of 1972. It became Sec. 116 of that 300 page bill.

Reported by the Banking and Currency Committee in late September, unfortunately the act was not given a clearance for a vote by the powerful Rules Committee as other sections of the bill were strongly opposed by a number of Members of Congress.

In a bid to salvage this important legislation during the twilight hours of the 92nd Congress, I attempted to move the bill forward by either of two routes: (1) by lifting the language of Sec. 116 and moving to have it incorporated in a Continuing Resolution, or (2) to have the legislation brought to the Floor under a suspension of the Rules—a move which would have required approval by a two-thirds majority of the House.

Both these moves failed. But the issue is far from dead. I will be pushing for enactment of the bill when the 93rd Congress convenes in January.

$50,000 LIFE INSURANCE FOR POLICE APPROVED

I am happy to report that my House Judiciary Committee has approved legislation to provide a flat grant of $50,000 to the survivors of any police officer, correctional institution guard, paid or volunteer fireman killed in the line of duty.

This proposal, which originated in the Senate, has been broadened by my House Committee to make any death in the line of duty eligible for this insurance benefit, rather than limiting such insurance to only those officers killed while attempting to prevent a crime.

CONSUMER NEWS

Congress has acted to establish an independent agency to protect consumers against injury and death from hazardous products.

Under the bill, a five member independent commission with broad authority to set and enforce safety standards for household consumer products will be established, excluding only food, drugs and cosmetics which will remain under the jurisdiction of the FDA.

Among other things the Agency will: 1) collect and disseminate information on consumer related injuries; 2) establish mandatory safety standards to reduce unreasonable product hazards, or where not feasible, to ban the product from the market; 3) provide a system of product certification and 4) permit suits for damages by consumer to compel compliance with safety rules.

With 20 million injuries sustained annually by Americans in their homes, many from use of hazardous consumer products,

this new agency spells a massive step forward in insuring product safety.

LETTER FROM THE CHIEF JUSTICE OF THE UNITED STATES

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

Mr. ALBERT. Mr. Speaker, I submit for inclusion in the CONGRESSIONAL RECORD the following letter from the Chief Justice of the United States received by me today:

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., October 13, 1972.

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

DEAR MR. SPEAKER: Thank you for your telephone call in which you advised me that, quite contrary to some rumors and reports, no one had ever communicated with you purporting to express my views on any legislation or speaking in my name. I would have written you earlier but for the fact that the Court has been sitting all this week.

Your assurances are, of course, in accord with the facts but I am glad of the opportunity to make this a matter of record with you and confirm our telephone conversation.

As you know, Congress by statute requires the Administrative Office of the United States Courts to maintain extensive records relating to the federal courts, including particularly such records as enable Congress to measure the caseloads and to secure forecasts as to caseloads.

The Congress makes countless requests for information and probably not a week passes that the Administrative Office does not supply information either in writing, by conferences with Members, or by formal testimony before the Committee. Thus, on August 31, 1970, at the written request of the Senate Committee on the Judiciary, Mr. Rowland F. Kirks, Director of the Administrative Office of the United States Courts, appeared and testified in public hearings before the Committee on the potential impact upon the workload of the United States District Courts of S. 3201, a bill known as the Consumer Protection Act of 1970. Mr. Kirks emphasized that he took no position as to the substance of the proposed legislation. Thus, Mr. Kirks' activity is a matter of public record and in response to a Congressional mandate.

As to the substance of the particular bill or bills the New York Times account refered to, neither I nor the Administrative Office has a position now nor did we in 1970. The adoption of this legislation is purely a policy matter for the Congress. Indeed, I have never read either the legislation itself or any digest or summary of it.

However, I do have, and always will have, a strong view that when the Congress considers legislation that will add a substantial volume of cases in the federal courts, the Congress should also provide the means to handle those cases. The creation of new rights cannot have real meaning if the litigants must wait endlessly for recovery.

I expressed this view in Annual Reports in 1970, 1971 and 1972 to the American Bar Association, the most recent statement being:

"In recent years, Congress has required every executive agency to prepare an environmental 'impact statement' whenever a new highway, a new bridge or other federally funded projects are planned. I suggest, with all deference, that every piece of legislation creating new cases be accompanied by a 'court impact statement,' prepared by the reporting committee and submitted to the Judiciary Committee of the Congress with an estimate of how many more judges and supporting personnel will be needed to handle the new cases.

"This is not to suggest that Congress reject legislation simply because it would increase litigation, but only to suggest that Congress consider the needs of the courts along with the need for new legislation."

My duties as Chief Justice and Chairman of the Judicial Conference require me to comment from time to time on the problems of the judiciary and matters relating to the administration of justice, such as the provision for judges, court facilities, and supporting personnel for the courts. No expression of mine can rationally be construed as relating to the merits of the substantive legislation in question. Any statement or intimation to the contrary is unjustified.

You are, of course, aware of my position, and any responsible person who wanted to secure the facts could have secured them from me.

Again, my thanks for your kindness in calling me on this subject.

Respectfully,

WARREN E. BURGER.

THE PITY OF A LOST OPPORTUNITY FOR WELFARE REFORM

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

Mr. SIKES. Mr. Speaker, it is a great pity that welfare reform legislation appears to be dead for this session of Congress. The public wants welfare reform. The public is tired of expanding welfare rolls with no serious effort being made to limit welfare expenditures. All the bright promise which was reflected in the efforts by Congress earlier this year for welfare reform now have wound down to some sort of an experimental program which is little more than a joke. A guaranteed annual income certainly is not welfare reform. It is an invitation for bigger welfare rolls.

This is not a procedure that helps the reputation of Congress. We had an opportunity to do something. The public wanted it done. I do not believe there is a single Member of Congress who is prepared to express satisfaction with the welfare mess. The General Accounting Office has advanced the opinion that 15 percent of those drawing welfare do not belong on the rolls.

I have repeatedly voiced my opposition to so-called welfare reform proposals which would do nothing except place more people on the rolls and guarantee them an annual income in many cases larger than that earned by those working full time. But I have supported welfare reform proposals which would require work from the able bodied in exchange for financial help. I believe that welfare reform also includes enough money for a decent livelihood for the aged, the blind and the disabled. This truly would be reform. Yet this kind of welfare reform draws opposition from many in and out of Congress. There are those who want the present deplorable system to continue. There have been demonstrations against work by welfare recipients and these have been supported by Members of Congress.

If we continue to put off the welfare situation it will truly become a racket paid for by an ever diminishing number of downtrodden taxpayers who work for a living, pay their taxes, and wonder whether they too would be better to join the ranks of the welfare recipients. If Congress is to accept responsibility for a realistic program for the betterment of America, welfare reform should be high on the list for the next Congress.

PERSONAL ANNOUNCEMENT

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

Mr. BINGHAM. Mr. Speaker, on yesterday I was absent for the record teller vote on the conference report on H.R. 10729, to amend the Federal Insecticide, Fungicide, and Rodenticide Act. Had I been present, I would have voted "nay."

CONSUMERS, JOBS, AND U.S. TRADE POLICIES

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

Mr. BINGHAM. Mr. Speaker today I am introducing a comprehensive international trade bill aimed at providing increased protection for the American consumer public and the American worker. This bill draws heavily on proposals recently made by my distinguished colleague from Ohio (Mr. SEIBERLING) as well as on certain provisions of the Burke-Hartke bill. I also want to acknowledge my indebtedness to the very thoughtful report entitled "Trade Adjustment Assistance," submitted by the Subcommittee on Foreign Economic Policy under the able chairmanship of the gentleman from Iowa (Mr. CULVER).

The subject matter of this bill is U.S. international trade policy. American consumer organizations and some industries are demanding liberal import trade policies while some major labor organizations are convinced that those same liberal trade policies have caused increased unemployment in the United States. Consumers see free trade policies as an anti-inflationary method of obtaining an increased selection of available goods at lower prices. Certain labor organizations, on the other hand, insist that "cheap labor" imports put Americans out of work by decreasing the demand for American products and that American investment abroad "exports" jobs out of the United States, resulting in a direct loss of one American job for every job created overseas.

We must bear in mind that in an already tight job market, the American worker perceives the rising tide of imports as a serious threat to his security. Concern about jobs lost to imports has provoked calls for a review of our foreign trade policies and for a reversal of the open trade philosophy which guided these policies through the last three decades.

For most of the period since World War II, these policies have worked well.

This period has seen a phenomenal growth in world trade and in the economy of the United States. However, the very success of our international trade and investment policies, together with certain negative factors, including the Vietnam war and enormous military budgets, have led to a basic shift in America's competitive position.

Today, those who advocate freezing imports and restricting the export of American capital do so out of a legitimate concern for the welfare of the American worker. It is a concern which is shared by many of those who have misgivings about the imposition of such controls on trade. The dislocation of any worker is a personal tragedy and a loss to the community and the Nation. Loss of employment means more than just the loss of current income. The problem of adjustment to foreign competition is also a social problem which involves the loss of seniority rights, health insurance, and pension benefits. The psychological shock of unemployment and the breaking of strong ties to one's community if relocation is required are blows which we must strive to prevent.

At the time I became a Member of Congress, hundreds of workers in my congressional district were unemployed. Hundreds of them are still unemployed. Many more live in fear of losing their jobs. To say that I am concerned about their situation is putting it mildly. Since being in this House, I have spent a great deal of time attempting to get a clear understanding of the causes of unemployment and possible legislative action to remedy the situation.

This bill seeks to achieve a middle ground between the positions of consumers and labor, protecting the interests of both groups. But it must be emphatically stressed that, in America, all workers are consumers and most consumers are workers. Hence, policies which benefit the one "group" do not disadvantage the other "group," for the two "groups" are essentially one and the same.

As the cost of living and the rates of unemployment continue to rise in this country, hard-pressed consumers and workers turn to their elected representatives in Congress for assistance. The purpose of this bill is to respond to that urgent public appeal for solutions to economic woes which confront our Nation. This bill includes elements of tax reform, stimulation of the economy, increased employment, consumer protection, and unemployment benefits all aimed at preserving the advantages of foreign trade and relieving the hardships it might impose on Americans.

The bill which I am proposing would do five basic things:

First, it would insure that Federal tax advantages and incentives to U.S. corporations investing abroad would be granted only if those overseas operations stimulate the U.S. economy, improve the U.S. balance of payments, and benefit the overall employment picture in the United States. Tax incentives would no longer be granted for those U.S. corporate investments overseas which produce a net drain on the U.S. economy.

Second, it would help prevent foreign trade practices which give to foreign producers an unfair advantage over American products on the U.S. market. Imported products would then carry prices which reflect actual production costs.

Third, existing adjustment assistance programs would be revised to facilitate and insure the provision of Federal financial assistance and retraining for American workers who have lost their jobs due to the purchase of foreign imports by U.S. consumers.

Fourth, it would guarantee that the U.S. consumer public would receive the vital advantage of maximum fair competition between American and foreign products. This competition would result in higher quality consumer products at more reasonable and affordable prices. The "laws of the market place"—natural economic forces—would weed out inferior or overpriced products. Both United States and foreign producers would be given the impetus to strive for improved productivity and quality, all to the benefit of the U.S. consumer.

Fifth, full and clear disclosure of the origin of foreign-made products and components would be required in advertising and packaging. This would aid U.S. consumers in making informed purchasing decisions. Those who want to "buy American" would be able to do so.

A more detailed discussion of the elements of this legislation follows:

TAX REFORM

The present Internal Revenue Code tax structure permits U.S. corporations which invest in overseas subsidiaries producing or assembling consumer goods to defer U.S. income tax on the profits earned by those subsidiaries until the profits are "repatriated" to the United States. "Repatriation" is the term applied when a foreign subsidiary returns earned profits to its U.S. parent corporation in the form of dividend payments.

In contrast to this, all U.S. parent corporations and their U.S.-based subsidiaries must pay U.S. Federal income tax on their profits in the year in which those profits are earned within the United States. Income tax is paid by a U.S.-based subsidiary even if it retains its earned profits instead of paying them at once to its parent corporation.

Thus, foreign subsidiaries of U.S. corporations presently enjoy the considerable advantage of using their profits, free of U.S. income tax, as long as those profits remain abroad. This tax advantage and incentive for overseas investment is not an evil in itself, but the indiscriminate application of the incentive to all foreign subsidiaries has led, in certain cases, to results which are detrimental to the U.S. economy.

This bill would ensure that these tax incentives for U.S. corporate investment abroad would be retained when the overseas investment and production is necessary for the United States to remain competitive with foreign products abroad or here at home, or to gain a foothold in foreign markets. This situation arises when domestic U.S. production, assembly, or transportation costs would be too high to permit a U.S. product to remain competitively priced in world markets, necessitating actual production abroad in order to take advantage of less expensive foreign labor and transportation rates. In this manner, a U.S. corporation can justifiably utilize an overseas subsidary in order to retain or obtain a share of the world sales market for its product. In this case, no jobs are "exported" from the United States and no U.S. workers are put out of their jobs.

Various foreign countries presently grant their own producers tax deferrals and incentives on income earned outside their homelands. In certain instances, unless the U.S. Government grants similar tax advantages to U.S. corporations with foreign-based production or assembly subsidiaries, goods produced or assembled by those foreign subsidiaries will not be competitively priced and will be unsalable.

Tax revenues are generated only when foreign source profits exist which can be repatriated. Tax revenues, even if they are delayed until some time after the foreign profits are earned, are certainly better than no tax revenues at all. Consequently, it is desirable that this particular "tax break," which is merely a deferral rather than a forgiveness of a tax liability, be retained where needed to maintain the competitiveness of certain American products manufactured or assembled abroad.

However, in other instances these tax deferral privileges may tend to encourage U.S. firms to shut down operations in the United States and open plants abroad without producing any real benefit for the American economy. This situation arises when foreign production is not necessary for a U.S. product to be competitive, but U.S. companies are seeking even greater profits through cheaper overseas production or assembly costs than they are already earning with competitive American-based production.

American workers are then, indeed, thrown out of work merely to increase corporate profits at the expense of American society as a whole. In these cases, my bill would deny the tax advantage of deferral of U.S. corporate income tax on the overseas income. This step would serve to discourage U.S. corporations from making unnecessary or marginal investments abroad, and would discourage the needless "export" of U.S. jobs and resulting unemployment here at home.

The responsibility for the administration of this program would be placed in the U.S. Tariff Commission, which would make the decisions as to which American overseas investments are, on balance, beneficial to the U.S. economy. American corporations seeking deferral of taxes on their subsidiaries' earnings would have to make application to the Tariff Commission for that privilege. The burden of proving that the foreign investment is necessary to maintain a U.S. competitive position would rest with the corporations seeking the tax deferral.

The purpose of this tax reform is to encourage a rational and defensible national policy on U.S. investment abroad. Unfortunately, the evolution of

our tax laws in the international arena has not kept pace with the changing realities of world economic development and foreign trade. The goals of our present tax laws, which date back to the turbulent post-World War II years during which American investment abroad was encouraged in order to bring financial stability and economic rehabilitation to a war-ravaged Europe and parts of Asia, have long since been fulfilled with the economic rebuilding of those areas.

Those goals are now outdated and require fresh analysis and reformulation. This bill aims to retain those tax incentives which benefit the U.S. economy through strengthening the U.S. balance of payments while maintaining maximum possible U.S. employment. It also aims to deny tax incentives to those overseas investments of U.S. capital which, on balance, are no longer in the national interest.

To advocate a blanket abolition of all U.S. tax incentives for foreign-source income would be to "throw out the baby with the bath water," a step which must be avoided if the United States is to maintain a strong position in international commerce.

ANTIDUMPING AND COUNTERVAILING DUTY PROCEDURES

The greater the freedom to trade, the more necessary it is to have effective means of insuring fair trade. There are foreign firms which seek to gain an unfair competitive advantage by "dumping" their goods on the American market at artificially low prices, attempting to wipe out their American competitors in the process in order to gain a monopolistic control of the market.

Furthermore, some foreign governments seek to subsidize their export industries by picking up the tab for losses which those foreign firms sustain by selling their goods below cost on the American market. The danger inherent to the U.S. consumer in this process is that U.S. domestic industries will be dealt a crippling blow which will drive them out of business, and, when the smoke has cleared, foreign interests will have control of the U.S. market and can demand excessive prices for their goods because of the absence of domestic U.S. competition.

At present, the United States has certain antidumping and countervailing duty laws on the books aimed at preventing such unfair trade tactics. An "antidumping duty" is a special tax collected from the importer of a product which is being priced for sale in the United States below its fair market value. The tax assessed is the sum which represents the difference between the product's U.S. sale price and its fair foreign market value. Antidumping duties are charged when the foreign producer of the imported goods takes the initiative in cutting prices below a fair market value.

"Countervailing duties," on the other hand, are charged when a foreign government pays an export grant or subsidy to one of its own producers in order to enable that producer to cut its sales costs on the American market. The countervailing duty assessed against such goods represents the amount of the subsidy paid to the foreign manufacturer by its own government.

In practice, administrative procedures have made the present antidumping and countervailing duty laws difficult to invoke. This bill would simplify and accelerate the pace of those procedures. Workers and management of industries affected by dumping or foreign subsidiaries could appeal directly to the U.S. Tariff Commission, seeking an investigation of the alleged trade offenses. Present law does not set a time limit on the Commission's deliberations, but this bill would remedy that by setting a time limit of 3 months from date of complaint to the handing down of a Commission decision. The Commission would be empowered to order the Secretary of the Treasury to impose antidumping duties and countervailing duties where appropriate.

These changes would assure U.S. manufacturers and workers timely relief in the event of unfair foreign competition. Furthermore, U.S. consumers would be guaranteed that all producers, foreign and domestic alike, would have an equal opportunity to compete in the U.S. marketplace with products which reflect true costs and actual competitiveness. Unfair trade practices which could force genuine competition out of the marketplace, leading to foreign monopolistic exploitation of the U.S. consumer, would be prevented.

Also in the field of tariffs, this bill would reform the present preferential treatment of products assembled abroad from component parts made in the United States. Reduced tariffs would be permitted only if foreign assembly is necessary to maintain the U.S. competitive position and does not negatively affect the U.S. economy. The U.S. Tariff Commission would have the responsibility for making that determination, and imported products made from U.S. components which do not qualify would be subject to the same tariffs as goods made from foreign components. This step would discourage the unnecessary "export" of American jobs out of this country and reduce unemployment here at home.

ADJUSTMENT ASSISTANCE FOR AMERICAN WORKERS

The free flow of foreign products to the U.S. market, given conditions of fair competition, will result in a greater variety of products available to the U.S. consumer at lower prices. Domestic and foreign producers will be spurred to increase their productivity and to seek technological developments, all to the consumer's benefit.

However, these free market conditions will inevitably lead to situations in which U.S. consumers may prefer certain foreign products over their domestic U.S. counterparts because of better quality or more favorable pricing. U.S. workers involved in the production of these American goods which fall out of favor with U.S. consumers will lose their jobs. It is the responsibility of this nation to shoulder the task of assisting those workers whose jobs are phased out due to the increased consumer benefits of free international trade.

This bill provides that full adjustment benefits would be made available to those U.S. workers who become unemployed because their companies' production has suffered from the competition of increased foreign imports or transferral of U.S. production or assembly facilities to overseas locations. To qualify for benefits on grounds of increased imports, American workers would only need to show that a decline in their firm's output was accompanied by an adverse change in that industry's trading position, either an increase in imports or a decrease in exports, or that a decrease in their employer's production was due to reduced sales to customers who had made increased purchases of the product from foreign competitors. Workers whose "multinational" U.S. employers transfer production or assembly facilities abroad would be eligible for these benefits as well.

Existing law on adjustment assistance frequently shortchanges American workers. Presently, it is extremely difficult for an unemployed worker to establish eligibility for benefits. First, he must show that increased imports are a "major factor" contributing to an industry's decline. Second, he must demonstrate that these imports resulted in "major part" from trade concessions. In arriving at these highly subjective and often arbitrary decisions, the U.S. Tariff Commission has repeatedly decided against workers.

The new criteria which I am proposing would link the determination of a worker's eligibility for adjustment assistance to specific, readily available economic data and statistics. The U.S. Tariff Commission would no longer have broad discretion which could be utilized to the disadvantage of American workers.

The increased financial benefits proposed by this bill would compensate unemployed workers at the rate of 80 percent of their old wages until they are able to locate suitable replacement work. If the replacement work pays less than the job lost because of foreign imports, the Federal Government will pay the difference so that the worker receives the same income he originally was earning.

Workers who had been employed for less than a year before losing their jobs would be eligible to receive these adjustment benefits for 1 year. Workers who had been on the job for more than 1 year but less than 11 years would be entitled to benefits for 1 year, plus 4 weeks of benefits for every year worked in excess of the first year. Those senior workers who had been with a firm for more than 11 years would be entitled to the benefits described for more junior workers, plus 8 additional weeks of benefits for every year worked in excess of 10 years. These financial benefits are a much-needed improvement over existing law, which only allows a worker assistance payments for a maximum of 1 year, at a rate amounting to merely 65 percent of the national average manufacturing wage.

Job retraining and relocation assistance would be furnished by the Federal

Government. Eligibility for adjustment assistance would be contingent upon a worker's making a good faith effort in the job retraining programs offered him by the Government. The entire adjustment assistance program would be administered by a separate Office of Adjustment Benefits within the Department of Labor.

IDENTIFICATION OF FOREIGN PRODUCTS

In order for American consumers to make informed purchasing decisions, they must be aware of the country of origin of imported products. This bill would introduce a strong provision, a form of truth-in-packaging law, which would require that the packaging of imported products or of U.S.-made products containing foreign components conspicuously indicate the names of the foreign countries of origin. It would ensure to the American consumer that if he desires to purchase an American product, he will not be misled into buying a foreign substitute. This is in no way a discriminatory provision against foreign goods, but rather it is a method of ensuring the fair and honest packaging and competition to which the American consumer is entitled.

I have adopted this provision from a similar section of the Burke-Hartke bill. There are many people in this country who wish to "buy American," and it is entirely fair that they be given every opportunity to do so. Some people "buy American" because they feel that American goods are superior in quality to imported products. Others "buy American" as a patriotic gesture. Whatever their motivations, this provision will guarantee that foreign products or U.S. products containing foreign components will be packaged in such a manner as to clearly indicate, in English, the foreign origins of the items in question.

Mr. Speaker, the proposals contained in my bill are intended to be suggestive of legislative solutions to our foreign trade problems. They do not purport to be exhaustive. Other actions may be desirable, especially in emergency situations. Certainly the Burke-Hartke bill deserves careful study and analysis. There may well be cases where import quotas, limited in extent and in duration, and intended not to reduce particular imports but to hold them at a certain level, become necessary. America's role in world trade and the effect of trade upon the American economy and the U.S. consumer require extensive consideration, analysis, and deliberation, and one cannot be rigidly bound by what may be outdated concepts of the past.

Our goal should be to develop an overall policy which best balances the interests of all Americans—consumers, labor, management, and investors. I hope that the legislation which I am offering will serve as food for thought, stimulating further suggestions and revisions from other Members of Congress as well as the American public. As a member of the House Committee on Foreign Affairs, I feel that the American public must be made aware of all the issues in this area of foreign policy. The interests of the American consumer and working man are of paramount importance in our formulation of national legislation.

In order to help bring these issues before the public, I am planning to sponsor a community conference in my congressional district this year. The conference, on the topic, "The World and Your Pocketbook," will deal with the general problem of the effect which U.S. foreign policies have upon the American economy and the American consumer. Participating will be a number of distinguished public figures representing various viewpoints and interest groups, from whose interactions with my constituents seeds for further national legislation may germinate.

The present economic problems and attendant unemployment in this country have given rise to various proposals which, if put into effect, would in my judgment operate against the overall, long-term interest both of the American working man and of the American consumer. Two of the approaches suggested are particularly troubling.

In the first category are proposals to institute widespread restrictive quotas and high tariffs on imports. The second concept is to attempt to restrain all or virtually all overseas investment by U.S. corporations. These proposals have been offered with the best intentions of improving the U.S. balance of payments and cutting down on unemployment here at home. However, careful analysis reveals that their long-range effects would not be salutary, and would in fact be diametrically opposed to the interests of the American worker and consumer. Consequently, I have not included any such provisions in the bill which I am introducing today.

It is true that restrictions, quotas, and higher tariffs on foreign imports would result in increased purchasing of U.S.-made products, thus temporarily providing extra employment in the United States. However, history has shown that unilateral trade actions of this type soon draw retaliatory responses from other nations which trigger trade wars, resulting in increased unemployment everywhere. For example, the disastrous results of the 1930 Smoot-Hawley Tariff were a major factor contributing to the great depression.

During that period of time, American exports fell more than $3.5 billion, a loss of almost 50 percent of pre-Depression exports. Many American jobs today depend upon the export of U.S.-made products, as well as on the importation of goods from abroad. Jobs for American factory workers, clerks, truckers, merchant marine personnel, longshoremen, railway workers, and a long list of other occupations can be traced directly to American exports and foreign imports.

Unless we buy goods from abroad, foreign countries will not possess the U.S. dollars needed to finance their purchases of our exports, demand for U.S. goods will drop, and many American workers will find themselves on the unemployment rolls. Similarly, those Americans who owe their jobs to the import trade would find that import restrictions and reductions would spell unemployment for them. Department of Labor statistics reveal that more than 2.5 million Americans across the land are directly dependent on imports into the United States for their jobs.

Thus, the short-lived employment gains resulting from drastic restrictions on foreign trade would soon vanish as foreign retaliatory quotas on American exports were introduced, available dollars to purchase U.S. goods on world markets dried up, and both imports and exports decreased. An unemployment picture far worse than the present one would emerge. This effect might well be more severe in the New York City area, with its great seaport, air cargo, railway, trucking facilities, and its thousands of importing firms, than in any other part of the country.

On this topic the U.S. Department of Commerce has reported in an April 1971, bulletin that:

> As the leading U.S. port in terms of the value of goods moving to foreign markets, New York City has a strong economic interest in exports. The shipment of goods through the port provides considerable income and employment from financing, insurance, forwarding, warehousing, transport, loading, and trade-related services.

The Commerce Department went on to note that:

> In the field of actual production for export, New York State was the Nation's leading exporter of products of the printing and publishing industry, that New York exports of manufactured products, notably of both electrical and non-electrical machinery, amounted to over $2.3 billion annually, that $40 million of New York State's agricultural products were exported each year, and that the state's economy benefits from goods produced not only for direct export but also for ultimate export through other states, such indirect exports being of particular importance in industries whose products require further processing or constitute components and parts for assembly into machinery or transport equipment.

The import business is also essential to employment in the New York City area. For example, plans were recently unveiled to construct a $37-million refrigerated warehouse and pier facility for imported meats in Bronx County, part of which I am privileged to represent in Congress. The purpose of this facility is to maintain New York's position as America's leading meat import center. Located in an economically depressed area, this facility will provide 2,000 new jobs with an annual payroll of over a million dollars. Through this installation will be funneled a major part of the 526 million pounds imported annually through New York Harbor, as well as of the 15.4 million pounds of meat exported through New York each year. The much-needed economic impact of a facility of this type upon the Bronx and upon residents of the New York metropolitan area is clear. Restrictive economic legislation would spell disaster for this and similar projects.

Writing to me on the subject of the impact of foreign trade on employment in the New York area, the chairman of the Port of New York-New Jersey Authority, Mr. James C. Kellogg III, stated that:

> As the nation's premier gateway for goods moving in international commerce, the bi-state Port of New York-New Jersey would be

among the foremost to feel the impact of constriction of world trade. Here an estimated one out of every four residents depends on the flow of international trade for the economic basis of his livelihood. There are approximately 23,500 longshoremen handling waterborne export-import cargoes at the port. Some 51,000 truckers and railroad workers transport oceanborne freight to and from the port district. Another 6,500 employees of local motor carriers are engaged in delivering to or picking up freight from marine terminals. Some 55,000 persons are employed by export-import wholesaling organizations, export management companies, combination export managers and the like. Institutions financing international transactions and marine insurance firms provide employment for at least 25,000 persons; ocean freight forwarders, customs brokers, warehousemen, and export packing firms employ another 16,000. There are over 18,000 steamship company employees including headquarters staff, crews, ship brokers, and agents. Nearly 12,000 workers earn their paychecks through maritime equipment supply and service.

"These are but a few examples, for as a result of the current flow of international commerce between this nation and its trad- Commerce estimates that 67,500 persons in New York and 28,700 persons in New Jersey ing partners there is work for thousands of others who provide essential services to shippers and traders. Moreover, a recently released report by the U.S. Department of are engaged in manufacturing for export.

The thrust of these reports is clear: continued high levels of imports and exports are essential to the economic health of the United States, especially in the New York metropolitan area.

As for Federal tax incentives for U.S. overseas investment, blanket removal of such incentives would result in increased unemployment here at home. The National Association of Manufacturers places at 200,000 the number of people who would be put out of work if tax incentives for overseas investment were abolished. High U.S. costs of labor, transportation, and raw materials make some American products uncompetitive abroad.

In order to sell those particular goods in foreign markets, it is necessary for U.S. corporations to produce them abroad. Their overseas sale results in more jobs for American workers, increased income for U.S. investors, and greater taxes collected by the U.S. Treasury—provided reasonable tax policies are followed.

An example of this can be found with American citrus products, whose high domestic prices prevented their export to Europe. Ten years ago, Florida orange growers began planting groves in Brazil to capture the European export market. Today, juice from those Brazilian oranges is shipped to the United States, where it is repackaged for sale in Europe. That processing and packaging in Florida provides jobs for Americans. The Florida Citrus Commission has acknowledged that the Brazilian juice has helped Florida exporters to maintain a share of the European market, the cost of Brazilian orange juice being less than half that of Florida juice.

A second example is that of a major Midwest manufacturer of farm machinery with principal production facilities in Iowa and Illinois, employing over 38,000 people. In 1956, that corporation exported $30 million worth of its products. In the same year, the company began its first overseas investments. Fifteen years later, in 1971, the company reported $91 million in exports of its U.S. production. That corporation attributes the $61 million increase in exports directly to its foreign investments. It has stated that, as a result of its overseas production and greater visibility in foreign sales markets, foreign customers increased orders of spare parts as well as of machinery manufactured in this country.

Furthermore, that same corporation now exports over $13 million worth of U.S.-made components to its overseas production facilities for integration into machinery produced abroad. The manufacture of these component parts, spare parts, and whole farm machines for export means increased employment here in the United States. This foreign investment has not brought about the "export" of jobs out of America, but has instead had the effect of creating—one might even say "importing"—new job positions for American workers.

As a third example, a major New Jersey-based producer of industrial machinery has increased its exports by 150 percent since it began investing overseas 10 years ago. It now states that 4,000 U.S. employees owe their jobs directly to the export of the firm's products. To illustrate this position, the company reported that following its commencement of production of industrial condensers in Spain, the export of U.S.-made pumps needed for those condensers increased by 158 percent.

Its 1971 annual corporate financial statement revealed that 37 percent of the firm's total sales was of products manufactured abroad, but it also showed that 45 percent of those foreign sales represented component parts manufactured in America and exported to foreign production facilities. Were restrictive foreign investment legislation to be enacted, the corporation estimates that 1,815 workers at plants in New Jersey and Pennsylvania and 836 employees in New York State would lose their jobs.

In the last decade, domestic U.S. employment in "multinational" U.S. corporations with overseas operations rose by 27 percent, while total U.S. manufacturing employment grew by the lower figure of 17 percent. This suggests that jobs here at home may indeed be generated by necessary production abroad. Fears of a massive flight of U.S. capital out of the country, resulting in widescale domestic unemployment, are unfounded, according to the Commerce Department. Last month it estimated that expenditures for plants and equipment by foreign affiliates of U.S. concerns would rise by only 4 percent in 1972 and 6 percent in 1973. Where capital exporting is abused, let us discourage it, but where it produces overall gains for the U.S. economy, it deserves our support.

American consumer organizations and others have warned against restrictive trade and foreign investment policies because of their effect on prices. For example, the League of Women Voters of the United States has pointed out that "protectionist" legislation would mean that:

Prices in this country would tend to go up, reducing the real income of Americans, affecting particularly those who can least afford it. The consequences of higher prices and a more limited choice of goods would fall especially on the lower income families who are the major buyers of less costly imports of clothing, footwear, and other consumer necessities.

The American Consumer Education Council on World Trade echoes that warning, stating that:

Tariffs and quotas reduce the competitive pressures on domestic industries, permitting them to charge higher prices and reduce the quality of their products.

Virginia Knauer, Special Assistant to the President for Consumer Affairs, cautions that:

The imposition of import quotas will hurt virtually every consumer in the U.S., particularly lower income consumers. Higher prices, fewer product choices, reduced competition and a limited supply of imported products are the probable result of proposed import legislation.

Consumer advocate Ralph Nader strikes a key nerve when he warns that:

Imports are the only real competition for many American firms. The consumer benefits from this competition in price and quality. The American firms gain because they are motivated to increase their productivity for markets both at home and abroad.

In the light of all the evidence and informed opinion available to me, I am convinced that the solution to unemployment does not lie in widespread trade quotas, high tariffs, or excessive overseas investment restrictions. Better answers, I believe, are along the lines of the approaches I have suggested, as well as in increased productivity and technological advances, and a complete overhaul of our national spending priorities.

I do not pretend to have all the answers to the questions and problems raised in this broad area of foreign trade policy and the American worker and consumer. However, I do hope that Congress can soon apply its collective energies, drawing upon the intellectual resources of the American public, to devise a rational, progressive national policy on foreign trade. In that hope, I offer this legislation for consideration.

SECTION-BY-SECTION ANALYSIS

TITLE I—TAX LAW AMENDMENTS

Section 101 indicates that these tax law amendments pertain to the Internal Revenue Code of 1954.

Section 102 provides for the taxation of earnings and profits of controlled foreign corporations.

Section 991 requires that earnings and profits from foreign investment be reported with a breakdown as to the source of the income (i.e.—from each country) for the year in which profits were earned; and that reported earnings and profits follow generally the rules now applied to corporations within the U.S., with adjustments for prior year's deficits, and exemptions for reporting of income where foreign legal restrictions make such reporting unrealistic or U.S. laws make such reporting unfair.

Sec. 992 defines the U.S. corporation as one with 10% or more of the foreign company's stock and defines "control" as ownership of more than 50% of the stock. It defines the foreign corporation with provisions

for assuring that indirect control shall be included.

Sec. 993 establishes the mechanism for determining what is considered stock ownership, either direct or indirect.

Sec. 994 provides against double taxation by exempting income that has already been reported for taxes in the U.S. or abroad through a chain of relationships which would be taxed anyway. Proof is required for this exemption, so that information on relationships will be available.

Sec. 995 makes provision so that the U.S. stock has a taxable value related to the new provisions. The basis or the taxable value of the corporate stock will be adjusted by whatever amount is included or excluded in the gross income of the U.S. corporation. This assures that U.S. income abroad does not escape proper capital gains or other revenue collection. The adjustment in the "basis" may be upward for inclusions or downward for exclusions.

Sec. 996 provides that the U.S. Tariff Commission may grant an exemption from the provisions of sections 991–995 to any U.S. firm with respect to its foreign-source earnings, if it finds that the firm's foreign investments and operations do not adversely affect the U.S. balances of trade and payments, or U.S. domestic employment, and that the firm could not domestically produce the articles it is producing in whole or in part abroad and market them abroad competitively with like or similar articles produced by foreign-owned firms.

TITLE II—ANTIDUMPING ACT, COUNTERVAILING DUTY LAW, TARIFF SCHEDULES AMENDMENTS AND OTHER PROVISIONS

Sections 201 and 202 amend the Antidumping Act and countervailing duty statutes of the Tariff Act to expedite antidumping and countervailing duty procedures by placing their administration in one agency and setting a time limit of three months for the processing of a complaint.

Section 203 amends the U.S. Tariff Code to provide that those items permitting the importation of articles assembled abroad from U.S.-made components at reduced tariffs (items 806.30 and 807.00) shall apply only in cases where the U.S. Tariff Commission finds that the importation of such articles will not adversely affect U.S. exports, the U.S. balance of payments, or domestic employment, and that the importer could not produce the article domestically and market it competitively with like or similar articles produced by foreign-owned firms.

TITLE III—ADJUSTMENT ASSISTANCE AND TRADE

Section 301 is a short title.

Section 302 contains definitions.

Section 303 establishes a separate Office of Adjustment Benefits in the Department of Labor to administer the Adjustment Benefits Program.

Section 304 establishes the criteria for determining workers' eligibility for benefits under this Act. The criteria tie eligibility to easily obtained and readily correlated objective, economic data, assuring that eligibility determinations under this Act will be fair and equitable.

Section 305 establishes the amount and duration of cash benefits under this Act. The benefit levels established are higher than those available under the present Adjustment Assistance Program. Unemployed workers would receive 80% of their own former weekly wages. Eligible workers taking new jobs at reduced wages would receive compensation to bring them up to 100% of their old earning levels, giving workers an incentive to seek new employment as quickly as possible. Workers deemed eligible for Adjustment Benefits would receive them for at least one year, and longer depending on their previous length of service with the firm which lays them off.

Section 306 provides for job retraining for workers deemed eligible for Adjustment Benefits.

Section 307 provides for assistance for eligible workers in relocating within the United States, if such relocation is necessary to obtain suitable employment.

Section 308 authorizes the Director of the Office of Adjustment Benefits to contract for health insurance coverage in behalf of workers deemed eligible for Adjustment Benefits.

Section 309 requires U.S. employers engaged in interstate and foreign commerce to give their employees at least three weeks advance notice of any impending lay-offs or reductions in working hours. Failure to give such notice under this section would be punishable by a $5,000 fine.

TITLE IV—LABELING OF FOREIGN PRODUCTS

Section 401 requires that all foreign products or goods containing foreign components, even if those goods are assembled in the U.S., must bear labeling which clearly indicates, in English, the country of origin of the foreign products or foreign components.

Section 402 empowers the Secretary of Commerce to issue regulations necessary to effectuate this policy.

Section 403 provides for fines ranging up to $10,000 for willful violation of this title.

VICTORY FOR TRUMAN RESERVOIR

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

Mr. RANDALL. Mr. Speaker, an organization calling itself the Environmental Defense Fund filed a lawsuit in Federal court on March 6, 1972, seeking to halt action on construction of the Truman Dam and Reservoir. The reaction of the good people of west central Missouri was in successive stages of first shock, then amazement, turning to a mood of disappointment, and finally into a fighting spirit, determined that the plaintiffs would not have their way.

As a result of this suit, our office received petitions from several thousand petitioners. We have not responded until now because of the pending lawsuit. It is because of such reasons that I take this opportunity at this time to make these remarks on the floor of the House and provide some measure of publicity on my position regarding this litigation. I intend to furnish reprints of these remarks to all of those who have written to our office.

The fact that we have not responded earlier to our petitioners should not be construed either as a lack of interest in the damage that could come from this lawsuit or a lack of activity to try to be helpful to the cause of the defendents. We immediately recognized the legal ethics involved and the fact that courts and the Congress are two separate branches of the Federal tripod.

Notwithstanding, it is a fact easily verified that my first offer of help was to become a party defendant. Later I offered to become an amicus curiae or friend of the court which in effect gives the right to interplead as a party and to present arguments on the side of one's choice. Later during the course of the trial, I offered to be a witness. The special counsel that had been retained considered until the very last calling the Congressman and the Senators who represent the area of the Truman Reservoir as witnesses.

At all times, I have cooperated very closely and communicated regularly with the Special Counsel employed by the citizens of our area. I have phoned from Washington to Kansas City regularly and frequently to know the course or correct status of the proceedings. It was the consensus of all that the Members of Congress should not make any preliminary comment that would reach the ears of the court, and which might or could result in an adverse reaction by the court.

I report now to the friends of Truman Reservoir that while it may have appeared that I was silent concerning this litigation, it was not by preference, but by suggestion of counsel. This turned out to be a wise course, because if we have not won a full victory, we have won the first round of the battle started by the strangers from upstate New York.

There is so much that could or ought to be said about this lawsuit. I will not take the time of my colleagues except to put on the record some things my constituents may read. First I wish to make it clear that I was present at the very first conference and discussions in the days when we called it the Kaysinger project.

I was present at these discussions in Clinton, Osceola, Butler, Nevada, and elsewhere. That was way back in 1960. In those days it was not always easy to persuade everyone of the great benefits or the tremendous long-run advantages of this project, consisting of flood control, recreation, and hydroelectric power.

At long last a consensus was reached and authorization was finally accomplished. Then who can ever forget the dramatic moment in the Oval Office of President Johnson when he picked up the phone to call the Budget Bureau, and turned back to the roomful of Kaysinger boosters saying it would be possible to give our project the green light instead of a project in Indiana?

When some of us, on that beautiful fall day back in 1964 participated in the groundbreaking ceremonies we thought all our troubles were over. Little did any of us the dream that the Vietnam buildup, which happened in 1965, would limit funding for constructon and land acquisition over the years ahead, and reduce the program on the project to only a snail's pace. In the years that followed, some of those who had been supporters of the project began to have doubts, and genuinely became concerned as to when this project would ever be completed.

During all of these years your Congressman and our Senators have tried to get every last dollar of appropriations that was possible. In 1 or 2 years we appropriated more than the administration would use. Some of it was impounded into what they called budgetary reserve.

It has been bad enough to move along so slowly. But then the real blow was the lawsuit. Yet, Mr. Speaker, this lawsuit did not cause those who had worked so hard for the Truman Reservoir to lose spirit or become despondent. It only caused them to fight a little harder with a determination that this ill-advised

litigation would not be successful. I attended what was called a victory dinner in the Clinton High School a few weeks ago to help raise funds for counsel's fees. The sponsors were good enough to let me sit up at the speaker's table. From that vantage point, as I looked down into the eyes of those assembled there that night, I saw a group of fighters who were not going to give up no matter what amount of adversity they had experienced or what might come in the future. I came away from that meeting revitalized because of the dedicated determination of those who recognized the great value and understood the long range benefits that would come from the Truman Reservoir. You could easily sense the attitude that they would not be dissuaded by some outsiders who were bent on an arrest of progress for our area.

We have all heard a lot about the ecobalance. Sometimes it is called ecology. At other times the same thing is described as the problems of our environment. Such problems exist. There is no denying it. Great strides have been made to reduce water pollution. I suppose the biggest job of all is in the effort for environmental cleanup in the field of air pollution. Of course, the work here at Truman Reservoir would in no way contribute to the problems of air pollution.

Unfortunately, the allegations of the lawsuit, placed its entire emphasis on what would happen to the paddlefish and also on the loss of allegedly valuable archeological objects whose excavation would be denied by inundation. As could be expected, the petition was silent on the great benefits of flood control. It recited nothing at all about the impending energy crisis that could or might be alleviated if there were greater production of hydroelectric power, because of this and similar projects.

Mr. Speaker, I thought it was a well-known fact that this country is face to face with an energy crisis. That means the power for industry and light for residences is going to become a more precious commodity each year from now on. It means, moreover, that unless we do something to increase the output of our energy, the brownouts we now experience will, in the years ahead, become blackouts. Hopefully, some kind of new atomic process may be developed that will produce energy without the dangerous pollution that comes from atomic waste. But until that time comes, the very best kind of energy, the most pollution-free energy of all is that produced from hydroelectric sources. The foregoing dissertation should raise the question of who are the true environmentalists—those who would complete this project or the environmental defense fund, who would stop this project. I submit the answer is easy. The true environmentalists are those who would continue this project and the false or pseudo-environmentalists are those who would interrupt this completion, who have misnamed themselves the environmental defense fund.

The really thinking environmentalists are those who would see this project completed with all the vast benefits which will flow from it.

One of the most important benefits is large quantities of pollution-free energy which will be so desperately needed in this area in the years ahead.

When this suit was filed in March, it came like a bolt out of the blue. I just could not believe that the court would assume jurisdiction, because of the long delay in raising the question of danger to the environment from this project. Then I discovered there were some serious omissions in the drafting of the original environmental law. I could hardly believe that it did not contain a provision to exempt those projects which were already under construction at the time of the enactment of the law. To my surprise and dismay, I found that there was no such thing as a "grandfather clause" of any kind which would exclude the application of the environmental act to projects already underway. When this lawsuit was filed, and when I found the court did have jurisdiction I quickly responded with the comment, "There Ought To Be a Law." I meant that, even at this late date, there should be an enactment which would take away the jurisdiction of the courts as to projects that are as far along toward completion as the Truman Reservoir.

I have supported all of the water pollution and air pollution enactments that have been passed for the past several years. I am in agreement that we should and must think of the future of this small planet with its limited resources and its growing population.

But, Mr. Speaker, throughout all of the framework of the law there is what is known as the doctrine of latches which simply means that the law frowns upon anyone who sleeps upon his rights. Why, oh why is it equitable to permit these plaintiffs to wait until March of 1972 to file their suit? I submit that it is unconscionable that any plaintiff should not have to conform to some reasonable statute of limitations.

For my part I have never been able to understand why the original environmental laws did not contain a provision of exclusion exempting those projects under construction at the time, from the requirement of an environmental impact survey.

Accordingly, Mr. Speaker, I have recently introduced legislation which would deprive jurisdiction to any court of the United States to entertain a petition to halt any Federal construction project authorized prior to January 1, 1970, being built by the Corps of Engineers, provided there has been expended on such project by the date of the commencement of the litigation not less than 10 percent of the total authorized cost of such project or $15,000,000, whichever is greater.

The terms of my bill were considered before it was introduced. Certainly there was no environmental legislation of any consequence prior to 1970. As to those projects under construction before 1970, my bill will prevent the so-called environmental defense fund and others from sleeping on their rights. It is plain ordinary commonsense that a plaintiff just should not be permitted to file a lawsuit after $15,000,000 has been spent on a project, and thereby cause all that money to become a waste or total loss.

The figure of $15,000,000 is, of course, subject to amendment, as is the figure of 10 percent. This may be adjusted either upward or downward, depending upon the will of the Congress at the time of enactment.

Of course I do not have any illusions that this measure can be enacted and signed into law this Congress because of the lateness in the session. This bill could not be introduced until the court had rendered its decision. Let me say straightforwardly that in the event I should be a Member of the 93d Congress, I shall unrelentingly pursue the enactment of this piece of legislation with all the diligence and vigor that I can muster.

Yes, the lawsuit was quite a blow to the hopes of those who were friends of this project. But the lawsuit will not be fatal. We have already achieved a measure of victory by the judgment of the court. We are also assured now of the largest appropriation for FY 73 of any year since the commencement of construction. This is encouraging. It is not beyond the realm of possibility that if the bill I have introduced should become law it would not only eliminate the pending appeal, but would put to rest the issue of interruption of other projects across America.

PUERTO RICO'S POSITION IN UNITED NATIONS

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

Mr. CÓRDOVA. Mr. Speaker, the people of Puerto Rico resent and totally reject the attempts of the Cuban Government to intervene in Puerto Rican affairs. Our position was vigorously stated 2 days ago at the United Nations by a distinguished Puerto Rican who is a member of the U.S. delegation, Mrs. Julia Rivera de Vincenti. Her statement follows:

In the name of the delegation of the United States, and as a Puerto Rican. I must totally reject the statements by the Cuban representative that Puerto Rico has not yet achieved self-determination. I vehemently object to his continued interference in the internal affairs of the United States and Puerto Rico.

It is a great irony that the representative of Cuba should make the statement which we have heard in this chamber today. Perhaps the representative of Cuba, whose people have not seen ballot boxes in their country in more than a decade, simply does not understand the meaning of the free electoral process and other democratic institutions which mean so much to Puerto Ricans. We in Puerto Rico know the meaning of self-determination which we have enjoyed and continue to enjoy, and we know from experience the true meaning of freedom.

Again and again the Puerto Rican people have spoken in the free exercise of their options. Again and again they have demanded that Cuba cease interfering in their internal affairs. Must the people of Puerto Rico continue to be subjected to the calumnies we have heard today? Such slander is intolerable and degrading to the Puerto Rican people and to their free institutions. Must this organization continue to listen to such warped judgments of my people's ability to see and decide the issues for themselves?

Mr. Chairman, as a Puerto Rican and an American citizen, I must categorically reject the unwarranted and misleading allegations of the Cuban representative.

IN TRIBUTE TO HONORABLE PAGE BELCHER

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

Mr. TEAGUE of California. Mr. Speaker, I call the attention of my colleagues to the following speech made by Bryce Harlow on the occasion of a testimonial dinner given in honor of PAGE BELCHER by his Republican friends and staff members of the House Committee on Agriculture.

Dear hearts and gentle people. What has risen before you is the erroded remnant of a giant of a man—one who has had the distinction and delight—yea, even the obligation—to labor well nigh a quarter of a century tete-a-tete with the incredible, peerless, formidable, lovably cantankerous Congressman Page Belcher of Oklahoma.

Well I recall our first encounter when I loomed over him when he first came to Congress. In that very first session, when I imprudently rendered a judgment counter to his, I discovered I quickly lost three inches in height due to his remarkably acerbic, rapier and scalpel-like tongue.

From that day forward I followed that old piece of doggerel in my relations with Page:

Those who fight
And run away
Live to fight
Another day.

Only by careful adherence to that doctrine have I survived to be here this evening, joining in tribute to one who has become a pillar in Congress, one who has been a mainstay of the Republican Party for the years I have known him.

Now let's be perfectly frank about Page. After all, he would expect that of us. The simple truth is, it would probably be easier now and then to live with Gloria Steinem than with Page Belcher, when you get right down to it.

My observation has been that there are two ways to get along with Page. One is his way. The other is his way. There's just no other way.

And that is precisely why he is what he has come to be—Page the Incredible.

I have seen this man, during my ten years in the White House, overcome not one, not two, not five, but a whole procession of obstacles before which lesser men would have quailed. Why, Page, even Ezra Taft Benson at the zenith of his imperturbable inflexibility never once even approximated your doggedness, your tenacity, your automatic, absolute insistence on achieving your purpose once your mind is made up.

Now in some people that kind of an attribute is not necessarily a handsome one. You know such a fellow can come to be viewed as dogmatic, or intolerant of others' views, or just plain bullheaded.

Well, to be honest about it, my friends, there have been times that I have thought Page was coming *just* a bit close to some of those things when, no matter what I tried to say, and no matter what the President or anyone else tried to say, he went cheerily careening down the highway of his choice, forcing the rest of us to dodge away for fear of our lives.

But there is a difference here—a really noteworthy difference. Let me put it this way.

Did you ever see a lovable cocklebur? Now some of you would say you haven't—but you lie in your teeth when you say that because that's precisely what is with us this evening.

Yes, Page is tough and Page is rough, and Page is demanding, and he will push around the biggest people in the entire United States without the slightest hesitancy, and virtually always with complete success in what he is trying to do.

But—and here's the big difference—always we have known, we who have been so lucky as to have worked with this gifted man, that his motives always have been gold undefiled. It is party loyalty that motivates Page. It is loyalty to our country that motivates Page. It is that grand concept of the long-term interest of the American people, the avoidance of the tawdry, the expedient, the short-sighted solutions that control Page. And so, a soft-hearted, a good-hearted thistle—a tough man, an able man, a driving man—but, oh, such a good man—that's our Page.

I, for one, am so mightily proud to have been able to work with him on many of his major achievements in his Congressional years, and as a fellow Oklahoman I glow like a firefly because he is a product of my state.

I guess one of the most enjoyable parts of what I am saying to you is to convey my understanding that he has decided to remain in these environs in which he has been so dominant and so constructive and so admired for so long. I frankly say Washington would be a far lesser place if he and Gladys should leave, and thank God they are staying, for their counsel, judgment and friendship will continue to be sorely needed by us all.

Let me close off with a sidebar comment—Gladys.

I have talked of Page being so big and so rough and tough, but, friends, everyone of us has seen him hunker down like the proverbial dog in the hailstorm when Gladys, irresistible Gladys, has turned and said, "Now, Page." So in saluting you, Page, we know full well we are saluting as well your wonderful lady, who I have reason to believe has been your anchor as well as your rudder, and I rather suspect also your engine, all of these years.

I suppose I am the right one to say one thing more, in light of the way this program has shaped out—a simple parting thought.

May the sun be in your face, may the winds be to your back, may all your breezes be fair and balmy, and may the Lord's hand be on your shoulder as you move down the street a piece but carry forward your devotion to the greatest country on earth.

PERSONAL ANNOUNCEMENT

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

Mr. MIKVA. Mr. Speaker, I regret that I was unable to be present when the House took action on four bills Wednesday evening, October 11, 1972. Had I been present I would have voted as follows:

Yes on roll 427, final passage of H.R. 16724, authorizing WMATA to purchase D.C. area bus lines;

Yes on roll 428, final passage of H.R. 6482, Strip Mining Reclamation bill;

Yes on roll 429, final passage of S.J. Res. 247, extending copyright protection until 1974;

Present on final passage of H.R. 15965, D.C. teachers' pay bill. I have taken no part in the consideration of this legislation in the D.C. Committee of which I am a member, due to a potential conflict of interest. My wife teaches in the D.C. school system, and is currently on leave for the 1972–1973 school year. Because she might benefit in the future from increases in salary and benefits enacted by Congress, I have abstained from voting on this legislation in committee and on the floor of the House.

THE INTERSTATE COMMERCE COMMISSION AND NEW RAILWAY FREIGHT RATES FOR RECYCLABLE MATERIALS

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

Mr. VANIK. Mr. Speaker, last week, on October 4, 1972, the Interstate Commerce Commission proposed a general, across-the-board railroad freight rate increase of up to 6 percent. In some categories, the Commission limited the rate increases to a lower percentage figure.

At the present time, rail transportation rates are highly discriminatory: on a mile-to-mile basis, raw, primary materials can be shipped more cheaply than can secondary or recyclable materials. In permitting this rate discrimination—which in cases has amounted to a 50-percent differential—the ICC has encouraged the development of an extractive, depletion oriented economy. These freight rates have encouraged industry to destroy virgin timber rather than recycle waste paper: they provided incentives for the extraction of irreplaceable raw materials, such as iron ore, and have discouraged the careful preservation of waste materials. The ICC's freight rates have contributed to our Nation's solid waste problem and to the continuing destruction of our natural resources.

In the new proposed freight rate increases, the Commission made some effort to begin to lessen the discriminatory differentials between primary and secondary materials. For this first step—for this first recognition of the environmental problem which discriminatory freight rates have created, the Commission is to be commended. But, while the secondary materials' rail freight rate increases are generally held to half the rate increase for primary materials, the ICC's new tariff schedule has no real sound or logical basis. For example, the ICC does not explicitly state why the shipping rate for recyclable materials should be permitted to increase three percent. It would appear that the ICC hoped to satisfy the various conservation groups by merely pulling the 3-percent figure from the sky. At best, the 3-percent increase figure is extremely arbitrary, ambiguous, and highly debatable.

The ICC's recent approval of rail freight rate increases also violates the theme of U.S. Circuit Judge J. Skelly Wright's recent decision in S.C.R.A.P. versus ICC. In S.C.R.A.P. versus ICC, Judge Wright ordered that a proposed 2.5-percent increase in rail freight rates on goods being transported for purposes of recycling be prohibited pending further action by the court. In short, the ICC's recent decision defies the court's desire to stimulate the transportation and reuse of recyclable mate-

rials on a logical and orderly basis. In all probability, the ICC order of October 4 fails to satisfy the court's requirement of adequate environmental impact study.

Mr. Speaker, the ICC's recent action ignores recent legislative developments as can be seen in title VI of S. 2362, the Revenue Financing Division Act, currently pending before the Senate. In this particular piece of legislation, the Senate Commerce Committee states that—

> In order to accomplish the purposes of the Solid Waste Disposal Act of 1965, as amended by the Resource Recovery Act of 1970, it is essential to establish and maintain fair, reasonable, and nondiscriminatory transportation rates which will facilitate and encourage broader utilization of recycled solid waste materials and promote conservation of vital natural resources.

Recyclable goods must be used in production wherever and whenever it is possible. The present and proposed rail freight rate structure does not encourage this dire need—it actually discourages it. The ICC, therefore, is not acting in the public's best interest.

The ICC and the Nation's rail freight rate structure must be set back on the right track, through a complete study, review, and readjustment of all existing freight rates.

THE GLEN CANYON NATIONAL RECREATION AREA—A CORRECTION AND AN EXPLANATION

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

Mr. LLOYD. Mr. Speaker, in the CONGRESSIONAL RECORD for October 12, 1972, page 35291, a statement is inserted by the junior Senator from Utah regarding action by the House Interior Committee on legislation to establish the Glen Canyon National Recreation Area.

Criticisms are leveled against the House committee which should be answered because the complaints are biased and in my opinion are meant to serve a purely political purpose.

The Glen Canyon National Recreation legislation as passed by the U.S. Senate was not acceptable to a great many Utahns for several reasons including the most hotly contested one which involves what I and many other Utahns consider to be essential and easily reached access to the Utah regions of the Glen Canyon National Recreation Area. Approximately 95 percent of Lake Powell is in Utah and yet access from the southwest to the Utah area is rendered difficult by inadequate roads. A large body of Utahns are of the opinion that unless this legislation mandates this road and allows the State of Utah road building jurisdiction in the event of default by the National Park Service, the road may never be constructed due to the opposition of some environmental groups who prefer a detour around the Escalante River rather than a span across the river at an appropriate location.

In an attempt to resolve these differences of opinion, I asked the Subcommittee on Parks and Recreation of the House Interior Committee to conduct field hearings. This is a request which had been made of me by environmental spokesmen who said it was difficult if not impossible for many of their members with a vital interest in the legislation to come to a hearing in Washington. Chairman ROY TAYLOR of the Parks and Recreation Subcommittee was immediately cooperative and at the first opportunity, which was the long Memorial Day weekend of 1972, five members of the subcommittee journeyed to Kanab, Utah, and conducted the requested field hearings.

There is a long backlog of legislation in this subcommittee. Despite this backlog, Chairman Taylor and other members of the subcommittee worked honestly and diligently to afford the Glen Canyon legislation every appropriate opportunity for expeditious advancement. Washington hearings were called soon after return from Kanab.

The junior Senator from Utah complains that the bill was not marked up until August 11. This was due to no dilatory tactics on the part of the subcommittee but was due to the great volume of work with which the subcommittee has been faced this year. I personally missed no opportunity to move this legislation steadily along.

The combination of a congressional recess the latter part of August and volume of work being performed by the staff of the Interior Committee under very pressing circumstances was another reason for delay in filing a report on the bill and I share the disappointment that it was not filed until September 26, but I cast no stones.

The junior Senator from Utah claims every effort made to discuss in advance possible basis for conference agreement between the House and Senate versions of the bill has been rejected. This claim is not correct and is made of whole cloth.

The junior Senator of Utah is not the only one who is disappointed with the progress of the bill thus far. The delays have been due to the controversy of a mandated road not to any deliberately dilatory tactics on either my part or on the part of the House Interior Committee or the Subcommittee on Parks and Recreation. The nature and form of the complaints issued by the junior Senator from Utah perform no useful function in assisting the enactment of this legislation. If he were not now demanding changes in language on which a general concensus had been previously approved including the approval of the Governor of Utah, the bill would not now be in danger of defeat through lack of time.

THE WAR IN VIETNAM—IMPLICATIONS OF INTERNATIONAL LAW

(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, earlier in the summer I requested a report from the Library of Congress on international law as it relates to the bombing of dikes in Vietnam and the mining of the port of Haiphong.

Following my remarks, I would like to insert that report in the RECORD, for it raises some grave questions about the propriety of our military actions against a country with whom no war has been declared.

The report examines the various arguments relating to bombing of the dikes in North Vietnam, and concludes that even if the dikes were legitimate military targets it may be a breach of the rules of warfare to bomb them if their destruction would result in civilian casualties disproportionate to any military gain.

On the question of blockading the port of Haiphong, the report raises equally serious questions about excessive use of force affecting third party nonbelligerents, particularly in the absence of a declaration of war.

The report follows:

INTERNATIONAL LAW AS IT RELATES TO THE BOMBING OF THE DIKES AND THE MINING OF THE PORTS OF NORTH VIETNAM

The following memorandum and the attached papers are sent in response to your request of August 4 for a legal assessment of the questions of international law involved in the bombing of the dikes and the mining of the ports of North Vietnam. This memorandum does not purport to be a comprehensive treatment of the subject. Rather it attempts to outline and illustrate some of the major legal problems attendant upon the bombing of the dikes and the mining of the harbors. In preparing the memorandum, this Division surveyed a number of authoritative textbooks on international law as well as the literature in legal periodicals. We also conducted a search of our clipping files. Nothing specific on bombing the dikes was found, and it has proven necessary to reason by analogy from existing international law, which seems to be far from definitive on the entire question of bombing.

The law appears to be somewhat clearer as regards mining the ports, but the fact that the United States is not technically at war clouds the issue (although some would argue that for all practical purposes the U.S. is a belligerent in Vietnam). The following discussion and the papers sent herewith are designed to amplify the foregoing comments, and to show you a sample of the sources and commentaries related to the information you requested.

1. BOMBING THE DIKES

In 1907, when naval bombardment was an established tactic of war but aerial bombardment had yet to be developed, Hague Convention No. IX on Naval Bombardment in Time of War expressly forbade the bombardment of undefended ports, towns, villages, dwellings, or buildings. This same convention, however, just as expressly indicated that military works, depots, workshops or plants which could be utilized for the needs of a hostile fleet or army, were legitimate military targets.[1]

The Hague Rules of Aerial Warfare, adopted in 1923 by a Commission of Jurists but never embodied in an international convention, prohibit aerial bombardment for the purpose of terrorizing the civilian population. Aerial bombardment was characterized as legitimate only when directed at a military objective whose injury or destruction would constitute a distinct military advantage to the belligerent (attacker). Among such objectives are military forces, military works, establishments, and depots, factories making arms, ammunition or military supplies, and lines of communication or transportation used for military purposes. Where such objectives are situated so that they cannot be bombarded without indiscriminately bombing the civilian population, the aircraft

Footnotes at end of article.

are supposed to abstain from such bombing.[2] However cities, towns, villages, and buildings could be bombed when they lay in the immediate neighborhood of the operations of land forces, and there was reasonable presumption that the military concentration justified the bombardment. Again, the danger to the civilan population had to be taken into account.

Although these 1923 Rule of Air Warfare were not formally adopted they had, according to Greenspan, "strong persuasive authority"[3] since they were the chief existing guide to the rule of air warfare. The analogy to Hague Convention IX was easy to make. Just as it was legitimate for naval forces to bombard plants and installations which they could not seize and occupy and which could serve the needs of hostile forces, so it was legitimate to bomb military objectives behind enemy lines. Any incidental destruction suffered as a result of the bombing of a military objective was justified only in proportion to that objective. A whole town was not to be destroyed, in other words, in order to knock out a minor factory.

Whatever agreement there may have been on these principles was called into question as a result of practices developed by both sides during World War II. The Allies developed what is known as target-area bombing, in response to German concealment and camouflage of war industry, coupled with massive anti-aircraft defenses. The tactical conception was that since the attackers could not see their objective because of measures taken by the enemy, they could bomb the spot where they knew the objective to be. This meant saturating an area with bombs to make sure the objective was hit.

The legal justification of target area bombing was based on two factors. The first was that the area attacked was, in fact, so preponderantly used for war industry that it could be considered as an indivisible whole—*a place d'armes*—and the second was that the area was so heavily defended as to render the differentiation of specific targets wholly impracticable. J. M. Spaight, in his treatise called "Air Power and War Rights" (3d ed. 1947), put the matter this way:

"If in no other way than by target-area bombing can a belligerent destroy his enemy's armament centers and interrupt his enemy's process of munitionment, then target-area bombing cannot be considered to offend against the principles of the international law of war. To hold that it does offend against them is to subject bombardment from the air to a stricter test than has been applied in the past to bombardment from land or sea. Military effectiveness has been the test, and by that test target-area bombing passes muster. *It could be condemned only if it involved acts repugnant to humanity.*"[4]

Spaight goes on to say that indiscriminate bombing is still unlawful, that there is still no warrant for the deliberate bombing of a town which is neither the center of war industry nor otherwise immediately related to the enemy's war effort. *"It is the special, not the general, war potential of the enemy that is still the objective.* Bombing for a moral effect only remains unlawful. In that sense, attack on the civilian population is contrary to international law."[5]

Julius Stone, a prominent Australian authority, takes issue with some of these statements by Spaight. For one thing, he argues that the Second World War put it beyond surmise that belligerents would not be restrained from exploiting the air arm either out of respect for the analogies of land warfare or the immunity of noncombatants. He contends that if target area bombing is legal, then one cannot maintain that any resulting damage to civilian morale is really incidental. What Stone says, in so many words, is that since it is legal for a belligerent to bomb the war production facilities of his enemy, those who operate such facilities have in fact lost their immunity as civilians, and are simply treated as adjuncts of the enemy's war potential which an attacker can destroy. Traditionalists may abhor this state of affairs, argues Stone, but international practice, especially in World War II, has condoned it. He believes that any real approach to agreed legal regulation of this problem has to begin with the recognition of a distinction between this quasi-combatant workforce and genuine civilians, whose activities do not contribute to the war effort. The latter might be legally protected from bombings by removal to areas of sanctuary, as was done in China in 1937–38 and observed by the Japanese, for example.[6] Such a distinction between civilians is described as impossible by another commentator, however, who argues that to make it is to bring the whole question of the immunity of the civilian population in question.[7] Yet the same writer who also admits that the power of certain modern weapons and methods of warfare may make the distinction between armed forces and civilians illusory.

The opposing views outlined above serve to illustrate the conflict and confusion surrounding the status of aerial bombing under international law. (Indeed so uncertain is the situation and so fluid are the rules of air warfare that no charges concerning air warfare were brought against the Nazi leaders at Nuremberg).

The dikes of North Vietnam provide an object lesson in the legal dilemma posed by aerial bombing. In one sense the dikes, or parts of them, are legitimate bombing targets. There are roads on top of some of them, and trucks carrying military supplies may move on these roads. The Draft Rules of Aerial Warfare, which run back to 1923 and were previously cited in this paper, permit the bombing of means of communication of fundamental military importance. In addition, the dikes have apparently been used for the emplacement of anti-aircraft guns and missiles, and for the construction of oil pipeline pumping stations. A bombing attack on such installations could be construed as legitimate if nothing further were involved.

But obviously something else is involved, namely the possibility of enormous civilian casualties caused by the destruction of the dikes which might ensue if enough unquestioned legitimate targets were hit. At this point one may speculate how, reasoning by analogy, the divergent legal theories of aerial bombing might be applied to any attack resulting in massive damage to the dikes. If one follows the theory that pre-World War II limits still apply, that the destruction of civilian morale is not a legitimate objective of bombing, that target area bombing is at least legally questionable, that there can be no indiscriminate bombing of civilians, then one can argue that any bombing on or near the dikes which might produce a similar loss of life and destruction of morale may be legally forbidden. If, on the other hand, one accepts the arguments that target area bombing was legalized in practice in World War II, and that the attacker was not culpable for the damage to civilians and nonmilitary property resulting therefrom, which damage, furthermore, could not truly be described as incidental, then one might be inclined to contend that practice has given legal sanction to bombing on or near the dikes. All of this, it must be emphasized, is purely speculative.

One other aspect that must be considered in any legal assessment of the bombing of the dikes is the question of proportionality, which was mentioned on page three. What is meant by proportionality, to amplify what was previously stated, is that casualties and material destruction should not be out of proportion to any military advantage gained by the bombing. Disproportionate suffering is to be avoided, even if the target being bombed is wholly legitimate. During World War II and after, defenders of target area bombing said, in effect, that the great civilian casualties and general destruction resulting therefrom were proportionate to the military necessity of eliminating the targets involved.

In the present situation the United States claims that it is not engaged in any systematic bombing effort to breach the North Vietnamese dike system. Secretary Laird has simply stated that there have been times when our bombers have struck dikes which had roads or anti-aircraft sites on them. The State Department has admitted 12 hits on the dikes as a result of bombing targets that are characterized as legitimate. The administration appears to be arguing, as far as proportionality is concerned, that the damage inflicted by these hits is in proportion to the military worth of the targets.

Opponents argue, however, that the military targets to be found on or near the dikes are not sufficiently worthwhile for the United States to risk causing the catastrophe that could follow if the bombing sufficiently weakens the dikes. If the dikes do give way, they say further, and hundreds of thousands drown and perhaps even millions are faced with starvation, the United States will find it virtually impossible to convince world opinion that such a result was proportionate to the military value of the targets bombed. Rather, these opponents say, the United States could be accused of war crimes and/or crimes against humanity, and might find it difficult to counter such charges, either legally or morally. Thus from the legal aspect of proportionality alone, any bombing of the dikes, they would assert, is a game not worth the candle.

2. MINING OF THE PORTS

Although the mining of the ports of North Vietnam raised a broad legal question, the law is essentially straightforward compared with any applying to bombing of the dikes, and reasoning by analogy is not necessary. The state of the law with respect to mine warfare was set forth by Professor Howard S. Levie as follows: "It has been said that successful weapons are never outlawed by international action. On this basis we would certainly have to find that the much maligned mine is a successful weapon. The meaningful international controls that have been placed on it are minimal—the requirements that, if unanchored, it must disarm itself within 1 hour; and that, if anchored, it must disarm itself should it break loose from its moorings."[8] These restrictions date from the Hague Convention No. VIII of 1907, and have not been essentially changed in the intervening years. The terms of that Convention also provide that mining the coasts or ports of an enemy with the *sole object*[9] of intercepting commercial shipping is prohibited.

The difficulty of this language was pointed out at the time and since, namely the use of the words "sole object" offers a wide area for evasion. A state has merely to claim that its purpose in laying mines was broader than intercepting commercial shipping and the mining is perfectly legal. This distinction was used by the President when he announced the policy of mining the ports. He stated that its purpose was to prevent access to these ports and North Vietnamese naval operations from the ports. No specific mention is made of interdicting commercial shipping, although that inference may certainly be drawn. But since interdicting North Vietnamese naval operations would be legal, such interference with commercial shipping as might follow therefrom is legal as well,

Footnotes at end of article.

and there was thus really no need to specify whose access is being blocked.

The President also avoided the use of the term blockade. A blockade is normally considered an act of war, which may be why the President did not use the term, since neither the United States nor North Vietnam has ever declared war. Yet the bombing campaign is certainly an act of war, but the United States was not deterred from undertaking it originally, or renewing it, by that fact. Assistant Secretary of Defense for Public Affairs, Daniel Z. Henkin, has maintained that a blockade involves the stopping and searching of ships, and since the President's action called for no such follow up, no blockade could be inferred.[10]

It appears that the United States is trying to avoid any confrontation with Soviet, Chinese, or other vessels by warning of the minefields, and that the administration draws a distinction between this type of action and a traditional blockade. There is the further consideration that from a legal standpoint the use of mines to enforce a blockade is questionable. Mines, per se, have been considered unacceptable, as they make it impossible to observe one of the requirements of a blockade, namely warning the approaching vessel. Mines have been sanctioned as a method of increasing the effectiveness of a blockade maintained by ships. At least one writer, however, argues that modern methods of naval warfare, such as radar and aircraft will make mines more important to the establishment of blockades in the future.[11] For those who believe that the entire course of U.S. action in Vietnam is that of a belligerent, attempts to differentiate the President's action from a legal blockade, or even a discussion of the use of mines instead of ships, raise invalid distinctions. If the United States actions justify the view that it is a belligerent, then the laws of war apply, as they see it.

The main legal argument on which the United States appears to be relying for its action in mining North Vietnamese harbors is the right of collective self defense found in Article 51 of the UN Charter. This was the explanation given by George Bush, U.S. representative at the United Nations, who contended that the President's action was taken in response to the massive invasion across the demilitarized zone and international boundaries by the forces of North Vietnam. One legal scholar stated that if this point could be established the United States would have a pretty good legal case for its actions, but he pointed out that no international tribunal has yet ruled on which party is the aggressor in Vietnam, and that the North Vietnamese would no doubt assert that the conflict was a civil war.[12] Another legal scholar was even more skeptical, contending that the validity of the administration's argument depended on whether one believed that the safety of U.S. forces in South Vietnam was immediately threatened, and on whether direct confrontation with Soviet shipping in the waters off Vietnam was necessary to save them.[13] He argues further that the U.S. action amounts to the use of force against a state not party to the conflict, in effect violating the UN Charter. However another legal authority disputes this interpretation, pointing out that the phrase "internal and claimed territorial waters of North Vietnam," which the President used in his May 8 speech announcing the mining, was intended to minimize the risk of confrontation with the USSR by avoiding any implication of long distance blockade.[14] This same individual argues that the applicability of the law of blockade depends on the factual existence of a state of hostilities and does not require a formal declaration of war. He cites the blockade of the entire Korean coast during the Korean War as evidence of his contention. He goes on to defend our government's invocation of Article 51, arguing that the recent invasion of the South from North Vietnam amounts to an armed attack permitting a defensive response under the Charter. The necessity and proportionality of that response, he contends, must be related to the magnitude of the threat to South Vietnam, not just to the safety of the U.S. force there. He finds the U.S. action to have been a lawful interdiction of shipping not constituting a threat or use of force against a non-belligerent which could justify the use of force in response.

3. SUMMARY

The legal situation relative to the bombing of the dikes and the mining of the ports in North Vietnam may be summarized as follows: With respect to any bombing, the legal situation is not settled. While it may be considered legal to bomb strictly military objectives on or near the dikes, it is debatable as to whether such bombing can be separated from an attack on the dikes themselves. The weight of legal opinion, one can surmise, would not find the widespread destruction and casualties that could result from a substantial breaching of the dikes proportional to the military worth of the objectives attacked, and hence it would not be likely to assimilate it to the target area bombing of World War II. Accusations of war crimes and crimes against humanity can be envisioned as one result.

As far as mining the ports is concerned, there seems little doubt that the use of mines, per se, is legal. What is in controversy is whether such action constitutes a blockade, which as a non-belligerent the United States is not legally empowered to impose, and which, apparently is not yet legally acceptable when imposed entirely by mines. Finally there is the question of whether the U.S. can convincingly justify its actions under article 51 of the UN Charter.

FOOTNOTES

[1] Whiteman, Marjorie M. Digest of International Law, Vol. X Washington, Department of State Publication 8367. 1968. p. 411.

[2] Ibid., p. 413.

[3] Greenspan, Morris. The modern law of land warfare. University of California Press. Berkeley and Los Angeles. 1959. p. 334.

[4] Spaight, James M. Air Power and War Rights. 3rd Ed. Longmans Green. London. 1947. Quoted in Whiteman, op. cit., p. 418. Italics added in this memorandum.

[5] Ibid., p. 419. Italics also added herein.

[6] Stone, Julius. Legal controls of international conflict. New York. Rinehart and Co., 1959. pp. 625–631.

[7] Bendschedler, Robert, Denise. A reconsideration of the law of armed conflicts. In the Law of Armed Conflicts. N.Y. Carnegie Endowment for International Peace, 1971, p. 26.

[8] Howard S. Levie. "Mine Warfare and International Law." Naval War College Review. April, 1972. p. 33.

[9] Italics added.

[10] New York Times. May 9, 1972, p. 18.

[11] Whiteman, Digest of International Law, Vol. X. op. cit. pp. 865, 866.

[12] N.Y. Times. May 9, 1972, op. cit. p. 18.

[13] Washington Post. May 14, 1972. p. B6.

[14] Ibid., May 20, 1972. p. A14.

ON INTRODUCTION OF LEGISLATION TO PROVIDE A 3-YEAR AUTHORIZATION FOR CERTAIN REGULATORY AGENCIES.

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

Mr. BROYHILL of North Carolina. Mr. Speaker. I have today introduced legislation to provide a 3-year authorization of funds for the following Federal regulatory agencies: Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Interstate Commerce Commission, Federal Aviation Administration, Civil Aeronautics Board, and Securities and Exchange Commission. All of these agencies fall within the jurisdiction of the Interstate and Foreign Commerce Committee, of which I am a member.

For some time, I have been deeply concerned about the failure of the Congress to exercise its legislative oversight authority in a number of areas. The various regulatory agencies come readily to mind as examples of congressional abnegation of authority.

These agencies were established by the Congress as independent bodies charged with regulating various aspects of trade and commerce. In reality, however, there has been little or no congressional overview of the job they are doing, the way their authority is exercised, or the direction in which they are moving in the issuance of far-reaching regulations.

Some of the issues which the Congress should explore are whether regulated industries are being treated fairly, whether consumer interests are being protected, whether the public interest is being served, and whether these agencies are following the intent of the Congress in their day-to-day activities. In this overview, needed amendments to the acts should also be considered.

My bill, which would authorize funds for fiscal years 1973, 1974 and 1975 for the above-mentioned agencies, would insure a greater degree of congressional oversight by controlling the budgets of these agencies. Under present procedures, these agencies present their budget requests directly to the House Appropriations Committee. The committees with legislative authority over the activities of the regulatory agencies seldom take the opportunity to review their operations. At present, our only legislative contact with these agencies is to amend the enabling legislation to provide them with greater authority than they now possess.

By establishing a 3-year authorization of funds, my bill would permit the Congress to conduct an indepth study of each regulatory agency every 3 years. The authorizations provided under this bill are based on agency budgets for the current fiscal year, with moderate increases for succeeding years.

An example of the procedure which I am recommending is contained in the bill to establish a Consumer Product Safety Commission which has received final clearance by the House today. Under that legislation, which I had a large part in drafting, the Consumer Product Safety Commission will receive a 3-year authorization. After that time, the commission must come before the Interstate and Foreign Commerce Committee to request an extension of the act, and it is the firm intent of the committee to review the commission's activities at that time.

Mr. Speaker, it is very late in the congressional session to introduce far-reaching legislation of this kind. I have no expectation that my bill will receive the consideration of the House of Representatives during this Congress. However, I want to offer to the parties affected by the legislation the opportunity to be aware of my proposal and to offer their comments.

It is quite possible that this legislation will need polishing and perfecting before it is enacted into law. I want to state my strong intentions of pursuing this legislation in the 93d Congress, and I welcome the help and support of my colleagues in the House of Representatives.

CONFERENCE REPORT ON H.R. 17034

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 92-1601)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17034) "making supplemental appropriations for the fiscal year ending June 30, 1973, 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 amendments numbered 1, 7, 26, 27, 34, 35, 36, 37, 38, 66, 75, and 80.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 16, 19, 21, 30, 31, 32, 62, 65, 67, 68, 69, 77, 82, and 83, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$500,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "three"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$19,740,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$2,500,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$1,495,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, part A ($11,500,000), part B ($5,000,000), and part C ($500,000) of the Indian Education Act, and General Education Provisions Act ($1,000,000), $18,000,000.

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$400,755,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$415,556,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$790,200,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$1,030,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$450,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$200,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$33,000,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to National Railroad Passenger Corporation," $9,100,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert: "$4,500,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 4, 9, 10, 11, 12, 13, 18, 20, 22, 23, 24, 25, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 70, 71, 76, 78, and 84.

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TED STEVENS
(except amendments 36, 37 and 38),
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. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, 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:

CHAPTER I

Department of Agriculture

Agricultural Programs Agricultural Research Service

Amendment No. 1: Deletes the item of $388,000 proposed by the Senate.

Rural Development Farmers Home Administration

Amendment No. 2: Appropriates $500,000 instead of $1,250,000 as proposed by the Senate. The Conferees agree that funds heretofore appropriated by the Congress and unexpended will enable the Department to implement the Rural Development Act, which the Conferees fully support. The Department of Agriculture is expected to begin implementation of the Act by utilizing the following fiscal year 1973 funds which are currently available under P.L. 92-399 (1973 Agriculture-Environmental and Consumer Protection Appropriation Act), but which have not been released by the Office of Management and Budget:

Cooperative State Research Service	$1,500,000
Extension Service	3,000,000
Farmer Cooperative Service	100,000
Rural Environmental Assistance Program	85,500,000
Rural Electrification Administration Loans	177,000,000
Rural Water and Waste Disposal Grants	108,000,000
Rural Housing for Domestic Farm Labor	1,250,000

Conservation Operations	5,000,000
Resource Conservation and Development	6,000,000
Watershed Planning	500,000
Watershed and Flood Prevention Operations	8,412,500
Great Plains Conservation Program	62,500

The Conferees also expect a relaxation of personnel ceilings to the degree necessary for the implementation of this program.

Environmental Programs, Agricultural Stabilization and Conservation Service

1972 Rural Environmental Assistance Program

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds for the 1972 Rural Environmental Assistance Program shall be available until June 30, 1973, rather than June 30, 1972 as provided in P.L. 92–399.

The Conferees intention is to permit an extension only for those individuals who could not act because of natural conditions beyond their control, and is not intended to apply to individuals who were simply tardy in installing 1972 practices.

National Study Commission

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $200,000 for a "National Study Commission".

CHAPTER II

National Science Foundation

Amendments Nos. 5 and 6: Appropriate $19,740,000 to procure three aircraft to provide support for national Antarctic programs instead of $26,320,000 for four aircraft as proposed by the House and $13,160,000 for two aircraft as proposed by the Senate.

Veterans' Administration

Amendment No. 7: Deletes $40,000,000 proposed by the Senate to provide Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions.

CHAPTER III

Department of the Interior

Amendment No. 8: Appropriates $2,500,000 for "Bureau of Indian Affairs, Education and Welfare Services", instead of $4,500,000 as proposed by the Senate.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which provides $118,000 for "Bureau of Indian Affairs, Construction".

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing language to authorize any of the funds heretofore or hereafter advanced under authority of the Second Supplemental Appropriations Act, 1972 (Public Law 92–306), or the Act of August 10, 1972 (Public Law 92–369), to a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92–203), may be used by such Regional Corporation to loan to, and such Regional Corporation may also guarantee loans by third parties to, the Alaska Federation of Natives and/or Alaska Federation of Natives, Inc., in such amounts and upon such terms and conditions as may be determined by such Regional Corporation, and in recognition of the services of said organizations in advancing land claims settlement legislation. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate Amendment which provides $350,000 for "National Park Service, Construction".

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that of the $2,000,000 appropriated to the National Park Service for expenses necessary for operating and maintaining the nonperforming arts function of the John F. Kennedy Center for the Performing Arts, not to exceed $630,000 shall be available for reimbursement to the Board of Trustees of the John F. Kennedy Center for operation and maintenance costs incurred for the period July 1–October 31, 1972.

Related Agencies

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $3,356,000 for "American Revolution Bicentennial Commission, Salaries and expenses."

CHAPTER IV

Department of Health, Education, and Welfare

Education Division

Amendment No. 14: Appropriates $1,495,000 for "Salaries and expenses, assistant Secretary for Education" instead of $2,242,000 as proposed by the Senate.

Office of Education

Amendment No. 15: Inserts heading, as proposed by the Senate.

Amendment No. 16: Appropriates $270,640,000 for "Emergency school assistance," as proposed by the Senate.

Indian education

Amendment No. 17: Appropriates $18,000,000 for "Office of Education, Indian Education", instead of $36,000,000 as proposed by the Senate.

Of the total amount provided, $11,500,000 is for financial assistance to local educational agencies for elementary and secondary education programs to meet the special educational needs of Indian children; $5,000,000 is for special programs and projects to improve educational opportunities for Indian children as authorized by section 810 of the Elementary and Secondary Education Act; $500,000 is for the initiation of a program of pilot demonstration projects and research and evaluation of adult education programs for Indians; and $1,000,000 is to provide the necessary funds for establishing the new Office of Indian Education, the National Advisory Council on Indian Education, and for planning for implementation of the Indian Education Act.

Amendment No. 18: Reported in technical disagreement. 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 appropriate $577,500,000 for "Higher education" instead of $689,960,000 proposed by the Senate. 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 are agreed on the following distribution of the total appropriation:

Program	*Amount*
Student assistance:	
Subsidies on guaranteed student loans	$215,000,000
Direct student loans	293,000,000
Allen J. Ellender fellowship grants	500,000
Institutional assistance:	
University community services	15,000,000
Construction—State administration	3,000,000
Bankhead Jones Act	10,000,000
Endowment in lieu of a land-grant for Virgin Islands and Guam	6,000,000
Post-secondary innovation	10,000,000
Veterans cost-of-instruction payments	25,000,000
Total	577,500,000

The managers on the part of both the House and Senate are also agreed on the importance of the program of aid to developing institutions, which assists many black colleges. They will expect that a supplemental budget estimate for this program will be submitted for consideration early in the next session of Congress.

Amendment No. 19: Appropriates $17,857,000 for "Library resources" as proposed by the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which appropriates $1,500,000 for "National Commission on the Financing of Postsecondary Education."

Amendment No. 21: Appropriates $81,165,000 for "Educational renewal" as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which appropriates $13,905,000 for "Salaries and expenses".

Amendment No. 23: Reported in technical disagreement. 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 appropriate $92,082,000 for "National Institute of Education" as proposed by the Senate, and will delete language proposed by the Senate making the appropriation available until expended. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate.

Social and Rehabilitative Service

Amendment No. 24: Reported in technical disagreement. 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 appropriate $898,648,000 for "Social and rehabilitation services" instead of $893,448,000 as proposed by the House and $899,268,000 as proposed by the Senate. 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 are agreed that the increase over the amount contained in the House bill includes $200,000 for design of a project to test a new job and an income support program as a replacement for the existing Unemployed Fathers component of the AFDC program, and $5,000,000 for construction of permanent facilities for the National Center for Deaf/Blind Youths and Adults at Sands Point, N.Y.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which provides that $5,000,000 for the construction of the National Center for Deaf/Blind Youths and Adults shall remain available until expended.

Amendment No. 26: Deletes appropriation of $17,000,000 for carrying out title IV of the Older Americans Act of 1965, proposed by the Senate.

Special Institutions

Amendment No. 27: Deletes appropriation of $7,545,000 for carrying out the Model Secondary School for the Deaf Act, proposed by the Senate.

Office of Child Development

Amendments Nos. 28 and 29: Appropriate $415,556,000 for "Child development" including $400,755,000 for Project Head Start, instead of $408,056,000, including $393,255,000 for Project Head Start as proposed by the House, and $422,056,000, including $407,255,000 for Project Head Start as proposed by the Senate.

Office of the Secretary

Amendment No. 30: Inserts heading as proposed by the Senate.

Amendment No. 31: Appropriates $1,322,000 for "Office of Civil Rights" as proposed by the Senate.

Amendment No. 32: Appropriates $541,000 for "Departmental management" as proposed by the Senate.

RELATED AGENCIES

Office of Economic Opportunity

Amendment No. 33: Appropriates $790,200,000 for "Economic opportunity program," instead of $760,200,000 as proposed by the House and $840,000,000 as proposed by the Senate.

The managers on the part of both the House and the Senate are agreed that the increase of $30,000,000 over the amount in the House bill is to be used for programs in Puerto Rico and for the nutrition component of the emergency food and medical services program.

Amendments Nos. 34 and 35: Delete language proposed by the Senate providing for transfer of assets and liabilities of the revolving loan fund established under section 306 of the Economic Opportunity Act from the Department of Agriculture to OEO. The conferees expect OEO to transfer from existing sources the necessary funds and personnel ceilings to the Department of Agriculture consistent with the original commitments of OEO to reimburse U.S.D.A. for the costs of administering loans made in previous years. Such reimbursements should continue for so long as U.S.D.A. services outstanding loans.

GENERAL PROVISIONS

Amendments Nos. 36, 37, and 38: Delete general provisions, Sections 401 and 402, proposed by the Senate, relating to the Administration of section 1130 of the Social Security Act, which deals with the allotment of funds to States for social services.

The managers on the part of the Senate and the House recognize that certain States will suffer undue hardship as a result of the ceiling on payments for social services which is imposed in the Revenue Sharing Legislation. However, the proper place to correct such inequities is in substantive legislation, rather than in an appropriation bill.

CHAPTER V

Legislative branch

Amendments Nos. 39 through 53: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements, and the other concurs without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments Nos. 39 through 53.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the Capitol Police to carry firearms under regulations to be prepared by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives, as proposed by the Senate.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the provisions of House Resolution 890, 92d Congress, shall be permanent law only with respect to the compensation of the Clerk, the Doorkeeper, and the Sergeant at Arms of the House of Representatives and shall not apply with respect to the compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation, as proposed by the Senate. The House proposed the inclusion of the latter position as well as the above named officers of the House of Representatives.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $5,000 for the "Office of the Attending Physician" to be available as an allowance for a medical consultant, and include language providing that the Attending Physician to the United States Congress, while so serving, shall be considered to hold the rank of Rear Admiral, Medical Corps, United States Naval Reserve, as proposed by the Senate.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $110,000 for "Senate Office Buildings" as proposed by the Senate.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $47,925,000 for "Construction of an extension to the New Senate Office Building" as proposed by the Senate.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $4,075,000 for "Acquisition of property as a site for parking facilities for the United States Senate" as proposed by the Senate.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $50,000 for "Plans for garage and related facilities for the United States Senate" as proposed by the Senate.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment to appropriate $1,450,000 for the acquisition of the so-called Providence Hospital site (square 764) as an addition to the Capitol grounds for use as a green park area pending its development for permanent use as the site for the John W. McCormack Residential Page School as proposed by the Senate, and to authorize the Architect of the Capitol to carry out the provisions of the paragraph under the direction of the House Office Building Commission, as well as the Senate Office Building Commission as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER VI

Public Works

Amendment No. 62: Inserts new title.

Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, General Investigations

Amendment No. 63: Appropriates $1,030,000 instead of $1,705,000 as proposed by the Senate. The funds appropriated are allocated to the following studies:

Barataria Bay Waterway entrance channel study, Louisiana	$25,000
Delaware Bay Shore hurricane and beach erosion study, New Jersey	30,000
Impact of Tropical Storm Agnes on Chesapeake Bay studies	275,000
Metropolitan Atlanta comprehensive water study, Georgia	200,000
New Orleans-Baton Rouge metropolitan area waste water management study, Louisiana	250,000
Northwest Florida along Gulf of Mexico urban flood control study	150,000
Raritan Basin, N.J. flood control study	100,000
Total, General Investigations	1,030,000

Construction, General

Amendment No. 64: Appropriates $450,000 instead of $1,070,000 as proposed by the Senate. The funds appropriated under this heading are to be used to initiate preconstruction planning for the following projects:

Arkansas: Norfolk Reservoir highway bridge	$100,000
Kentucky: Big South Fork National River and Recreation Area, Ky. and Tenn.	50,000
Mississippi: Edinburg Dam and Lake	100,000
Nebraska: Missouri River bank stabilization, Gavins Point Dam, Nebraska and South Dakota to Sioux City, Iowa	50,000
West Virginia: Matewan and Williamson local protection	150,000
Total, Construction, General	450,000

Flood Control, Mississippi River and Tributaries

Amendment No. 65: Appropriates $1,000,000 as recommended by the Senate. The funds are to be used to initiate the acquisition of mitigation lands for the Cache River Basin Feature, Mississippi River and Tributaries Project in Arkansas.

Independent Offices, Water Resources Council, Water Resources Planning

Amendment No. 66: Deletes appropriation proposed by the Senate providing $850,000 for the Water Resources Council.

The Committee of Conference has deferred, without prejudice, the Water Resources Council's request of an additional $850,000 for the water resource assessment program.

Appropriations for FY 1973 water-use related studies exceed $43,000,000. This amount includes $100,000 which, taken together with $34,000 in carryover balances from FY 1972, provides a total of $134,000 for the Water Resources Council to initiate work on the second assessment of the adequacy of the Nation's water resources.

There is, however, no objection by the Committee of Conference to a modest reprograming of existing funds if necessary to continue the orderly progress of the second national water assessment.

CHAPTER VII

Department of Justice

Legal Activities and General Administration Salaries and Expenses, General Administration

Amendment No. 67: Appropriates $2,000,000 for maintenance and operation of a national narcotic intelligence system as proposed by the Senate instead of $2,100,000 as proposed by the House.

Salaries and Expenses, United States Attorneys and Marshals

Amendment No. 68: Appropriates $1,300,000 as proposed by the Senate instead of $1,200,000 as proposed by the House.

Department of Commerce

Amendment No. 69: Inserts heading.

Participation in United States Expositions

Amendment No. 70: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $3,500,000 to be available upon enactment of authorizing legislation instead of $11,500,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Maritime Administration, Ship Construction

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, appropriating $175,000,000 to be available upon enactment of authorizing legislation.

Related Agencies

Commission on the Organization of the Government for the Conduct of Foreign Policy

Amendment No. 72: Appropriates $200,000 instead of $1,000,000 as proposed by the Senate.

CHAPTER VIII

Department of Transportation

Amendment No. 73: Appropriates $33,000,000 for National Highway Traffic Safety Administration, traffic and highway safety instead of $32,200,000 as proposed by the House and $37,300,000 as proposed by the Senate.

The additional funds provided over the House bill are to be allocated as follows:

Occupant packaging research	$200,000
Passive restraints—fleet test	500,000
Accident investigation and data analysis	100,000

Amendment No. 74: Appropriates $9,100,000 for Federal Railroad Administration, grants to the National Railroad Passenger Corporation instead of $57,000,000 as proposed by the Senate.

The funds provided are to be used to cover anticipated additional operating deficits.

Related Agencies

Amendment No. 75: Deletes the appropriation of $11,400,000 for "Civil Aeronautics Board, payments to air carriers" proposed by the Senate.

The conferees anticipate the timely submission of a budget request at the beginning of the next Congress, and it is, of course, the intention of the conferees to recognize the obligations of the Government with respect to payments to air carriers under the applicable law.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $250,000 for "Commission on Highway Beautification, salaries and expenses."

CHAPTER IX

Department of the Treasury

Office of the Secretary

Amendment No. 77: Appropriates $3,800,000 for salaries and expenses as proposed by the Senate instead of $4,000,000 as proposed by the House.

Bureau of Customs

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the language proposed by the Senate, insert the following:

: Provided, That section 102 of the Treasury, Postal Service, and General Government Appropriation Act, 1973, is amended by striking out "March 31, 1973" and inserting in lieu thereof "May 15, 1973".

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Internal Revenue Service

Amendment No. 79: Deletes language authorizing purchase of vehicles, as proposed by the Senate, and appropriates $4,500,000 for compliance activities instead of $5,000,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Executive Office of the President

Council on International Economic Policy

Amendment No. 80: Restores language deleted by the Senate granting exemption from provisions of laws regulating employment and compensation of persons in the government service.

Special Action Office for Drug Abuse Prevention

Amendment No. 81: Appropriates $25,000,000 for the Special Fund instead of $20,000,000 as proposed by the House and $35,000,000 as proposed by the Senate.

Independent Agencies

Advisory Committee on Federal Pay

Amendment No. 82: Deletes the appropriation of $130,000 for salaries and expenses, as proposed by the Senate.

CHAPTER XI

General Provisions

Amendment No. 83: Changes section number.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires that each department, agency, or corporation report to the Congress no later than July 31, 1973, the total amount of appropriated funds used for the support of executive dining rooms or similar facilities during fiscal year 1973.

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 budget estimate total, and the House and Senate bills follows:

Budget estimates	[1] [2] $5,016,540,610
House bill	[2] 3,565,048,825
Senate bill	[2] 5,266,690,610
Conference agreement	[2] 4,933,415,610
Conference agreement compared with:	
Budget estimates	—83,125,000
House bill	+1,368,366,785
Senate bill	—333,275,000

[1] Includes $1,442,587,285 not considered by the House.

[2] Includes $12,702,100 for fiscal year 1972.

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NORRIS COTTON,
CLIFFORD P. CASE,
TED STEVENS
(except amendments 36, 37 and 38),
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), for today and the remainder of the week, on account of official business.

Mr. JAMES C. CORMAN, for October 13 and 14, 1972, on account of official business.

Mr. BROTZMAN (at the request of Mr. GERALD R. FORD), from 3:30 p.m., October 13 and 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. RANDALL, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. STAGGERS, for 15 minutes Saturday, October 14, to revise and extend his remarks and include extraneous material.

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

Mr. FRENZEL, for 60 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 10 minutes, today.

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

Mr. CONYERS, for 60 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. BRASCO, for 10 minutes, today.

Mrs. GRASSO, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. RANDALL in two instances, and to include extraneous matter.

Mr. FLYNT in three instances and to include extraneous matter.

Mr. BROYHILL of North Carolina on toxic substances bill, and in another instance to extend his remarks in the RECORD.

Mr. LEGGETT, and to include extraneous material on H. Res. 1153, electronic voting in the House of Representatives.

Mr. BYRNES of Wisconsin, and to include a tabulation of his voting record during this Congress.

Mr. MAYNE, after the remarks of Mr. FINDLEY, and during the consideration of H.R. 7287, the potato bill.

Mr. STOKES, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,295.

All Members to extend their remarks on topic of the special order of Mr. SCHWENGEL on the Honorable JAMES KEE.

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

Mr. LLOYD.
Mr. SCHMITZ in 10 instances.
Mr. ROUSSELOT in three instances.
Mr. HOSMER in two instances.
Mr. SHRIVER in two instances.
Mr. DERWINSKI in two instances.
Mr. GUBSER.
Mr. MYERS in two instances.
Mr. DUNCAN in two instances.
Mr. FINDLEY in two instances.
Mr. BROYHILL of Virginia.
Mr. WYMAN in two instances.
Mr. DU PONT.
Mr. BURKE of Florida.
Mr. DELLENBACK in two instances.
Mr. BRAY in three instances.
Mr. VEYSEY in two instances.
Mr. PETTIS.
Mr. SCHNEEBELI.
Mr. HORTON.
Mr. FISH.
Mr. CARTER.
Mr. WHALEN.
Mr. TERRY.
Mr. BUCHANAN in three instances.

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

Mr. WOLFF.
Mr. ROSTENKOWSKI.
Mr. ROY.
Mr. BURTON in three instances.
Mr. EILBERG in 10 instances.
Mr. GAYDOS.
Mrs. HICKS of Massachusetts.
Mr. YATRON.
Mr. CASEY of Texas.
Mr. DANIELS of New Jersey in 10 instances.
Mr. STEPHENS.
Mr. BRINKLEY.
Mr. ROYBAL in 10 instances.
Mr. RODINO.
Mr. EVINS of Tennessee in four instances.
Mr. MONAGAN.
Mr. WALDIE in four instances.
Mr. DANIELSON.
Mr. MIKVA in 10 instances.
Mr. BERGLAND in three instances.
Mr. MONTGOMERY.
Mr. DORN in three instances.
Mr. LONG of Maryland.
Mr. DINGELL.
Mr. MOSS.
Mr. VANIK in two instances.
Mr. EDMONDSON.
Mr. DELANEY.
Mr. DENHOLM.
Mr. NEDZI in three instances.
Mr. BRASCO.
Mr. HAMILTON in 10 instances.
Mr. STOKES.
Mr. ST GERMAIN.
Mr. DE LA GARZA.
Mr. ROGERS.

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. 3070. An act to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I; to the committee on Veterans' affairs.

S. 3326. An act for the relief of the Appalachian Regional Hospitals, Incorporated; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 635. An act to amend the Mining and Minerals Policy Act of 1970.

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. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes;

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; and

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Saturday, October 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2421. A letter from the Assistant Secretary of Defense, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrat for the quarter ended June 30, 1972, pursuant to section 720, Public Law 92-204; to the Committee on Appropriations.

2422. A letter from the Acting Director, National Science Foundation, transmitting a revised table showing the reprograming requirements in case Congress authorizes four instead of five aircraft for logistic support of Antarctic research by the National Science Foundation; to the Committee on Appropriations.

2423. A letter from the president, Communications Satellite Corp., transmitting the 10th annual report of the corporation, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

2424. A letter from the Assistant Secretary of State for Congressional Relations; transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the punishment of serious crimes against foreign officials committed outside the United States, and for other purposes; to the Committee on the Judiciary.

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. BRADEMAS: Committee on House Administration. House Concurrent Resolution 718. Concurrent resolution providing for the reprinting of additional copies of House Report 92-1519, entitled "Securities Industry Study" (Rept. No. 92-1594). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 98. Concurrent resolution authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document (Rept. No. 92-1595). Referred to the House Calendar.

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 15831. A bill to make level III of the executive schedule applicable to the Administrator of the National Credit Union Administration (Rept. No. 92-1596). Referred to the Committee of the Whole House on the State of the Union.

Mr. DENNIS: Committee on the Judiciary. House Resolution 1155. Resolution opposing the granting of permanent residence in the United States to certain aliens (Rept. No. 92-1597). Referred to the Committee of the Whole House.

Mr. DIGGS: Committee on Foreign Affairs. Report on the faces of Africa: diversity and progress; repression and struggle (Rept. No. 92-1598). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on S. 2280 (Rept. No. 92-1599). Ordered to be printed.

Mr. BLATNIK: Committee on Public Works. H.R. 16598. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; with an amendment (Rept. No. 92-1600). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee of Conference. Conference report on H.R. 17034 (Rept. No. 92-1601). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 17133. A bill to amend the tax and customs laws in order to improve the U.S. position in foreign trade, to improve adjustment assistance benefits, and to provide clear labeling of foreign products; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 17134. A bill to provide authorizations

for appropriations for the regulatory agencies of the Federal Government for fiscal years 1973, 1974, and 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 17135. A bill to amend title 18 of the United States Code to alter the manner in which the dissemination of obscene material is a Federal crime; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 17136. A bill to provide that meetings of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mrs. GRIFFITHS:

H.R. 17137. A bill to provide for hospitals to allow the biological father to attend the birth of his child if the woman consents; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself and Mr. FREY):

H.R. 17138. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 17139. 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. LONG of Maryland:

H.R. 17140. A bill to amend the River and Harbor Act of 1899 to assure the right of certain persons to institute civil suits to enforce certain penalties under such act; to the Committee on Public Works.

By Mr. MEEDS:

H.R. 17141. A bill to improve educational quality through the effective utilization of educational technology; to the Committee on Education and Labor.

By Mr. MOORHEAD (for himself, Mr. Moss, Mr. MACDONALD of Massachusetts, Mr. CONYERS, Mr. ALEXANDER, Ms. ABZUG, Mrs. DWYER, Mr. FUQUA, Mr. REUSS, Mr. ROSENTHAL, Mr. THONE, Mr. BROOMFIELD, Mr. GIBBONS, Mr. LEGGETT, Mr. OBEY, Mr. REID, and Mr. THOMPSON of New Jersey):

H.R. 17142. A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act"; to the Committee on Government Operations.

By Mr. PREYER of North Carolina:

H.R. 17143. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. ROBISON of New York:

H.R. 17144. A bill to amend the Controlled Substances Act to increase the penalty under that act for the illegal distribution of narcotic drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 17145. A bill to provide Federal assistance to State and local governments for the purpose of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 17146. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. BRINKLEY, Mr. BYRON, Mrs. GREEN of Oregon, Mrs. GRIFFITHS, Mr. SEIBERLING, Mr. WILLIAMS, Mr. WYATT, and Mr. MURPHY of New York):

H.R. 17147. 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. WINN:

H.R. 17148. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its ctiizens 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. HEINZ:

H.R. 17149. A bill to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973; to the Committee on Government Operations.

By Mr. McDADE:

H.R. 17150. 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.

H.R. 17151. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 17152. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself, Mr. BADILLO, Mr. BINGHAM, Mrs. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FISHER, Mr. HALPERN, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL, Mr. NIX, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. STOKES, Mr. THOMPSON of New Jersey, and Mr. UDALL):

H.R. 17153. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 17154. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning family life, venereal disease prevention, sex education and for other related educational purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 17155. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 17156. A bill to prevent any court of the United States from ordering a halt on environmental grounds of certain Federal construction projects after a certain amount of work on such project is completed; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 17157. A bill to amend the Interstate Land Sales Full Disclosure Act; to the Committee on Banking and Currency.

By Mr. BERGLAND:

H.R. 17158. A bill to establish a national policy regarding recreational use of snowmobiles on public lands, to provide for a coordinated national snowmobile safety program, and for other related purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS of Georgia (for himself) Mr. STUCKEY, Mr. SIKES, Mr. DAVIS of South Carolina, Mr. LANDGREBE, Mr. BURLISON of Missouri, Mr. VEYSEY, Mr. PEPPER, Mr. THONE, Mr. GRIFFIN, Mr. HICKS of Washington, Mr. HALPERN, Mr. ALEXANDER, Mr. WAGGONNER, Mr. BUCHANAN, Mr. BLACKBURN, Mr. WINN, Mr. SPENCE, Mr. CRANE, Mr. DERWINSKI, Mr. CEDERBERG, and Mr. FLOWERS):

H.J. Res. 1329. Joint resolution establishing a national commission to investigate the Olympic games of 1972; to the Committee on the Judiciary.

By Mr. ROGERS:

H.J. Res. 1330. Joint resolution to authorize the President to designate the period from November 5, 1972 through November 11, 1972, as "National Art Week"; to the Committee on the Judiciary.

By Mr. FRASER (for himself Mr. DRINAN and Mr. ESCH):

H. Con. Res. 722. Concurrent resolution calling the President to seek an international agreement prohibiting environmental warfare; to the Committee on Foreign Affairs.

By Mr. ROY:

H. Con. Res. 723. Concurrent resolution requesting the President to propose that the United Nations conduct a study of environmentally sound locations for the storage of radioactive wastes, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Res. 1164. Resolution expressing the sense of the House of Representatives that a bipartisan study group be established to consider the institution of a Federal College for Ombudsman; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 17159. A bill for the relief of Linda L. Davis; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 17160. A bill for the relief of Arturo Canestraro, Gilda Canestraro, Sandro Canestraro, and Marena Canestraro; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 17161. A bill for the relief of Mr. and Mrs. Raul Jose Rojas and minor children; to the Committee on the Judiciary.

H.R. 17162. A bill for the relief of Mr. and Mrs. Alejandro de la Cruz Gonzalez Donoso; to the Committee on the Judiciary.

H.R. 17163. A bill for the relief of Juan Carlos Lopez; to the Committee on the Judiciary.

H.R. 17164. A bill for the relief of Amalia Lopez; to the Committee on the Judiciary.

H.R. 17165. A bill for the relief of Patrice J. Bergoeing; to the Committee on the Judiciary.

H.R. 17166. A bill for the relief of Mr. and Mrs. Osvaldo Aguirre Rivera and three minor children; to the Committee on the Judiciary.

H.R. 17167. A bill for the relief of Mr. and Mrs. Hernan H. Molina and two minor children; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 17168. A bill for the relief of Dorothy Molter; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Illinois:

H.R. 17169. A bill for the relief of James E. Brown and his spouse, Gloria M. Brown, and Max D. Rogier, and Brown Lathing & Plastering, Inc.; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 17170. A bill for the relief of Archie N. Standler; to the Committee on the Judiciary.