John T. Seabrook
William R. Seagraves
James P. Sheehy
Darrel W. Sheets
Charles F. Shepard
Kenneth P. Shrum
Joseph A. Silvoso
Crawford W. Smith
Carlton C. Steubing
Garth K. Sturdevan
Ronald L. Taylor
Sears R. Taylor II
Barry A. Teller
William G. Thomas
David F. Tomsky
Joseph R. Tosi, Jr.
Donigan D. Towers
David M. Tripp
Henry J. Vonkelsch III
Raymond L. Walters, Jr.
Edward F. Wells
Joseph W. Wilimek
Charles S. Williams, Jr.
Frederick C. Williams
Richard L. Wilroy
James W. Wilson
Marvin L. Wilson, Jr.
Mary G. Wilson
Willie T. Worrell
John D. Wright
Frank A. Yahner III
Robert A. Yaskovic

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1972:

FEDERAL RESERVE SYSTEM

John Eugene Sheehan, of Kentucky, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1968.

PAY BOARD

George H. Boldt, of Washington, to be Chairman of the Pay Board.

PRICE COMMISSION

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

HOUSE OF REPRESENTATIVES—*Monday, February 7, 1972*

The House met at 12 o'clock noon.

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

The fear of the Lord is the beginning of wisdom.—Proverbs 9: 10.

Almighty God, in whose fear is the beginning of wisdom and from whose favor proceed all good desires, all wise counsels, all just works, we turn to Thee for refuge and strength and peace.

May we never be disloyal to the royal within ourselves, never betray those who love us, never disappoint Thy purposes for our lives and the life of our Nation. In this day when people would walk along separate ways and down different roads grant that we may be builders of bridges over which men and nations can travel to a new unity with liberty and justice for all.

Help us to use our privileges gratefully, to meet our difficulties courageously, to do our duties faithfully, and to come to the end of the day unashamed and unafraid with Thy peace in our hearts.

In the spirit of Him who is the Lord of life we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

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

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

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. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; and H.R. 12067. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 748) entitled "An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Funds for Special Operations of the Inter-American Development Bank," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE 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. 749) entitled "An act to authorize United States contributions to the Special Funds of the Asian Development Bank," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE 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. 2010) entitled "An act to provide for increased participation by the United States in the International Development Association," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12067) entitled "An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. MCGEE, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. FONG, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

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

S. 3122. An act to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972; and

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The message also announced that the Vice President, pursuant to Public Law 86–42, appointed Mr. CHURCH, Mr. BURDICK, Mr. HOLLINGS, Mr. SPONG, Mr. AIKEN, Mr. COOPER, Mr. STEVENS, and Mr. STAFFORD as members, on the part of the Senate, of the U.S. group of the Canada-United States Interparliamentary Conference to be held in Ottawa, Canada, February 17 to 20, 1972.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

RELATING TO THE TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

The Clerk called the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I have an amendment which I wish to offer to the bill at the proper time. I therefore withdraw my reservation.

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

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

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Postal Service (hereinafter referred to as the Postal Service), is authorized and directed to pay, out of the Postal Service Fund to each individual eligible for reimbursement under section 2 of this Act the amount of money to which each such individual is entitled under section 3 of this Act. Any payment made to any individual pursuant to this Act shall be in full settlement of all claims by such individual against the United States arising out of—

(1) the expenses which resulted from the application by the Postal Service and the Federal Aviation Agency of certain requirements, and

(2) certain other expenses incurred (described in section 3 of this Act) with respect to such individual's transportation of mail by air at any time during the period commencing July 1, 1967, and ending December 31, 1968 (hereafter referred to in this Act as the "reimbursement period").

SEC. 2. Any individual who transported mail as a noncertificated air common carrier at any time during the reimbursement

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period is eligible to apply for reimbursement under this Act if application therefore, in such form as shall be prescribed by the Postal Service, is made by the individual within 180 days following the date of enactment of this Act.

SEC. 3. The Postal Service shall pay to any individual eligible to apply for reimbursement under section 2 of this Act an amount equal to the total amount of expenses incurred by the individual during the reimbursement period in order to meet (1) the requirement established by the Postal Service or the Federal Aviation Agency, or both, with respect to necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and (2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations.

SEC. 4. No part of any amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any claim made under this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 3 through 8, strike the first sentence of the bill, and insert:

"That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, such amounts as shall be determined by the United States Postal Service (hereinafter referred to as the Postal Service) to be payable to each individual in accordance with sections 2 and 3 of this Act."

Page 2, lines 15 through 25, strike all of Sec. 3, and insert:

"SEC. 3. The amount payable to any individual eligible to apply for reimbursement under section 2 of this Act shall equal the total amount of operating expenses, as determined by the Postal Service in accordance with industry practices and generally accepted accounting principles, that were incurred by the individual during the reimbursement period in order to meet—

"(1) the requirements established by the Postal Service or the Federal Aviation Agency, or both, with respect to necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and

"(2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations.

"In determining the reimbursement for amounts invested in capital equipment, the Postal Service shall include only the amount of allowable depreciation on such equipment during the reimbursement period."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: Strike out the first section and sections 2 and 3 and insert in lieu thereof the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, the sum of $23,891.26 to Ross Aviation, Inc., and the sum of $11,667.02 to Sedalia, Marshall, Boonville Stage Line, Inc.

"SEC. 2. The payments made pursuant to section 1 of the Act shall be in full settlement of all claims by Ross Aviation, Inc., and Sedalia, Marshall, Boonville Stage Line, Inc., against the United States arising out of—

"(1) the requirements imposed on air taxi mail transportation operators by the Postal Service or the Federal Aviation Agency, or both, regarding necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and

"(2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations—

during the period commencing July 1, 1967, and ending December 31, 1968.".

On page 4, line 1, redesignate section 4 as section 3.

The SPEAKER. Is there objection to the amendment offered by the gentleman from Iowa?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to have the gentleman explain his amendment.

The SPEAKER. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. GROSS. Mr. Speaker, this would simply say to the Post Office Department that they should settle these claims in the amounts stated in my amendment, $23,891.26 and $11,667.02. It would say to the Postal Service that hereafter they should settle these claims on the basis of contracts which are flexible enough to cover payments of this kind rather than come to the Congress to settle them and that the settlement be made out of the funds of the Postal Service.

This amendment has been concurred in by the sponsors of the bill and the distinguished chairman of the subcommittee of the House Committee on the Judiciary (Mr. DONOHUE) I believe concurs in the amendment.

Mr. DONOHUE. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. DONOHUE. Mr. Speaker, the gentleman from Iowa has presented his amendment to me. I have read it, and I can state that in the subcommittee, and I know in the full committee, we have no objection to it.

The SPEAKER. Is there objection to the amendment offered by the gentleman from Iowa?

There was no objection.

So the amendment was agreed to.

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

DISASTER LOANS

The Clerk called the joint resolution (H.J. Res. 893) to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes.

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

Mr. HALL. Mr. Speaker, in view of the lack of a meeting of the Consent Calendar objectors, I ask unanimous consent that the joint resolution be passed over without prejudice.

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

There was no objection.

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

The Clerk called the bill (S. 1838) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

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

S. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), are amended by striking out "$1,500" in each place it appears and inserting in lieu thereof "$3,000".

SEC. 2. Section 7(a) of such Act (7 U.S.C. 499g(a)) is amended by inserting after the first sentence thereof the following: "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."

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

DESIGNATING THE STRATIFIED PRIMITIVE AREA AS A PART OF THE WASHAKIE WILDERNESS, HERETOFORE KNOWN AS THE SOUTH ABSAROKA WILDERNESS, SHOSHONE NATIONAL FOREST, IN THE STATE OF WYOMING

The Clerk called the bill (H.R. 1552) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

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

H.R. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

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

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may conduct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

With the following committee amendments:

Page 1, line 7, delete the words "two hundred and eight thousand" and insert "two hundred and thirty eight thousand".

Page 1, line 9, and page 2, line 1, delete the words "September 12, 1970," and insert October 1, 1971,"

Pages 2 and 3, delete all of Section 5.

The committee amendments were agreed to.

Mr. BARING. Mr. Speaker, H.R. 1552, as amended and approved by the Committee on Interior and Insular Affairs, does two things. First, it designates approximately 238,000 acres of land within the Shoshone National Forest as wilderness. Second, it combines this acreage with the 483,130 acres within the existing South Absaroka Wilderness and renames the combined 721,130 acres the Washakie Wilderness.

The area is located about 200 miles northwest of Casper and 80 miles southeast of Yellowstone National Park. It is characterized by deep narrow valleys and broad, flat-topped ridges. Elevations range from 8,000 to 12,000 feet. Most of the timber is noncommercial. There is no mineral development. Wildlife is abundant and consists of elk, moose, sheep, mule deer, and black bear. There are numerous lakes and streams that afford excellent fishing. Recreation will be a significant use because of the unique high country character of the area.

After careful consideration, the committee adopted an amendment which added some 30,000 acres of land to the proposal. Testimony received by the committee indicated that while some early evidence of man was still visible in this area, it was not significant and should not preclude its designation as wilderness.

Mr. Speaker, I urge favorable consideration of H.R. 1552.

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which would designate a portion of the Clark's Fork River in my State of Wyoming for potential addition to the national wild and scenic rivers system.

The Clark's Fork River flows through the Shoshone National Forest in northwest Wyoming, the first national forest in the United States, created by President Benjamin Harrison on March 30, 1891.

Clark's Fork River, and the canyon it has carved through mountains of such altitude that their passes are closed for a major portion of the year, offers outstanding recreation opportunities. The river itself boasts superb fishing; the canyon serves as the habitat for several species of both large and small game and wildlife.

The Clark's Fork River is unique in its outstanding scenic beauty, and surely qualifies for inclusion in the national wild and scenic rivers system. I am hopeful that the House will see fit to consider this bill promptly.

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. BARING. Mr. Speaker, I asked unanimous consent for the immediate consideration of a similar Senate bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, 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 Nevada?

There was no objection.

The Clerk read the Senate bill as follows:

S. 166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom comprising an area of approximately two hundred and eight thousand acres as generally depicted on map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

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

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

AMENDMENT OFFERED BY MR. BARING

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

The Clerk read as follows:

Amendment offered by Mr. BARING: Strike out all after the enacting clause of S. 166 and insert in lieu thereof the provisions of H.R. 1552, as passed, as follows:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and thirty-eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised October 1, 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

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

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date

of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

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. 1552) was laid on the table.

DESIGNATING PINE MOUNTAIN WILDERNESS, PRESCOTT AND TONTO NATIONAL FORESTS, ARIZ.

The Clerk called the bill (H.R. 3338) to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona.

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

There was no objection.

Mr. BARING. Mr. Speaker, H.R. 3338 proposes wilderness designation for some 19,569 acres of land in the Prescott and Tonto National Forests of Arizona. If enacted, H.R. 3338 would bring these lands within the purview of the Wilderness Act of 1964 and protect the area from the usual inroads of man and prevent exploitation or commercialization of the lands. The area would be designated as the Pine Mountain Wilderness.

The area is rugged, isolated, and largely devoid of any evidence of man. It abounds in small game and is highly attractive for outdoor recreational activities. Because of its rugged character and its proximity to relatively large population centers, it is highly suitable for wilderness preservation.

Mr. Speaker, I urge favorable action on H.R. 3338.

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

Mr. BARING. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 959) to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona, be considered in lieu of the House bill.

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

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

S. 959

An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Pine Mountain Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Pine Mountain Wilderness," dated April 1, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, comprising an area of approximately nineteen thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Pine Mountain Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Pine Mountain Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Pine Mountain Primitive Area is hereby abolished.

A similar House bill (H.R. 3338) was laid on the table.

DESIGNATING SYCAMORE CANYON WILDERNESS, COCONINO, KAIBAB, AND PRESCOTT NATIONAL FORESTS, ARIZ.

The Clerk called the bill (H.R. 3339) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

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

H.R. 3339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964, (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated April 15, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty six thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

With the following committee amendments:

Page 1, line 8, strike "April 15, 1966" and insert "September 30, 1971".

Page 2, lines 2 and 3, strike "forty-six" and insert "forty-eight".

The committee amendments were agreed to.

Mr. BARING. Mr. Speaker, H.R. 3339, as amended, proposes wilderness designation for 48,500 acres of land in the Coconino, Kaibab, and Prescott National Forest, Ariz., as the Sycamore Canyon Wilderness. The land would be protected under the provisions of the Wilderness Act of 1964 from the usual inroads of man and would be preserved in a natural and unspoiled state for the enjoyment of present and future generations.

The area is located 20 miles southwest of Flagstaff, Ariz., and encompasses an unusually scenic and unspoiled section of Sycamore Canyon. Wildlife is abundant within the area. Most of the timber is of noncommercial grade and none has been cut for commercial purposes. There is no mining or mineral development. While there is some cattle grazing, this activity will continue if conducted in conformity with the Wilderness Act.

Mr. Speaker, this area should be preserved for the enjoyment of future generations, and I, therefore, recommend favorable action on H.R. 3339.

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. BARING. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 960) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 960

An act to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated April 15, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-six thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be

deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

AMENDMENT OFFERED BY MR. BARING

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

The Clerk read as follows:

Amendment offered by Mr. BARING: Strike out all after the enacting clause of S. 960 and insert in lieu thereof the provisions of H.R. 3339, as passed, as follows:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated, September 30, 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-eight thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

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. 3339) was laid on the table.

REVISING DIVISIONS OF THE FEDERAL JUDICIAL DISTRICT OF SOUTH DAKOTA

The Clerk called the bill (H.R. 6745) to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota.

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

H.R. 6745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of paragraph (2) of section 122 of title 28 of the United States Code is amended by striking out "Gregory,".

(b) The first sentence of paragraph (3) of such section 122 is amended to read as follows: "The central division comprises the counties of Buffalo, Dewey, Faulk, Gregory, Haakon, Hand, Hughes, Hyde, Jackson, Jerauld, Jones, Lyman, Mellette, Potter, Stanley, Sully, Todd, Tripp, and Ziebach."

(c) The first sentence of paragraph (4) of such section 122 is amended by striking out: (1) "Mellette,"; (2) "Todd,"; and (3) "Tripp,".

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.

GEORGE W. ANDREWS LOCK AND DAM

The Clerk called the bill (H.R. 12488) to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam.

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

H.R. 12488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Columbia Lock and Dam on the Chattahoochee River, Alabama, shall be known and designated hereafter as the George W. Andrews Lock and Dam. Any law, regulation, map, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam by the name of the "George W. Andrews Lock and Dam", *and in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of "Lake George W. Andrews".*

On the first page, line 5, insert immediately after the period at the end of the sentence the following "The reservoir formed by such dam shall be known and designated hereafter as Lake George W. Andrews."

With the following committee amendments:

On the first page, line 5, insert immediately after the period at the end of the sentence the following: "The reservoir formed by such dam shall be known and designated hereafter as Lake George W. Andrews."

On the first page, line 9, strike out the period and insert in lieu thereof the following: ", and in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of 'Lake George W. Andrews'."

The committee amendments were agreed to.

Mr. SIKES. Mr. Speaker, I am very pleased to join in this deserved legislation. I congratulate the distinguished gentleman from Alabama (Mr. JONES) and his delegation for their interest in a bill to change the name of the Columbia lock and dam on the Chattahoochee River, Ala., to the George W. Andrews lock and dam. I have long felt that this is a proper step. My only regret is that it was not accomplished during Mr. Andrews' lifetime. Nevertheless, I am certain that this token of respect and appreciation for the efforts and achievements of George Andrews will further reveal to his family and friends the great confidence and esteem held for him by his colleagues in the Congress.

Mr. JONES of Alabama. Mr. Speaker, the purpose of H.R. 12488 is to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam, and the Columbia Reservoir created by the lock and dam as Lake George W. Andrews.

This legislation was introduced by all of the members of the Alabama delegation and by a large number of our colleagues who wish to pay tribute to the memory of the late George W. Andrews.

The bill has been unanimously reported by the Committee on Public Works.

The Columbia lock and dam is a feature in the comprehensive development of the Apalachicola, Chattahoochee, and Flint Rivers system in Florida, Georgia, and Alabama.

The Columbia lock and dam is located on the Chattahoochee River about 2 miles south of Columbia, Ala., in Houston County, Ala., and Early County, Ga.

It was authorized by Congress in 1946 as a part of the comprehensive development of the Apalachicola, Chattahoochee, and Flint Rivers system. Construction was begun in 1959, and the lock was opened to navigation in October, 1962. The project was essentially completed in 1963 at a cost of approximately $13 million.

The Columbia Dam backs up the naturally shallow Chattahoochee River to form a reservoir with a minimum depth of 9 feet. Fishing, boating, picnicking, and camping are enjoyed on the reservoir.

The late George W. Andrews served in the House of Representatives from 1944 until his death on December 25, 1971, and was serving as chairman, Legislative Subcommittee of the Committee on Appropriations at the time of his death. He served with great distinction during his many years in the Congress and enjoyed the respect and affection of his colleagues and constituents. Representative Andrews also served on the Public Works Subcommittee of the Committee on Appropriations, and was deeply involved in the construction of water resources projects throughout the Nation.

Because of his constant dedication to the proper development of the Chattahoocheee River Basin, it is particularly fitting that this lock and dam and the reservoir it creates be named in honor of our beloved colleague.

Congressman Andrews sought diligently the development of the Nation's waterways and was a stanch advocate of the internal development of our country.

His long service in the House is an indication of the unusual affection with which he is regarded by the people in the area he represented.

This lake and this lock and dam will mean much to the people of his district. I know this designation will be well received by those who singled him out by their trust as their representative in the U.S. House of Representatives.

Mr. Speaker, I recommend favorable action on H.R. 12488.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks immediately preceding the passage of the bill H.R. 12488.

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

There was no objection.

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.

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

TO AUTHORIZE ADMINISTRATOR OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO CONVEY CERTAIN LANDS IN BREVARD COUNTY, FLA.

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla., 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 3, after line 10, insert:

"SEC. 2. The authority to convey land to the Chapel of the Astronauts, Incorporated, under this Act shall terminate two years after the date of enactment of this Act."

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, will the gentleman from California explain the background on this proposal?

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield, this proposal was introduced by the gentleman from Florida (Mr. FREY) and it would establish the Chapel of the Astronauts at Cape Kennedy. We seek to convey to the people who will build and administer this chapel certain land at Cape Kennedy for this purpose, with a reversionary clause in it that when it has ceased to be used for this purpose it will revert back to the Government.

Mr. GERALD R. FORD. The Chapel would be built, however, by nongovernmental resources?

Mr. MILLER of California. That is correct, and by nongovernmental people, and it would be used as a memorial to the astronauts. It came about particularly, and was inspired by the loss of the three astronauts in the 204 fire.

Mr. GERALD R. FORD. The bill originated in the House?

Mr. MILLER of California. It originated in the House. We are just asking to take it from the table with the Senate amendment, and agree to the Senate amendment.

Mr. GERALD R. FORD. The Senate amendment did what, may I ask the gentleman?

Mr. MILLER of California. The Senate amendment adds a provision to the bill which will cause the authorization to terminate 2 years after the enactment of this act, so that they cannot use it to buy or sell for other land uses.

Mr. GERALD R. FORD. Mr. Speaker. I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADOPTION OF "911" AS NATIONWIDE, UNIFORM EMERGENCY TELEPHONE NUMBER

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

Mr. ROUSH. Mr. Speaker, I rise today to reintroduce a bill I first proposed in 1968. This is a concurrent resolution stating that it is "the sense of Congress that the United States and the various political entities thereof should adopt "911" as the nationwide, uniform, emergency telephone number."

Early in the first session of this Congress I introduced a different kind of bill relating to the nationwide adoption of "911." Since 1968 and the announcement by A.T. & T. and the independent telephone companies that they would provide a three-digit number, "911," as the single, emergency number for cities throughout the United States, 108 communities had adopted "911" by early 1971, the number now is about 150 communities.

Experience in providing "911" in these communities had indicated that although the initial costs of the actual installation of "911" were not excessive and could be borne by many communities, researching the need for "911" led communities to discover technology and other lags in their communications system which would render "911" less effective as a tool in rapidly disposing of emergencies.

Accordingly I introduced a bill, with 58 cosponsors, in the last session of this Congress, which would provide for funds under the LEAA program to help communities with the additional costs incidental to the establishment of "911." That legislation is presently pending in the House Judiciary Committee awaiting committee action.

Meanwhile, I have decided that it would be of value still for Congress to go on record with a concurrent resolution stating its support for the idea of implementing this nationwide, uniform, emergency telephone number. I felt that such congressional action would put the stamp of approval on this urgently needed communications improvement and encourage additional communities to adopt "911" as their single emergency number. This concurrent resolution does that and simply that. My proposal does not require any community to adopt "911" but hopefully it will encourage them to do so.

WEST COAST DOCK STRIKE

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

Mr. THOMPSON of New Jersey. Mr. Speaker, on January 27, 11 days ago, House Joint Resolution 1025, the President's proposal for bringing an end to the west coast dock dispute, was referred to my Special Subcommittee on Labor.

Since that time, we have moved swiftly to try to determine the actual issues separating the parties to this dispute, and to study the President's proposal to determine whether it is the best vehicle for achieving a satisfactory resolution of the dispute.

Our staff lawyers flew to San Francisco to meet with the parties on the same day the President's proposal reached my subcommittee, and we held 3 days of hearings in Washington during the next week, including a day of direct testimony from the parties themselves on last Friday.

This morning we met in executive session and reported out a bill which we feel is best suited to deal with this dispute.

The bill provides for partial operation of this industry to assure the flow of military and agricultural cargoes, and goods moving to and from Hawaii.

Our purpose is to alleviate the economic impact of this dispute while allowing the parties to reach a final settlement through collective bargaining. Our information is that a settlement is imminent. We are convinced that the situation is not such as to warrant a radical departure such as compulsory arbitration.

I intend to ask the chairman of the Committee on Education and Labor to place this on the committee's agenda at its regular meeting tomorrow morning.

DISTRICT PLAN OF ELECTING PRESIDENT AND VICE PRESIDENT

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

Mr. DERWINSKI. Mr. Speaker, I take this opportunity to advise the Members that I have today reintroduced a joint resolution for the so-called district plan of electing the President and Vice President of the United States.

The last time the Congress addressed itself to this problem was in the 91st Congress when the House passed a constitutional amendment for a direct popular vote for President. The Senate failed to act on the matter.

I envision that as a result of this year's presidential race interest will be rekindled in electoral college reform. I have long supported the district plan and urge the support of the Members for this approach to electoral reform. It must be recognized that the district plan brings the presidential election closer to the people by making electoral votes available to both parties in all States having more than three electoral votes. This would eliminate a much criticized feature of our current system which is the overwhelming attention devoted to the larger pivotal States.

Mr. Speaker, I support the district plan as the best approach for preserving our federal system. I regard this unique system as the greatest single strength of our form of government. The one-man, one-vote concept would actually be better served by the district plan where the population balance would be periodically adjusted than under the direct vote

which would obliterate all traditions and political boundaries.

Mr. Speaker, I have no illusions of Congress acting on this proposal or similar ones this year, but I do believe that it is not too early for the Members to look ahead to the interest in this subject which the elections this year will create.

It is my hope that in 1973 Members who will be serving in the 93d Congress will carefully study the need for electoral college reform and will finally recognize that the district plan would be the most practical improvement available. That it could, in fact, receive the necessary votes in both bodies of Congress and ratification by the legislative bodies in the 38 States.

NORTH VIETNAM DEMANDS ARE CLEAR

(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, the chief delegate from North Vietnam to the peace talks in Paris has effectively torpedoed the words of U.S. Congressmen who have returned from foreign lands with "assurances" that setting a date for total withdrawal of U.S. forces would immediately bring about a release of U.S. prisoners of war. It is now plain that the North Vietnamese feel they have this country on the run and that they can exact a complete hand-over of South Vietnam and indeed of all Indochina to Communist control. While he demanded complete cessation of U.S. support for Saigon, the North Vietnam spokesman did not have the good grace to say they would cease military objectives or forgo support from Red China and Russia.

Comfort has been given to the enemy, and world opinion is confused by the sum total of the utterances on this subject by Americans who do not speak with authority. These comments have only increased the difficulty of obtaining a responsible way to peace. Now that the Communists have made clear their demand for surrender by the United States, it is hoped that the President will have the support of our country as he conducts his difficult efforts for peace.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, D.C.,
February 4, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:26 p.m. on Friday, February 4, 1972, and said to contain the first annual report required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91–646).

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

PUBLIC WORKS—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 Public Works:

To the Congress of the United States:

In accordance with Section 214 of Public Law 91–646, I am transmitting today the first annual report of each Federal agency whose activities are governed, in part, by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The agency reports describe initial steps which have been taken under the Act to provide for the uniform and equitable treatment of persons displaced from homes, businesses or farms by Federal and federally assisted programs and to establish uniform and equitable real property acquisition policies for these programs. The reports cover the period January 2, 1971 through June 30, 1971.

To assure equitable treatment and essential uniformity in administering the law, I requested in a letter to Federal agencies, dated January 4, 1971, that a number of actions be taken. First, the Office of Management and Budget was asked to chair an interagency task force to develop guidelines for all agencies to follow in the issuance of regulations and procedures implementing the Uniform Relocation Assistance Act. The Departments of Justice, Transportation, Defense, and Housing and Urban Development, and the General Services Administration were requested to assist in this development. These guidelines were issued February 27, 1971, and supplemental instructions were issued on August 30, 1971. As noted in the attached reports, the agencies have now promulgated regulations and procedures to implement the act pursuant to the guidelines.

Secondly, I requested Federal agencies administering mortgage insurance programs to determine whether guarantees could be given to individuals who were displaced and might otherwise be ineligible because of age, physical, or other conditions. Studies completed early in 1971 indicated that such guarantees could be made, and I am advised that these agencies are now fully implementing Section 203(b) of the Act.

Thirdly, I directed the Secretary of Housing and Urban Development to develop criteria and procedures whereby all Federal and federally assisted programs could use the authority provided by Section 206(a) of the Act to construct replacement housing as a last resort. These criteria and procedures to assure uniform and equitable policies and practices by all agencies have been published in the Federal Register, and the Department is evaluating comments received for consideration in the preparation of final instructions on this subject.

The Department of Housing and Urban Development, pursuant to my request, is also developing criteria and procedures for implementing section 215 of the act. That section concerns loans for planning and other preliminary expenses necessary for securing federally insured mortgage financing for the rehabilitation or construction of housing for displaced persons. These procedures and criteria should be issued shortly.

I also directed the Office of Management and Budget to form and to chair a Relocation Assistance Advisory Committee. This Committee includes representatives of the Departments of Agriculture; Defense; Health, Education, and Welfare; and Transportation; the General Services Administration; the Office of Economic Opportunity; and the United States Postal Service.

This Committee will continually review the Government's relocation program for the purpose of making recommendations to the Office of Management and Budget for improvements in the guidelines and for new legislation. In the interests of uniform and equitable administration of the law, it will also provide a vehicle for coordinating the relocation programs of each of the agencies.

Executive branch review of the relocation assistance program and of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 has disclosed a number of problem areas which require legislative consideration. The principal areas identified are detailed as enclosure 4 of this report, while other problem areas are identified in individual agency reports. Corrective legislation will be submitted to the Congress.

RICHARD NIXON.
THE WHITE HOUSE, *February 4, 1972.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, D.C.,
February 4, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:20 p.m. on Friday, February 4, 1972, and said to contain a Message from the President regarding the District of Columbia Bicentennial observance.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

BICENTENNIAL OF AMERICAN INDEPENDENCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–245)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

"Seafaring is necessary," says the Latin inscription on an old building in one of the great European port cities; "mere living is not." This same spirit of movement, venture, and quest animates the

whole sweep of America's story—from its discovery by men who lived for sailing, to its founding as a nation by men who lived for liberty, to its modern maturity as the world's preeminent power—and it will do so still, 4 years hence, when we observe the Bicentennial of American independence. The Nation could not if it wanted to, and should not if it could, drop anchor somewhere in 1976 and savor the occasion at leisure. By its very nature it can only speed through the year as through any other, under full sail, on into a new century.

The central challenge of our Bicentennial preparations, therefore, is to plan for an observance "on the move." Many groups—public and private, national and local—have already devoted several years of creative thought and effort to meeting this challenge. The common goal to which all subscribe has nowhere been stated better than in the 1970 report of the celebration's official planning and coordinating body, the American Revolution Bicentennial Commission (ARBC): "to forge a new national commitment—a new Spirit for '76—a commitment which will unite the nation in purpose and dedication to the advancement of human welfare as we move into Century III of American National Life."

We can best forge such a spirit, the Commission went on to recommend, by approaching the Bicentennial as an occasion both for understanding our heritage better and for quickening the progress toward our horizons—not just in one location or a few, but in every State, city, and community. The Commission's goal and the principles deriving from it have my strongest support, and I have followed with interest the ARBC's further work as well as that of the individual Bicentennial Commissions already set up or now being formed by each State and territory, Puerto Rico, and the District of Columbia.

THE BICENTENNIAL IN WASHINGTON

Since the Federal Government has special responsibility for District of Columbia affairs, my closest contact has been with the planning effort now underway here in the District—and I have found its progress thus far most impressive. And so it should be. For while no one city will dominate this truly national anniversary, Washington—which was built to be the Capital of the Republic born in 1776 and seat of the Government constituted in 1787, and which has been in many ways a center of the hopes of all Americans in all generations since—has a unique role to play. As its plans are made known, they may well serve as a stimulus and an example for the equally important plans being made in thousands of other communities. *Both to ensure that Washington itself is ready for 1976 and to spur Bicentennial activity all across the country, I shall outline to the Congress today an action plan for Federal partnership in the District of Columbia's Bicentennial observance.*

My proposals follow two basic themes. One is the quest for quality of life—today's name for the age-old aspiration which Jefferson at the Nation's birth called "the pursuit of happiness." Here is the very essence of a Bicentennial celebrated "on the move." The past success of this quest, its present vigor, and its future prospects will provide a telling measure for our self-assessment as the great milestone nears. Such a theme's immediacy will call up exertion as well as congratulation—not only a birthday party but an actual rebirth.

The second theme which I would stress in dual excellence for Washington. In choosing which Bicentennial projects to pursue among myriad worthy possibilities, an old question arises again and again: Washington for Washingtonians, or Washington for all Americans? A kind of civic schizophrenia has troubled this city from the earliest days of its double existence as both a national capital and a community in its own right. Solutions going to both extremes have had their advocates—yet there is a better answer than either making thousands of people reside neglected in a strictly Federal city that is "a nice place to visit," or making millions of other people receive their governance from a narrowly provincial and self-centered capital where officials and visitors are classed as outsiders.

The Bicentennial Era, I am convinced, is the right time for Washington to gain a new and more expansive sense of itself, and to find in its dual identity an opportunity for dual excellence unparalleled among American cities. The seat of Government can excel as an exemplary living city, at the same time the home of 750,000 local residents excels as a gracious host to fellow citizens and foreign visitors who may number 40 million during 1976 alone.

The projects proposed in this message, then, treat quality of life in the Nation's Capital as indivisible. They aim for dual excellence, in the conviction that a more livable city is a more visitable one, and vice versa. For the most part, they emphasize physical construction—not by any means because public works are the sum total of our Bicentennial intentions for the District, but only because building time is already becoming critically short. Activities of many other types, such as commemorative events, pageantry, and social and cultural programs, which will of course be essential to the human dimension of the Bicentennial but which require somewhat shorter lead-times, are also being planned. Reports on these activities and, in many cases, requests for approval and funding will be submitted to the Congress as we move toward 1976.

One further note on Bicentennial concerns not mentioned here but certainly not forgotten: It is my feeling that nothing we could do for the District of Columbia during the next 4 years would be more meaningful or more appropriate to the Spirit of '76 than granting this city and its people first-class status: voting representation in the Congress. I am encouraged by the apparently warmer climate for this reform on Capitol Hill in 1972, and it will continue to have my support.

FORT LINCOLN NEW TOWN

Speaking at the National Archives last summer in a ceremony inaugurating the Bicentennial Era, I described an unusual painting which hangs in the Roosevelt Room across from the Oval Office in the White House. The scene portrayed is the signing of the Declaration of Independence—but for some reason the canvas was never finished, and many of the figures in the crowded hall are just sketched in, or left blank. The symbolism of this, I said, is that "the American Revolution is unfinished business, with important roles still open for each of us to play." A broad cross-section of District of Columbia citizens have now begun playing their roles in the continuing drama by serving on Mayor Washington's recently formed Bicentennial Assembly and Bicentennial Commission. We in the administration found the work of the old local Commission quite valuable in formulating our own plans for 1976, and we look forward to working closely with the reorganized, two-level planning group in the future.

One of the strongest strains of community opinion identified by local representatives like these is a commitment to revitalizing the urban heart of this Washington area. This, not flight to the suburbs or complacent satisfaction with the status quo, seems to arouse hope and determination at the neighborhood level. At the same time it seems a most appropriate cornerstone for a Bicentennial program designed to lift the quality of Washington life.

Accordingly, I shall initiate immediate Federal action to move ahead on plans for building a new town at Fort Lincoln in Northeast Washington. Fort Lincoln, over 300 acres of open land which received its name as a military post a century ago and which was long the site of the National Training School for Boys, offers an ideal chance to create not just another urban project where homes are razed and the human factor is designed out, but a totally new community planned around people. More than 4,000 dwellings for families of various incomes are envisioned—three-quarters of them owner-occupied, to provide an anchor of stability in the development.

Innovative public transportation and communications systems and experimental educational programs would help knit the community together. Both the installation of these features and the construction work itself would be used as demonstration settings for some of the social-benefit technology applications which I proposed in my State of the Union message. Also integral to the new town would be a Federal employment center for 5,000 to 10,000 employees, and a possible satellite campus for the Federal City College. The development would be financed through public-private partnership, with the initial Federal investment (supplemented by District contributions which will need approval by the Congress) likely to be matched several times over in related private investment.

"The city lives!"—a rallying cry which meets with considerable skepticism in some quarters today—would be the assurance forcefully offered to Washingtonians and the world by a Fort Lincoln town occupied and operating in 1976. We are determined to make it happen.

NEIGHBORHOOD SOCIAL DEVELOPMENT

The Fort Lincoln idea is not new, but the impetus behind it is—a neighborhood, community-based impetus, with which I am delighted to associate this administration. *In order to demonstrate our*

support for this kind of bootstrap Bicentennial initiative, we shall ask the Congress to make available several million dollars in Federal funds to supplement the local funds set aside to carry out the social development project proposals which will be gathered by the local Bicentennial Commission and Assembly in neighborhoods all over Washington beginning this spring. None of these latter projects will approach the scale of Fort Lincoln, but most will be no less soundly rooted in ordinary people's knowledge of their own needs. The process of listening and response, as well as the project implementation itself, will make for a healthier and more progressive city.

We are also increasing our efforts to assist in redevelopment of the inner-city areas devastated by the riots of April 1968. Two recent ground-breakings give evidence that the work is moving ahead, but also remind us of how much is left to do. The job, of course, is not the Federal Government's alone, but we must and shall contribute our full share and see the obligation through at an accelerated pace.

MORE COMMUNITY PARKS

One frequently voiced need is for more parkland—not just in the ceremonial center of the city, but out in the residential sections as well. *Planning is now underway for a joint Federal-District park development program focusing on underused, publicly owned land near the Anacostia River, close to some of the District's most crowded neighborhoods.* New recreational facilities will be constructed, to permit intensive use of the sorely needed new parks by Anacostia residents. Also within the Anacostia Basin, improvements will be carried out at the National Arboretum. *Another major green-space project planned for completion by 1976 is the Fort Circle Parks, 17 outposts of the Army's old defensive system around the periphery of the District of Columbia, some dating back as far as the War of 1812.* Strips of parkland are to link all the forts into a continuous belt containing bike trails, hiking paths, community recreation facilities, and campsites. Further, the District and the Interior Department will cooperate in rehabilitating and upgrading smaller parks in many areas of the city. I ask the Congress to approve the funds requested in my 1973 budget to move all of these projects forward on schedule.

A NEW DOWNTOWN CENTER

I also support, as vital to the kind of development momentum Washington must have to hold its head up among American cities in the Bicentennial Era, the District government's intention to construct a major convention center-sports arena complex near Mount Vernon Square.

This project would help to counter the centrifugal forces which are pushing both the leisure activities of local people and the major gatherings of out-of-town visitors away from the centers of many major cities. It would mean new business and investments and jobs for blocks around. And it would inject new life into nearby neighborhoods—provided, of course, that the legitimate concerns of merchants, working people, and residents in those neighborhoods receive fair consideration in the planning and location process. The scope of Federal assistance, however, should be appropriately limited, since I believe that a development largely local in function and benefits should have substantial local financing as well.

FOLLOWING THROUGH: EDUCATION AND TRANSPORTATION

New communities, new parks, new focal points for downtown business—all will help Washington carry through the ARBC's "Horizons '76" theme of honoring our founding principles by forging a better future with them. So too will two other ongoing District efforts, for which congressional assistance requested during the last session is still much needed: our public colleges and our METRO subway system.

Washington Technical Institute is proceeding with plans for buildings at its new permanent location on the north side of the former Bureau of Standards site in Northwest Washington. Federal City College remains in scattered lease space throughout the city despite explosive enrollment growth in the past 4 years; it hopes to occupy a campus of its own in and around the old District Library building north of Mount Vernon Square, as well as satellite locations elsewhere. *The Congress can help to expedite these campus development efforts by enacting the D.C. Capital Financing Act, which makes special provision for funding college construction through direct Federal grants rather than through Treasury loans as at present.*

In my D.C. message urging this action last April, I noted that WTI and the new International Center which is to share the Bureau of Standards site will in the future symbolize "side by side the Capital City's dedication to human development and to international understanding." Action by the Congress late in 1971 cleared the way for actual sale to foreign governments of lots at the International Center to begin last week. By 1976 the cluster of new chanceries there will be a pride to Americans and foreign guests alike. Let us now make sure that the District's public colleges will also be a showplace in the Bicentennial year. Ample and balanced opportunities in higher education are essential, if we are to convince millions of 1976 student visitors that the District takes care of its own.

METRO, and all of the other elements which with it will comprise a balanced modern transportation system for greater Washington, are central to Bicentennial plans for the District. We need the pride of achievement in areawide cooperation which the system will give all communities taking part. We need its people-moving capacity to cope with visitor traffic which may average up to 100,000 people daily throughout the anniversary year. *I am today renewing the commitment of all the agencies and resources of the Federal Government toward maximum progress on the entire transportation system—subway, freeways, bridges, parking, and support facilities—before 1976.* The action of the Congress in December to support continued METRO funding was enormously heartening to the people of the Capital region; it gave, in fact, a glimmer of hope to beleaguered commuters everywhere. The grim Thanksgiving prospect of a great many excavated streets to fill back in has now become the far brighter prospect of at least 24 miles of operating subway—the most modern anywhere—by 1976. *Urgently needed now is prompt approval by the Congress of Federal guarantees for METRO revenue bonds—the next essential step to getting the trains running.*

TO WELCOME 40 MILLION GUESTS

Both the sheer visitor volume anticipated at the height of the bicentennial observance, and the important goal of eliminating a "them and us" polarity between city residents and their guests from around the world, dictate that past patterns which have made the Mall and its immediate environs a sort of "tourist ghetto" must now go. All of Washington must be made not only hospitable and attractive to the visitor—which the proposals just outlined should go far toward achieving—but easily accessible as well. *I have directed the Secretary of Transportation to coordinate interagency action plans for supplementing those subway lines in service by 1976 with a coordinated network of other public transportation on which visitors can move from fringe parking areas (to be developed under these plans) to points of interest nearer the city center.*

At the hub of this network should be a new National Visitors Center in and around Union Station. Such a facility, desirable for all years, becomes indispensable as we look to the Bicentennial. *I have therefore charged the Secretary of the Interior, in consultation with the Secretary of Transportation, to take immediate action to move the National Visitors Center out of the talk stage, and to prepare new proposals for bringing it to completion by 1976.* When Union Station was built early in this century at the height of the railroad era, one of its express purposes was to permit removal of an unsightly terminal and tracks from the east end of the Mall. Its rehabilitation in the seventies as the Capital's principal reception and orientation point for travelers on all modes of ground transportation would be most appropriate, and would once again relieve the Mall and downtown areas of much traffic congestion. An "air rights" parking garage for buses and visitors' cars, convenient public transit connections, and a central information facility tied in with a citywide tourist guidance and information system would be the major features of the project.

Here is an opportunity for public and private resources to combine to fill a Bicentennial need. Notwithstanding the collapse of previous railroad financing plans for the Center at the time of the Penn Central bankruptcy, I have asked Secretaries Morton and Volpe to seek substantial railroad participation as they formulate the new proposals. I shall submit these to the Congress as soon as possible, with hopes of rapid approval.

Another step which should promote smoother tourist flow to major attrac-

tions is construction of a METRO station at Arlington National Cemetery. This station, for which planning funds are requested in my new budget, would speed movement from Washington over to the Arlington shrine, which by 1976 will be enhanced with numerous improvements including a new Memorial Chapel and columbarium. At the same time it would offer the arriving visitor one more convenient transfer point from private to public transportation on the way into the Capital itself.

BICENTENNIAL GARDENS

Moving in toward the center of the city, what will the 1976 visitor find along the Mall? *Most strikingly new and charming, perhaps, would be a park and recreation center called Bicentennial Gardens, which I propose be developed in the open land along Constitution Avenue between the Washington Monument and Lincoln Memorial.* Since the last of the old World War I "tempos" were removed from the West Mall in 1970, we have explored many alternative plans for developing in their place facilities for people of all ages, incomes, and interests, residents and tourists alike, to enjoy.

The Bicentennial Gardens plan, which will soon be ready to present in detail but which of course remains open to the ideas and desires of those for whom it is intended, might be called an American cousin of Copenhagen's beloved Tivoli. It follows the present contours of the land on a low profile in keeping with other Mall developments. A restaurant, smaller eating areas, an open-air theater, a bandshell, an area for ice skating, a children's play area, fountains, gardens, a boating lake, and walking paths are examples of the kind of features that might be included. There could be underground parking to accommodate tour buses, a terminal for the tourist trams, and a visitor center in the middle of the Gardens. With such a development, the Mall's attractions would be better balanced and dispersed, evening activities now concentrated in the Smithsonian Quadrangle would have a second focal point, and mingling of Washingtonians and visitors in a pleasant year-round setting would be encouraged. Quality of life for everyone in the Capital would be enhanced.

THE MALL IN 1976

The three major monuments and memorials in easy reach of Bicentennial Gardens are to be renovated and improved in a 4-year Park Service program beginning with this year's budget now before the Congress. Another facelifting project along the whole length of the Mall, and on the Ellipse as well, will reconstruct roadways, add walks, bikeways, plantings, and fountains, and provide for a new Ceremonial Drive. This work too is budgeted for fiscal year 1973 and beyond, to be completed by 1976.

The Mall east of the Washington Monument should also have a new look for the Bicentennial. Besides the Hirshhorn Museum and National Gallery of Art addition which are now being constructed, there will be a handsome new building for one of the Mall's oldest tenants, the Smithsonian Institution. *This structure, which will house the National Air and Space Museum with exhibits ranging from Kitty Hawk to Hadley Rille and with a former astronaut in charge, can be ready in 1976 if the Congress will move now to approve FY 1973 construction funds for it; the plans are nearly complete.* The Smithsonian also plans restoration of the historic Arts and Industries Building to its original 1880s appearance, as a fit setting for the Nation's Centennial exhibits which it displayed following the Philadelphia Exposition nearly a century ago and will display again for the Bicentennial, and construction of a major new "Nation of Nation's" exhibit in the Museum of History and Technology to illustrate America's multi-cultural tradition. Both projects are the subject of FY 1973 budget requests.

A fourth important undertaking by the Smithsonian—not on the Mall but rather a part of the effort to give the bicentennial activities metropolitan scope—is the Bicentennial Outdoor Museum planned for old Fort Foote, Maryland, on the Potomac in Prince Georges County. The restored fort is to serve as the scene for re-creation of Revolutionary events such as encampments, war-time life, and parades for 1976. *I ask prompt congressional action on legislation to approve the Bicentennial Outdoor Museum and to authorize appropriations for planning it.*

REALIZING A VISION: PENNSYLVANIA AVENUE

As L'Enfant's majestic expanse of Mall provides an axis along which Washington visitors can honor and relive the American past, so Pennsylvania Avenue, leaving the Mall by the new reflecting pool in front of the Capitol and angling away from it a long mile up to the White House, forms the main axis of government activity shaping the American present and future. This avenue, then, also demands attention as we move to dress up the heart of the city for our two hundredth birthday. *By 1976, let us complete the great Federal Triangle office complex in the spirit of the McMillan Commission's original vision 70 years ago. Let us build at its center a Grand Plaza worthy of the name, by transforming what is now a parking lot into a people-oriented park for government workers and visitors to enjoy.* (Visitors will also benefit from the new information and orientation center to be opened in the Great Hall of the Commerce Building by 1976, intended to introduce citizens to the activities of all the executive departments and agencies.) I have requested funds in my budget for fiscal year 1973 to move forward on the Federal Triangle and Grand Plaza projects; with the cooperation of the Congress the work will begin in the near future.

The north side of Pennsylvania Avenue, and with it many blocks of the downtown area, can also be revitalized or well on the way by the time we celebrate the Bicentennial. The FBI building now rising north of the Avenue symbolizes half of the answer—Federal construction—and can stand completed and in use by 1976 with continued congressional support. A further appropriation for this project is included in my new budget requests.

The other half of the answer for Pennsylvania Avenue is coordinated development planning which will mobilize the private sector and help bring commercial and residential activity back to this part of the city. The heart of Washington must not become so dominated by Federal buildings that it sits abandoned and lifeless on evenings and weekends. The two Presidents before me initiated steps to prevent this, and to make the Avenue instead a corridor of lively and varied activity, public and private—and my administration has continued to press this effort. In September 1970 I announced my strong support for a legislative proposal to establish a development corporation to accomplish the needed revitalization. Since then the proposal has been substantially modified in a good faith effort to accommodate all interests and segments of opinion. *Once again, I urge the Congress to act quickly and favorably on the Pennsylvania Avenue Bicentennial Development Corporation bill.*

When I first expressed support for the corporation plan nearly 17 months ago, I called it "an opportunity to fulfillll, in this city, at this time, a magnificent vision of the men who founded our Nation, and at the same time to create a standard for the rest of the Nation by which to measure their own urban achievement, and on which to build visions of their own." It is not an opportunity that waits forever, though; of the time available between that 1970 statement and the beginning of the Bicentennial year, more than a fourth is already gone. Every month that passes without this legislation further dims our chances of giving all Americans one birthday present they ought to have—a Capital "main street" to be proud of.

THE NEXT 4 YEARS

Both local and Federal plans for the Bicentennial celebration here in the Nation's Capital are far from complete at present. It is right that they should continue to evolve and expand as we move toward 1976. This message, however, attempts to set the tone and theme for Federal participation over the course of the next 4 years, and also to convey some of the aspirations of Washingtonians themselves without presuming to dictate what those aspirations should be.

The various levels and jurisdictions of government in the Washington area are well organized to follow through on the proposals I make today and to supervise further planning. The American Revolution Bicentennial Commission, with its distinguished bipartisan membership headed by David J. Mahoney, continues to provide excellent national leadership. The District government is well served by the responsive local Assembly and Commission structure to which I referred above; Mayor Washington is also establishing liaison with suburban planning bodies and with State officials of both Virginia and Maryland. The massive and diverse physical construction effort outlined in this message has been coordinated through a full-time District of Columbia bicentennial task force within the General Services Adminis-

tration, until recently headed with great skill by Administrator Robert Kunzig. Now that Mr. Kunzig has become a Federal judge, I shall ensure that this coordination work is carried forward at the same high standard.

Under such direction and with the support of the Congress, we can achieve our Bicentennial goal of dual excellence in the District of Columbia, and we can realize by 1976 a dramatic improvement in the quality of Washington life for all whose physical or spiritual home this great Capital is. And by so doing we can help to inspire and encourage the preparations of other communities all across the country for a truly magnificent Bicentennial.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1972.*

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS TO MEET TOMORROW WHILE THE HOUSE IS IN SESSION

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that tomorrow, while the House is in session, the Subcommittee on Accounts may be permitted to meet to consider the money requests of the various committees.

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

There was no objection.

MANPOWER REVENUE SHARING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-246)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Education and Labor:

The message referred to the Committee on Education and Labor.

To the Congress of the United States:

There are few issues of greater concern today, to the Congress and to the President, than the state of the American economy. We are passing from a period when the economy was inflated by the strains of war to a time when it will be challenged by the needs of peace.

Adding to the inevitable problems of transition has been the increasingly vigorous economic competition of other countries. We welcome this competition, but we must also realize that it requires us to give renewed attention to increasing American productivity—not only to ensure the continued improvement in our own standard of living, but also to keep our Nation's goods competitive in the world's markets, thereby providing jobs for American workers.

During the late fifties and early sixties our annual rate of increase in labor productivity averaged 3.4 percent. But by the mid-sixties it had begun its drop to an average of only 1.8 percent.

We are taking important steps to revive the productivity of American labor. Our New Economic Policy is shrinking the bulge of inflation. We are proposing a new program to promote technological progress—for advances in research and development are essential ingredients of rising productivity. But technological advance is not the whole story: increases in the skills of our labor force also play a large part.

We are not interested in the competitiveness of our labor force for its own sake. We are concerned about the individual American—concerned that he learn the skills to gain employment or learn more skills to gain better employment. We are concerned about the health of our economy, knowing that a strong, highly productive economy is the individual American's best insurance against unemployment. This is why the Federal Government provides manpower training—to increase the opportunities of jobless Americans to share in the abundance of America.

Today, I again urge that the Congress enable us to improve our manpower programs by enacting the Manpower Revenue Sharing Act.

Ten years ago, the Congress recognized Federal responsibility for comprehensive manpower training by passing the Manpower Development and Training Act of 1962. The MDTA and the Economic Opportunity Act of 1964 have grown to include over a dozen separate, narrow grant programs, each with its own purposes. Yet, even though manpower programs have grown in number, the need for manpower training has outpaced the capability of these older programs to provide services. Our commitment is strong, but we have not bridged the gap between the promises and the performance of Federal manpower programs. Something better is needed—on this we can all agree.

THE OLD WAY: A NEED FOR REFORM

Like the field of manpower training, many other areas of Federal assistance are suffering from a hardening of governmental arteries. Federal programs are meant to meet the needs of individual citizens living in 50 States and in thousands of communities, but those diverse needs are not being met by rigid, standardized Federal programs. Instead, the pressure on State and local resources is building to the breaking point. The traditional answer would be the establishment of even more separate categories of Federal aid.

Federal aid is needed, but the proliferation of Federal plans, programs, categories, and requirements has compounded the individual problems faced by American communities today. Frequently, Federal involvement has merely generated a false sense of security—a security which has been betrayed by the continuing multiplication of communities' social needs and the failure of government to meet those needs.

Federal aid outlays account for 21 percent of State and local revenues today, but many Federal grants require State and local officials to match some percentage of Federal aid with local money which could be better spent in other ways to solve local problems. In many cases, State and local officials must decide either to accept Federal aid with its accompanying allocation of State and local funds or to receive no Federal aid at all.

Federal maintenance of effort provisions further distort local priorities by requiring State and local governments to continue projects irrespective of their effectiveness in meeting their own needs. Once again, our communities lose more of the flexibility which would enable them to meet what they consider their most pressing needs.

Frustrating and time-consuming project approval requirements, a jungle of red tape, often make it impossible for State and local governments to count on having Federal money when it is needed. No matter how pressing some needs may be, communities must wait, sometimes months or even years, for the slowly grinding wheels of bureaucracy to consider each grant in minute detail.

The real problem lies not with the Federal Government's intentions, but with how it tries to meet communities' needs—by undertaking one narrow, inflexible program after another. The number of separate categories has grown until no one is sure of their boundaries. In 1963, there were only 160 individual grant programs amounting to about $8.6 billion, but now there are over 1,000 such programs amounting to almost $40 billion. Each rigid category of additional aid reflects the worst kind of arrogance: the presumption that only the Federal Government knows local needs and how to meet them.

If we have faith in the American people—and I for one do—then we must recognize that in thousands of communities, each with its own problems and priorities, there live people quite capable of determining and meeting their own needs and in all probability doing a better job of it than the Washington bureaucracy. Quite simply, today's local needs are likely to be met best by local solutions.

The time nas clearly come to reform the way in which the Federal Government aids local and State authorities. The time has clearly come when those who serve at the State and local level and are charged with the responsibility for finding workable solutions to State and local problems should be given a chance. Clearly, it is time that Federal aid became truly that, aid, not rigid and often confusing control.

Waste, confusion, and inefficiency are too often the price paid by local and State governments for Federal aid under the present system. Last year the Federal Government discovered the following cases, to cite just a few examples:

—One Northcentral State had 93 people on its government payroll to do nothing but apply for Federal *education* grants.

—A study of grant programs in one Western city revealed that only 15 percent of the Federal funds to that city went through its mayor or elected government.

—Federal demands on the time and attention of local officials is particularly serious. In one small Midwestern city, a part-time mayor had to attend sixteen separate evening meetings per month, one with Federal officials from each of the sixteen separate grant programs in which his small city participates.

THE NEW WAY: SPECIAL REVENUE SHARING

In a series of special messages to the Congress last year, I proposed special revenue sharing, a new system of Federal aid which would serve the purposes of our State and local governments better than the system of narrow Federal grant programs now operating. I proposed that funds be made available to States and localities for six broad purposes—manpower, law enforcement, education, transportation, urban community development, and rural community development—to be used, for each of these purposes, as they see fit to meet their particular needs. Those proposals, if enacted, would consolidate over 130 separate programs into six general purpose areas. Under our special revenue sharing proposals, in the first full year of operation, $12.3 billion in Federal funds would be provided to States and localities for those six broad purposes. These funds would be free from matching requirements, maintenance of effort restrictions, presently rigid prior Federal project approval requirements, and, best of all, inflexible Federal plans. But there are two major stipulations: (1) the money is subject to all the civil rights requirements of title VI of the Civil Rights Acts of 1964, and (2) no government unit would receive less money under these proposals than it did under the old system of narrow Federal grants.

Special revenue sharing is not a wholesale dismantling of the Federal grants system, as some critics have charged. It is a careful effort to decide which level of government can best deal with a particular problem and then to move the necessary funds and decisionmaking power to that level of government. When a Federal approach is needed we should take that road, but when a local approach is better we should move the resources and power to that level.

I realize that these are challenging concepts, which have major implications for the structure of American government—Federal, State and local—and for the effectiveness with which government serves the people. They require us in Washington to give up some of our power, so that more power can be returned to the States, to the localities, and to the people, where it will be better used. It is appropriate, therefore, that the Congress give full consideration to all of these proposals for fundamental reform and move rapidly to create effective programs to meet today's needs.

MANPOWER SERVICES FOR THE SEVENTIES

I recognize that it is incumbent upon those who propose change to justify the changes. I believe our experience with Federal manpower programs over the last 10 years justifies the changes we are proposing.

All those represented in the current array of patchwork manpower programs—the schools, private employers, public agencies, nonprofit groups, not to mention the unemployed workers—know that the present system is not delivering the jobs, the training, and the other manpower services that this Nation needs and has a right to expect.

As we begin the second decade of comprehensive manpower assistance for our unemployed and underemployed citizens we know we must do better, and we can do better. It is time for a change.

Manpower experts throughout the Nation agree that the necessary reform of the Nation's system of manpower training should have as its three basic goals the decategorization, the decentralization, and the consolidation of existing manpower development efforts.

The Manpower Revenue Sharing Act that I have proposed would allow us to achieve those goals. It would benefit citizens in every corner of the Nation and offer renewed hope to members of our society who have lacked opportunity—hope for jobs, for advancement, and for a better standard of living. It would establish a new framework of constructive partnership for manpower training among Federal, State, and local governments. Its principles are simple and fundamental, yet far-reaching.

THE PRINCIPLES OF MANPOWER SPECIAL REVENUE SHARING

First, the Manpower Revenue Sharing Act does *not mandate* any existing categorical program or guarantee its perpetuation—irrespective of its performance—in any community. However, it would *not prohibit* the continuation of any project which a particular locality feels effectively serves its own and its workers' needs. It is time to end the restrictiveness of the old, narrow programs which have frustrated communities' efforts to develop manpower programs geared to their own needs and circumstances.

In its first full year of operation, the Manpower Revenue Sharing Act would provide $2 billion for manpower purposes, of which $1.7 billion would be divided among State and local units of government—without unnecessary red tape—using a formula based on the size of their labor force and the numbers of unemployed and disadvantaged. The remainder would be used by the Secretary of Labor to meet the generalized national needs of this new system.

It would authorize a broad range of services, including:

—classroom instruction in both remedial education and occupational skills;

—training on the job with both public and private employers, aided by manpower subsidies;

—job opportunities, including work experience and short-term employment for special age groups and the temporarily unemployed, and transitional public service employment at all levels of government.

These services, all designed to help move people toward self-supporting employment, augmented by temporary income support, relocation assistance, child care and other supportive services authorized by the Act, would make it possible for our communities to mount integrated manpower development programs truly responsive to their own priority needs.

The *second* major goal of Manpower Special Revenue Sharing is to increase substantially reliance upon State and local governments to manage major manpower activities. Local governments are often powerless when jobs are not to be had. It is time we equipped our local governments with the resources and decision-making power to meet their responsibilities.

The Manpower Revenue Sharing Act meets this objective. It would provide communities with the resources they need to help get people into jobs and job-training. Decisions on what needs to be done to improve specific local manpower conditions cannot and should not be made in Washington. They should be delegated to the area where the unemployed person lives and wants to work.

The *third* way to move toward a new era in manpower development is through consolidation of the multiple, frequently inconsistent, funding authorizations for manpower activities. Even members of the congressional Appropriations Committees frequently chafe under the unmanageable task of sorting out the confusing array of alphabetical "programs" created by existing manpower enactments. While a good deal of untangling has been done by administrative action, the only durable solution is an overall reform.

The Manpower Revenue Sharing Act would replace the two major pieces of legislation which have spawned most of the acronym programs—the Manpower Development and Training Act and Title I of the Economic Opportunity Act—with a single statute which incorporates the flexibility needed by State and local government.

The Manpower Revenue Sharing Act submitted to the Congress in March of 1971 incorporates all three of these vital concepts. I believe that the application of these principles in the Manpower Revenue Sharing Act is sound, but the principles are more important than the details. Reasonable men may disagree on the specifics of any important legislation, but there comes a time when its principles must be earnestly debated and decisions made. For the principles of Manpower Special Revenue Sharing, that time has come. The fine points of this legislation, which were discussed in my message of March 4, 1971, are open to refinement, but I believe the principles of Special Revenue Sharing are too important to be eviscerated.

Our country needs new manpower legislation. Let us now write a new charter for the second decade of manpower development that will produce solid performance—for the economy, for the unemployed and underemployed, and for government itself.

RESTORING THE AMERICAN SPIRIT

The Special Revenue Sharing approach to providing Federal help would enable us to deal more effectively with many of this Nation's most pressing problems. But it would do much more. It would help to restore the American spirit.

In recent years many Americans have come to doubt the capacity of government—at all levels—to meet the needs of an increasingly complex Nation. They have watched as the power to effect change in their communities has moved gradually from the local level, with the reality of friends and community, to the

national center, to Washington. There was a time when the increasing centralization of government fostered a greater sense of national purpose. But more recently, the weight of unfulfilled promises reinforced by the growing complexity of social problems has caused many Americans to doubt the capability of our system of government.

By providing new resources to the levels of government closest to the problems and closest to the people involved—people who may see their problems in a different light than the Federal Government—both General and Special Revenue Sharing will do much to revive the confidence and spirit of our people. A free and diverse Nation needs a diversity of approaches; a free Nation should invest its faith in the right and ability of its people to meet the needs of their own communities. No greater sense of confidence can be found than that of a community which has solved its own problems and met its own needs.

Confidence in government is nowhere under greater challenge than among the young, yet the future of America depends upon the involvement of our young in the day-to-day business of governing this land. By making resources available to the more localized units of government, where more people can play a more direct role—and by placing the power of decision where the people are—I hope that many of the young will come to realize that their participation can truly make a difference. This purpose—this philosophy—is at the heart of Special Revenue Sharing.

The people's right to change what does not work is one of the greatest principles of our system of government—and that principle will be strengthened as the governments closest to the people are strengthened. Though the Federal Government has tried with intelligence and vigor to meet the people's needs, many of its purposes have gone unfulfilled for far too long. Now, let us help those most directly affected to try their hand. American society and American government can only benefit from ensuring to our citizens the fullest possible opportunity to make their communities better places, for themselves, for their families, and for their neighbors.

RICHARD NIXON.

THE WHITE HOUSE, *February 7, 1972.*

MANPOWER SHARING REVENUE ACT

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

Mr. GERALD R. FORD. Mr. Speaker, revamping of Federal manpower programs is one of this Nation's most urgent needs.

This is why the President has today sent Congress a message repeating a recommendation he made more than a year ago urging a manpower revenue sharing program.

Manpower revenue sharing is vitally needed. It is mandatory if we are to realize the full potential of the funds that are being spent on manpower programs. Manpower revenue sharing as detailed by the President would consolidate important parts of the Federal manpower training effort and make our expenditures in this field far more productive.

The Manpower Revenue Sharing Act would decategorize manpower programs and place control of job training in the hands of the States and cities, where it belongs. There is an undeniable need to combine existing manpower programs so as to create a flexible system subject to local control. It is only such a system that is capable of delivering services tailored to persons needing work.

Mr. Speaker, the proposed Manpower Revenue Sharing Act is long overdue. It is the instrument needed to move the Nation toward manpower training reform.

CALL OF THE HOUSE

Mr. CEDERBERG. 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. 25]

Alexander	Edwards, La.	Patman
Anderson, Ill.	Evans, Colo.	Pelly
Anderson, Tenn.	Ford, William D.	Pickle
Ashley	Forsythe	Pike
Aspinall	Gallagher	Poage
Badillo	Gibbons	Pryor
Bell	Goldwater	Quie
Biaggi	Gray	Railsback
Bingham	Green, Oreg.	Rarick
Blanton	Halpern	Rees
Blatnik	Hansen, Wash.	Reuss
Brown, Mich.	Harsha	Robison, N.Y.
Byrnes, Wis.	Hawkins	Roy
Cabell	Hébert	Ruppe
Caffery	Helstoski	St Germain
Carter	Kuykendall	Sandman
Chisholm	Landgrebe	Sarbanes
Clark	Lennon	Scheuer
Clay	Lent	Spence
Conte	McCloskey	Springer
Corman	McCormack	Stanton, J. William
Crane	McDonald, Mich.	Steed
Danielson	Macdonald, Mass.	Steele
Davis, S.C.	Melcher	Steiger, Wis.
Davis, Wis.	Mikva	Stubblefield
Dellums	Mills, Md.	Teague, Tex.
Dent	Morgan	Waggonner
Diggs	O'Konski	Whitehurst
Dwyer	Passman	Wiggins
Eckhardt	Patman	Wyatt
Edmondson	Pelly	Zwach

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

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

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1857), to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, as amended.

The Clerk read as follows:

S. 1857

An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."

(3) by adding a new section 2(b)(4) to read as follows:

"(4) Four members of the Federal Judiciary to be appointed by the Chief Justice of the United States;".

SEC. 2. Section 6(b) is amended to read as follows:

"SEC. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

SEC. 3. Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

SEC. 4. Add at the end thereof the following new sections:

"SEC. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial, and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicenntenial historical and commemorative significance.

"SEC. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive

years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"SEC. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

The SPEAKER. Is a second demanded?

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHWENGEL. In its present form, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I am opposed to the bill without the reservation "in its present form."

The SPEAKER. If a Member is opposed to the bill at any point, he is opposed to the bill.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. The bill, as I understand it, is brought up under suspension of the rules and therefore is not subject to amendment. Is that correct?

The SPEAKER. The gentleman is correct.

Mr. GROSS. Then, in its present form, it cannot be amended.

The SPEAKER. The gentleman to qualify, must be opposed to the bill.

Mr. GROSS. Mr. Speaker, I am opposed to it without reservation.

The SPEAKER. The gentleman from Iowa (Mr. GROSS), is recognized.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Is it possible to amend a bill that is brought up under suspension of the rules by unanimous consent?

The SPEAKER. It is not possible to amend by unanimous consent if the bill is brought up under suspension of the rules.

Mr. WILLIAMS. It is not possible.

The SPEAKER. The Chair will not recognize a Member for that purpose. The gentleman from Iowa (Mr. GROSS) qualifies for a second.

The gentleman from Massachusetts will be recognized for 20 minutes, and the gentleman from Iowa will be recognized for 20 minutes.

The gentleman from Massachusetts is recognized.

Mr. DONOHUE. Mr. Speaker, this bill amends the joint resolution establishing the American Revolution Bicentennial Commission so as to provide for a larger Commission, and contains provisions concerning personnel and administration of the Commission, and provides the Commission with authority relating to programs and grants-in-aid in connection with the bicentennial. Also the bill would authorize an appropriation for the American Revolution Bicentennial Commission of not to exceed $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 would be for grants-in-aid.

The bill S. 1857 was originally introduced in accordance with the recommendations of an executive communication transmitted to the Congress by the American Revolution Bicentennial Commission. The bill, as reported, is intended to provide the Commission with interim statutory authority and an organizational framework, for moving from the planning to the development stage of the bicentennial era.

The bill S. 1857 would enlarge the membership of the Commission from 37 to 50 members. The Commission would then be balanced as originally intended to include 50 percent public members and 50 percent of members representing the Government. The committee has been advised that the enlarged Commission would permit a wider geographic and other representation of various sectors of American life. It is further provided that the members named from private life are to be so chosen as to be broadly representative of the Nation's people. It is contemplated that this will provide for recognition of the contributions of various age groups, of racial and ethnic minorities, and of its creative arts, its useful crafts and its learned professions.

The committee has also been advised that the Commission has considered the issuance of commemorative medals and the minting of commemorative coins in connection with the observance of the bicentennial, and that studies are underway for possible changes in coins and paper currency which would have a relation to the bicentennial. In connection with these proposals, the assistance and counsel of the Secretary of the Treasury would be required and it is appropriate that he be made a member of the Commission. Accordingly, the bill provides that he be added as a member of the Commission.

The bill further provides that four members of the Federal judiciary are to be named as members of the Commission. With these additions, the Commission would have all branches of the Government included in its membership.

The new language added by section 2 of the bill concerns the powers and duties of the Director of the Commission and also the appointment and compensation of the Director and the three Deputy Directors. At a hearing on a companion bill on November 10, 1971, it was stated by the witness appearing in behalf of the Commission that in order to fulfill the obligations of the national bicentennial program, the Commission would require experienced staff personnel.

It was explained that this was the reason that the bill provides the authorization for placing the position of the Director in executive level IV ($38,000) and three deputy directors in executive level V ($36,000). In this connection, the witness stated that the Civil Service Commission and the Office of Management and Budget had evaluated the functions and duties of these positions. These evaluations had resulted in the determination that the proposed levels are consistent with similar positions elsewhere in the executive branch, and further that the levels and compensation are competitive with private enterprise. It was stated on the basis of equal pay for equal work and with full recognition for the relatively short time the Commission will be in existence, it is considered that the proposed salary levels are reasonable. The committee was further advised that the appointment and compensation authorities of the bill will permit the Commission to develop and retain a capable staff necessary to plan and administer the nationwide bicentennial program.

Section 2 of the bill would amend section 6(3) of the law to authorize the Commission to delegate to the Director the powers and duties it deems he should possess for the efficient operation and management of the work of the Commission. The delegation of executive authority authorized by these provisions would be made to the Director as the chief executive officer of the Commission in order to provide for the effective implementation of bicentennial plans. The Commission would determine the nature and extent of the power and duties delegated to the Director, and the responsibility for policy determinations would remain in the Commission.

The Senate committee in its report on the bill stated that it considered this an interim arrangement and requested that the executive branch submit organizational proposals which would be adequate for conducting the bicentennial program through 1976. The committee agrees that this additional step should be followed.

Section 3 of the bill authorizes appropriations for the Commissionf or fiscal year 1972. The previous authorization expired on June 30, 1971. Section 7(a) of the basic law would be amended by this bill to authorize an appropriation of $4,300,000, for fiscal year 1972. Of that amount, not to exceed $2,400,000 would be for grants-in-aid.

It should be noted that the new section 9, which would be added to the law by section 4 of the bill, provides for the grant-in-aid program for grants to States, territories, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of bicentennial commissions.

In his statement presented to the committee at the hearing on November 10, 1971, the witness representing the Commission pointed out that a primary objective of the Commission is to emphasize and stimulate local planning in connection with the observance of the bicentennial. It is further contemplated that this planning will take place mainly through State and local bicentennial commissions. The Commission views its function as a coordinator or, in effect, a catalyst in working with State and local bicentennial commissions and with large numbers of historical services, patriotic and other groups and organizations throughout the country.

Section 4 of the bill is intended to clarify and amplify the statutory author-

ity granted to the Commission for planning, development, and coordination of a total program of local, State, national, and international activities in accordance with its basic statutory mandate. The section would add a new section 8 to Public Law 89–491, to authorize the Commission to arrange for the preparation of materials and objects relating to the bicentennial for their distribution, exhibition, and sale. It is anticipated that the Commission will work closely with State and local commissions and with patriotic, historical, and service groups and organizations to assure the availability of such materials.

The new section 8(2) to be added to Public Law 89–491 authorizes the Commission to conduct competitions for historical research essays, musical works, poems relating to the bicentennial and to commission and give awards for such works.

The new section 8(3) authorizes the Commission to initiate a bicentennial calendar of programs and projects and provide a central clearinghouse for information and coordination regarding such matters as dates, events, places, documents, personalities, of bicentennial historical and commemorative significance.

As has been noted above in connection with the discussion of section 3 of the bill, new section 9 to be added to Public Law 89–491 authorizes a program of initial grants-in-aid to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, to assist in the establishment or implementation of bicentennial commissions. As was also noted above, an objective of the Commision is to assist in making the commemoration national in scope, involving every State, city, and community so that it will truly be a grassroots commemoration.

The new section 10 of Public Law 89–491 would permit funds appropriated for any bicentennial purpose to be transferred between the Commission and other Federal departments and agencies for expenditures for such purposes. Any such transfer requires the concurrence of the head of both the Commission and the Federal department or agency concerned. This provision will provide flexibility in the planning and carrying out of bicentennial programs within the executive branch.

As has been noted, the bill as originally introduced included section 5 which would increase by 10 the total number of supergrade persons authorized in the executive branch. After a review of this aspect of the bill, the committee recommended the amendment to strike this particular provision.

On the basis of the needs of the Commission as shown in the facts presented to the Committee, it was determined that this bill, with the amendment recommended by the committee is necessary in order to provide the Bicentennial Commission with the authority and funds it needs to move forward the program for the celebration in 1976. Accordingly, the committee recommended favorable consideration of S. 1857, as amended.

Our committee held many hearings on this bill, and it was reported to the full committee, and the full committee has unanimously reported it to the House. Therefore, I recommend that it be favorably acted on.

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

Mr. DONOHUE. I yield to the gentleman from Florida.

Mr. HALEY. This bill and the joint resolution provide for amending the American Revolution Bicentennial Commission, and there is no doubt for a fine purpose, but I just wonder sometimes why we do not use the knowledge and experience that is available, for instance, the president general of the Sons of the American Revolution. They have a fine group of people, and they have practical knowledge and information and experience, and it is devoted to this Nation. I just wonder why somebody does not wake up once in a while and use the knowledge of the people in such organizations. They have done so much and know so much, and yet they are not even consulted.

Mr. DONOHUE. It is my understanding that this Commission is enlisting the assistance of the States and local communities, and they have indicated their willingness to participate with the Commission in this celebration and making a success of it.

Mr. HALEY. But I just wonder why such organizations are not used. For instance, the President General of the Sons of the American Revolution could step forward on this Commission as one of the private parties and render great service to the Nation.

Mr. DONOHUE. If the gentleman reads the bill in full, he will find there is a provision in this amendment requesting that the commission be enlarged so that it will include all of the representatives of these patriotic organizations, so as to benefit by their views and suggestions.

Mr. HALEY. I might say if we appoint more members also, we might tie their hands. We will have representatives of the Supreme Court and the judiciary and so forth. So I want to call to the attention of the gentleman this particular suggestion, because it is something that for a good many years I have wondered about. Here is knowledge which can be useful to the Commission, and it could be useful to their deliberations.

Mr. DONOHUE. I might point out to the gentleman from Florida that the new language in the bill states that the members appointed from private life are to be broadly representative of the people of the Nation and are to be chosen so as to recognize contributions by various age groups, racial groups, ethnic minorities, creative arts, useful arts, and learned professions.

Mr. HALEY. I thank the gentleman. He has given me much encouragement, because I think here is a unique organization, and here is a Commission we established—it has been established for some time, yet they have not taken advantage of the fine knowledge available to them at no cost.

Mr. DONOHUE. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

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

Mr. Speaker, I find it difficult to stand here and oppose this legislation at this time.

All the Members know that I have supported commemorations of historic celebrations at various times. I served for a time as the Vice Chairman and as the Chairman of the Civil War Centennial Commission, which finally, with the help of all kinds of talent, was able to make a magnificent contribution to a better understanding of the history of that time, and to help us learn from it.

In the bicentennial time we can again do this with a greater impact within our country and worldwide than ever before.

I am opposing the bill now for two reasons.

First, the bill is not well written. For instance, on page 2, beginning on line 24, after the description of the power of the Commission, the language reads:

> The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission.

That is a very unusual section in a bill of this type. It is particularly bothersome to me, because the people I know in the history field, who are very competent and very fair, have on their own been making a study of the work of the Bicentennial Commission so far. Frankly, without exception, Mr. Speaker, they are disappointed that nothing has happened of great value which will pave the way for us to fully take advantage of this magnificent opportunity which is ours as we plan the bicentennial—some very respected historians say that if the leadership is not changed the bicentennial is doomed to failure.

I find this awfully hard right now, because I am pointing the finger at a person, but with reason, and it is in the public interest, so I must and will.

The present Director is a man by the name of LeVant. I have never heard of him in the history field. Others have not. Several interested people have made investigations, including myself. We are not satisfied. My suspicions were confirmed. Competent students of history have pointed out that unless some change is made in the directorship of this Commission this bicentennial is not going to amount to anything at all; it is just going to be a waste of a lot of money.

I wish we could lay this over and consider it under a rule, so that we could amend the bill and get some understanding and assurances on plans and programs. Certainly this section, to force the Commission to delegate powers, should be eliminated. It is unsound and inconsistent with precedent.

By the nature of a commission, a commission has always had the power to delegate. This is a thing we recognize in all commissions. We do not need this language. We should not legislate and say the Commission shall delegate pow-

ers—it looks suspicious. It indicates no confidence in the Commission.

I believe also we ought to have some assurance from some people. For instance, Dr. James Robertson, the Director of the Civil War Centennial Commission, ought to be counseled with. This man has had a world of experience with a lot of people in all aspects of the major interests that related to the Civil War Centennial.

The gentleman from Florida pointed out that there are voluntary groups which are standing and waiting to be helpful, all kinds of them. He named the Sons of the Revolution, and the DAR. There are other historical associations and societies of all kinds which would like to be involved. Until recently they have not even been contacted, or invited to do that.

Mr. Speaker, I believe it would be well for us to postpone consideration of this bill or to amend this bill by unanimous consent, if that is possible.

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

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. The provision to which the gentleman refers reads as follows:

> The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission.

Does the gentleman object to having someone in a position to efficiently operate and manage?

Mr. SCHWENGEL. Not at all. That is the very point I am making. Under the present directorship I am declaring to this House that there will never be efficient operation of that Commission.

Let me point out that in the Civil War Centennial Commission we had five employees.

Up to now they already have 62 employees. I grant this Commission will need more employees.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. SCHWENGEL. So I think the answer to this, Mr. Speaker, is to let some of us have some assurances from the Chairman of the Commission that certain things will be noted and done differently than they have been done up to now. It is due to fail unless we change it.

Mr. DONOHUE. Will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. DONOHUE. Might I ask if the gentleman from Iowa has been in touch with the Commission giving that Commission the benefit of his views up to now?

Mr. SCHWENGEL. Yes, I have been. I am a member of the committee dealing with medals, and I have met or represented in my office to meet with that committee every time, and we have passed legislation with the recommendation of the committee, and I supported that legislation, of course.

Mr. DONOHUE. Will the gentleman yield further?

Mr. SCHWENGEL. Yes.

Mr. DONOHUE. Has the Commission been responsive to the requests made by the gentleman from Iowa?

Mr. SCHWENGEL. Up to now they have not and mainly because we have not been able to get through to the Director At the suggestion of some of my friends, we brought in a very capable man for 2 weeks. He had probably 30 minutes in which to talk to the Director about some possibilities and ideas that he had. This is a man who is very interested in and capable of developing the very best. He is the former director of Broadcast Music, Inc. He is retired now but is greatly respected all across the country. I think that performance and reception by the director was a disgrace, and it proves once again that the director does not have the right attitude or concept. To say that he shall delegate powers I believe is not in the public interest nor in the interest of the Bicentennial Commission.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am not opposed to a reasonable bicentennial observance. However, this bill would fund this observance inordinately. Let us look at the figures. Last year there was made available for this purpose $670,000. This proposes to make available in the fiscal year 1972—and there remain less than 5 months of the fiscal year—$4.3 million for fiscal year 1972 or $3.63 million more than was allocated in the last fiscal year.

I will be glad to yield to the gentleman from Massachusetts for a correction or a comment.

Mr. DONOHUE. The gentleman in referring to section 7 of the bill mentioned $4.3 million.

Mr. GROSS. Yes.

Mr. DONOHUE. Of which $2.4 million would be by way of grants in aid to each of the 50 States.

Mr. GROSS. Yes; and that is one of the reasons I am opposed—because it starts another program of grants.

Mr. DONOHUE. And to the territories. In other words, each State would receive $45,000 in each of the 2 years.

Now, with reference to the difference between the $2.4 million and the $4.3 million, it would come to $1.9 million. That figure was presented to the Committee on Appropriations. And, they reduced that amount for the reasons pointed out by the gentleman from Iowa from $1.9 million to $1.4 million because of the number of months that had expired for the fiscal year of 1972.

Mr. GROSS. There is no such evidence in this report, and the gentleman I am sure will quickly admit that. We have no evidence to the fact that it has been reduced. Perhaps it has. I will take the gentleman's word for it. I am dealing with what I have before me in the committee's report.

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield further, that appropriation was to this Bicentennial Commission in the supplemental appropriation bill that we passed I think several months ago in which they reduced the $1.9 million to $1.4 million, conditioned upon this authorization bill being approved.

Mr. GROSS. All right, but if this is authorized, there would be nothing to prevent another supplemental, and we will likely have one before too long. There will be nothing to prevent the Appropriations Committee from coming in under this authorization with the remainder of the money, would there?

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

Mr. GROSS. Yes.

Mr. DONOHUE. I agree with the gentleman, but having in mind the prudent and skillful men on our Appropriations Committee, having appropriated $1.4 million for fiscal year 1972, for the reason that a certain amount of the year has expired, they would not likely put it in for the additional $600,000.

Mr. GROSS. I am glad that my good friend from Massachusetts has a crystal ball by which he can divine what the Appropriations Committee will do.

As I see things developing here thus far this year, and certainly, on the basis of the record of last year, I have not the confidence that the gentleman has that these spending proposals are going to be held down this year.

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

Mr. GROSS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding, if for no other purpose than to point out that a mere two handfuls of us voted against this on June 21, 1971, not that we were opposed to a bicentennial celebration or a proper commission to handle it on a national basis; but again, because of the procedural matter of putting "the cart before the horse." It was an appropriation on an authorization bill, and passed.

The history indicates there was a continuing resolution for the spending of $684,000 or $57,000 a month under which we are still operating in the early days of 1972—the remaining part of fiscal year 1972. Just recently there was a $1.4 million appropriation passed under the proviso that it would finally be authorized by this very legislation before us here today. Then, to make matters worse insofar as getting "the cart before the horse" is concerned, we authorized the mint as a matter of urgent legislation to strike some 14 medals last week so that they could get their ducks in the row insofar as a proper medal and plans are concerned.

As stated, we are here today finally confirming the authorizing legislation which would make the appropriation in order, and by all logic should have preceded the funding.

Mr. Speaker, it seems to me that if we are going to have an excellent bicentennial celebration, as both of the gentlemen from Iowa have pointed out, we certainly ought to do it in an orderly procedure, in a prudent manner, and under the proper legislative process.

Mr. GROSS. I thank the gentleman from Missouri for his observation and

say to him I think the best thing we could do here today is to defeat this bill and come back with a program that is within reason.

I note here that this bill provides for a level IV Director at $38,000 a year and two Assistant Directors at level V, which is $36,000 a year. Further, all of us know that there will be a sizable staff to take care of such an expensive Director and Assistant Directors as this bill provides.

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

Mr. GROSS. I yield to the gentleman.

Mr. SCHWENGEL. The gentleman from Missouri makes a very valid point. I would say that we should proceed in this manner only with the assurances from downtown that something would happen that would give us some ground to believe there would be a real sound program established, and that capable people would be hired and used to help do this. However, the evidence is not forthcoming, and so therefore I think we should hold this up until we get some assurances from the leaders of the commission. I am speaking of Mr. Mahoney in particular.

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

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

Mr. DONOHUE. The reasons why this figure of $38,000 and the figure of $36,000 were established was because the committee witnesses stated that the Civil Service Commission and the Office of Management and Budget had evaluated the functions and the duties of these positions. These evaluations have resulted in the determination that the proposed levels are consistent with similar positions elsewhere in the executive branch. Further, that the levels of compensation are comparable with private enterprise. They also stated that on the basis of equal pay for equal work and in full recognition of the relatively short time the Commission would be in existence that these salaries were fair and equitable.

Mr. GROSS. I will say to the gentleman from Massachusetts we hear that story in every bill which provides for the establishment of a new commission in the Government. That is the normal procedure. There is nothing new about that, and no more reason or justification in this case.

Let me say this to the gentleman from Massachusetts, in the report there is a call for a "new spirit of '76." There had better be born in this Congress and in this House of Representatives a "new spirit of '72," one with some regard for the interests of the taxpayers of this country.

I can think of nothing that would better serve the Republic in its observance of this bicentennial—I can think of no better theme than getting back to sanity in this country with regard to the management of governmental affairs. At the rate we are going we will lose this Republic through moral and financial bankruptcy.

There will be no celebrations of a free Republic.

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

Mr. GROSS. Yes, I yield to the gentleman.

Mr. DONOHUE. The gentleman undoubtedly appreciates that this amendment was not initiated in our committee, it came to us from the executive branch, from the White House, by way of the Commission.

Mr. GROSS. That is no excuse for the acceptance of it. There are a lot of things we are going to get from the White House. A message was read here a little while ago involving the Bicentennial Commission, and calling for the construction, among other things, of a huge $100 million sports arena in the District of Columbia as a part of the bicentennial observance. In God's name where is it proposed to get the money to build a sports arena at a cost of more than $100 million? Obviously the District of Columbia is not going to put up the money. It will be the taxpayers of Iowa and all the other States who will be called upon to build it.

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

Mr. GROSS. Yes, I yield to the gentleman.

Mr. WILLIAMS. I would like to call the gentleman's attention to the fact that the recommendation for a sports stadium did not come from the American Revolution Bicentennial Commission.

Mr. GROSS. No one said it did.

Mr. WILLIAMS. If the gentleman will yield further——

Mr. GROSS. Just 1 minute. It came from the administration, among others.

Mr. WILLIAMS. Fine.

Mr. GROSS. The President's message was read here a little while ago plugging for it.

Mr. WILLIAMS. If that is the case, please do not try to tie it in with the American Revolution Bicentennial Commission, on which Congress is amply represented.

Mr. GROSS. Read the message. You will find it is part and parcel of the bicentennial message.

Mr. WILLIAMS. The message stated that it would be nice to have this during the bicentennial year.

Mr. GROSS. If some people have their way, the taxpayers of the country will build the $100 million arena and when the bicentennial celebration ends, it would be turned over lock, stock, and barrel to the District of Columbia. This city is the original home of charity.

Mr. WILLIAMS. Mr. Speaker, can I inquire as to the time remaining?

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

Mr. DONOHUE. Mr. Speaker, I yield such time as he may require to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts.

Mr. Speaker, I only want to say I hope that this country never becomes so poor in spirit that it would be unwilling to honor its glorious past.

Mr. Speaker, I support this measure.

Mr. DONOHUE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, we have just 4 years to prepare for the bicentennial in this country. The executive director to whom Mr. SCHWENGEL, the gentleman from Iowa, referred has been on board for approximately 3 months as executive director and he is just getting his feet on the ground.

As a member of the ARBC I can see the ARBC making progress—but they are making progress without money. One of the prime responsibilities of the ARBC is to see that every State in their own way celebrates the bicentennial.

Now, you notice on page 3 here, it calls for $4,300,000 for the fiscal year 1972, of which $2,400,000 shall be for grants-in-aid. For some time, based on the assurance from this Congress, the ARBC has been telling all of the States that they are going to get $45,000 each year for 2 years to help in planning the bicentennial in their State. Of course, the States are putting money in, as well as the Federal Government.

In addition to this, the city of Philadelphia has been selected as the exposition city, the international exposition city for 1976, and they are making some real progress with their own money.

All I can say is this: $2,400,000 is going to go to the States for planning money to help them plan how their States would celebrate the bicentennial.

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

Mr. WILLIAMS. Mr. Speaker, will the gentleman from Massachusetts yield me 3 additional minutes.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman 3 additional minutes.

Mr. WILLIAMS. I thank the gentleman.

The remaining $1,900,000 is going to go to the continued operation of the ARBC and the establishment for some regional offices so that if somebody from the State of Washington or California wants to have some questions answered and wants a conference, they do not have to come all the way to Washington, D.C. This is the only place in which the ARBC maintains an office. So what I am saying to you is that in the membership of the ARBC you have a group of people who are doing a fine job for no remuneration at all.

I was placed on the ARBC when one of the Members of the House requested to be replaced. I think it was some time last summer or perhaps it was September. But I can say to you, we are making progress. Do not cut off the funds. The executive director whose ability has been questioned here today has been on board such a short time that we have not truly had a chance to evaluate his performance.

Mr. Speaker, I yield to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. I thank the gentleman for yielding. I want to ask the gentleman a question, which he may have already answered. I understand the gentleman is a member of the American Revolution Bicentennial Commission.

Mr. WILLIAMS. Yes, that is correct.

Mr. SMITH of New York. Is the gentleman, as such a member, in favor of the proposed legislation?

Mr. WILLIAMS. Yes; I am in favor of this proposed legislation. I have some slight reservation about that section to which the gentleman from Iowa (Mr.

SCHWENGEL) called attention, where it says:

The Commission shall delegate such powers and duties to the Director * * * as necessary for the efficient operation and management of the Commission.

All you are doing is giving the Commission the power to do this, and the Commission does not have to delegate anything more to the executive director than they desire.

Mr. SMITH of New York. Would it not be true, I ask the gentleman, if the Commission delegated power to the Director, they could also take it away from the Director?

Mr. WILLIAMS. I would say there is no question about that. The statement "The Commission shall delegate such powers" does not mean that those powers have to be broad. It means we could give the Director the right to say "yes" or "no" in certain restricted areas where you cannot wait too long for an answer. Then, of course, he has to answer to the Commission in order to keep his job.

Mr. SMITH of New York. Would the gentleman yield further?

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

Mr. SMITH of New York. I would like to say on behalf of the gentleman from Iowa (Mr. SCHWENGEL) that I have talked to the chairman of the Commission and to the people who work for the Commission and I have found them to be receptive and willing to cooperate.

Mr. MORSE. Mr. Speaker, I will reluctantly vote against the amendments to expand the operation of the American Revolution Bicentennial Commission.

It was Senator CHARLES MCC. MATHIAS, then a Member of this body, and I who drafted the legislation which led to the creation of the Commission, and I remain convinced of the importance—indeed the extraordinary opportunity for national renewal—that an appropriate observance of the bicentennial presents. My "nay" vote will reveal no diminution in my commitment to the concept; rather, it is intended to make clear my dissatisfaction with the meager progress that the Commission has made to date, its failure to marshal the intellectual resources which can contribute to its works, and its apparent lack of sensitivity to the fundamental significance of the event which gave rise to its creation.

Although this is the sixth year of its existence, no overall national plans to commemorate the American Revolution have been forthcoming, and the Commission appears to be unwilling to respond constructively or creatively to the suggestions of the private and public agencies which have presented many thoughtful and provocative proposals. Indeed numerous imaginative and highly original plans for the bicentennial which have been submitted to the Commission have, unfortunately, languished for months.

To date the only bicentennial projects which have received the "official sanction" of the Commission are the Denver 1976 Winter Olympics; the Iowa Bicentennial Commission's 1976 World Food Expo; urban renewal plans for Niagara Falls, N.Y.; the Mount Rushmore National Shrine in South Dakota; and the city of Detroit's plans for an urban transportation center. While these projects are all worthwhile and commendable, I fear that the 200th anniversary of the American Revolution will come and go with no more engagement of the creative energies of the American people than the usual bonfires and fireworks displays, if the Commission continues to operate at its present pace.

Another disturbing aspect of the Commission has been its practice of holding business meetings in secrecy. All four of the 1971 meetings of the full Commission were held in private, as if the Commission were dealing with classified documents rather than a democratic celebration that belongs to all of the people. I deplore this lack of involvement of all citizens and the apparent mistrust of public judgment.

I feel that the bicentennial offers all Americans an especial opportunity to come together as a nation in renewing our commitment to the ideals of the American Revolution which are as relevant today as they were 200 years ago. There is the prospect of a celebration that will encourage the American people of every region, every race, every religion, and every ethnic group to develop a greater sense of common purpose and to deal with the problems facing our society today, just as a common purpose moved this country to great achievement 200 years ago.

I am sure that this bill will be adopted by the House today, and I pray that it will better enable the American Revolution Bicentennial Commission to live up to the goals of the Revolution and will provide it with a long-needed impetus.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts (Mr. DONOHUE) that the House suspend the rules and pass the bill, S. 1857, as amended.

The question was taken.

Mr. GROSS. 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 328, nays 36, not voting 67, as follows:

[Roll No. 26]

YEAS—328

Abbitt	Brasco	Clancy
Abernethy	Bray	Clausen,
Abourezk	Brinkley	Don H.
Abzug	Brooks	Clawson, Del
Adams	Broomfield	Cleveland
Addabbo	Brotzman	Collier
Anderson, Ill.	Brown, Ohio	Collins, Ill.
Andrews	Broyhill, N.C.	Colmer
Annunzio	Broyhill, Va.	Conable
Archer	Buchanan	Conyers
Arends	Burke, Fla.	Cotter
Baker	Burke, Mass.	Coughlin
Baring	Burleson, Tex.	Culver
Barrett	Burlison, Mo.	Curlin
Begich	Burton	Daniels, N.J.
Belcher	Byrne, Pa.	Danielson
Bennett	Byron	Davis, Ga.
Bergland	Caffery	de la Garza
Betts	Camp	Delaney
Bevill	Carey, N.Y.	Denholm
Biester	Carney	Dennis
Bingham	Casey, Tex.	Dent
Blackburn	Cederberg	Derwinski
Boggs	Celler	Devine
Boiling	Chamberlain	Dickinson
Brademas	Chappell	Diggs
Dingell	Kastenmeier	Rangel
Donohue	Kazen	Reid
Dorn	Keating	Reuss
Dow	Kee	Rhodes
Dowdy	Keith	Riegle
Downing	Kemp	Roberts
Drinan	King	Robinson, Va.
Dulski	Kluczynski	Rodino
du Pont	Koch	Roe
Edwards, Ala.	Kyros	Rogers
Edwards, Calif.	Landrum	Rooney, N.Y.
Eilberg	Latta	Rooney, Pa.
Erlenborn	Leggett	Rosenthal
Esch	Lent	Rostenkowski
Eshleman	Link	Roush
Evins, Tenn.	Lloyd	Rousselot
Fascell	Long, La.	Roybal
Findley	Long, Md.	Runnels
Fish	Lujan	Ruth
Fisher	McClory	Ryan
Flood	McClure	Satterfield
Flowers	McCulloch	Saylor
Foley	McDade	Scheuer
Ford, Gerald R.	McDonald,	Schneebeli
Ford,	Mich.	Scott
William D.	McEwen	Seiberling
Fountain	McFall	Shipley
Fraser	McKay	Shoup
Frelinghuysen	McKevitt	Shriver
Frenzel	McKinney	Sikes
Frey	McMillan	Sisk
Fulton	Madden	Skubitz
Fuqua	Mahon	Slack
Galifianakis	Mailliard	Smith, Calif.
Garmatz	Mallary	Smith, Iowa
Gaydos	Mann	Smith, N.Y.
Gettys	Martin	Staggers
Giaimo	Mathias, Calif.	Stanton,
Goldwater	Matsunaga	James V.
Gonzalez	Meeds	Steele
Goodling	Metcalfe	Steiger, Wis.
Grasso	Mikva	Stephens
Green, Pa.	Miller, Calif.	Stokes
Griffiths	Mills, Ark.	Stratton
Grover	Minish	Stubblefield
Gubser	Mink	Stuckey
Gude	Minshall	Sullivan
Hagan	Mitchell	Symington
Haley	Mizell	Talcott
Halpern	Mollohan	Taylor
Hamilton	Monagan	Teague, Tex.
Hammer-	Montgomery	Thompson, Ga.
schmidt	Moorhead	Thomson, Wis.
Hanley	Morgan	Thone
Hanna	Mosher	Tiernan
Hansen, Idaho	Moss	Udall
Harrington	Murphy, Ill.	Ullman
Harvey	Murphy, N.Y.	Van Deerlin
Hastings	Myers	Vander Jagt
Hathaway	Natcher	Vanik
Hays	Nedzi	Veysey
Hébert	Nelsen	Vigorito
Heckler, Mass.	Nichols	Waggonner
Henderson	Nix	Wampler
Hicks, Mass.	Obey	Ware
Hicks, Wash.	O'Hara	Whalen
Hillis	O'Neill	Whalley
Hogan	Passman	White
Holifield	Patten	Whitten
Horton	Pepper	Widnall
Hosmer	Perkins	Wiggins
Howard	Pettis	Williams
Hull	Peyser	Wilson, Bob
Hungate	Pickle	Winn
Hunt	Pike	Wolff
Ichord	Pirnie	Wright
Jacobs	Podell	Wydler
Jarman	Poff	Wylie
Johnson, Calif.	Powell	Wyman
Johnson, Pa.	Preyer, N.C.	Yates
Jonas	Price, Ill.	Yatron
Jones, Ala.	Pucinski	Young, Fla.
Jones, N.C.	Purcell	Young, Tex.
Jones, Tenn.	Quillen	Zablocki
Karth	Randall	Zion

NAYS—36

Anderson,	Hall	Rarick
Calif.	Hechler, W. Va.	Roncalio
Ashbrook	Heinz	Scherle
Aspin	Hutchinson	Schmitz
Boland	Kyl	Schwengel
Bow	McCollister	Sebelius
Collins, Tex.	Mathis, Ga.	Snyder
Daniel, Va.	Mayne	Steiger, Ariz.
Dellenback	Mazzoli	Teague, Calif.
Duncan	Michel	Waldie
Flynt	Miller, Ohio	Wilson,
Griffin	Morse	Charles H.
Gross	Price, Tex.	

NOT VOTING—67

Alexander	Aspinall	Blanton
Anderson,	Badillo	Blatnik
Tenn.	Bell	Brown, Mich.
Ashley	Biaggi	Byrnes, Wis.

Cabell	Green, Oreg.	Railsback
Carter	Hansen, Wash.	Rees
Chisholm	Harsha	Robison, N.Y.
Clark	Hawkins	Roy
Clay	Helstoski	Ruppe
Conte	Kuykendall	St Germain
Corman	Landgrebe	Sandman
Crane	Lennon	Sarbanes
Davis, S.C.	McCloskey	Spence
Davis, Wis.	McCormack	Springer
Dellums	Macdonald, Mass.	Stanton, J. William
Dwyer	Melcher	Steed
Eckhardt	Mills, Md.	Terry
Edmondson	O'Konski	Thompson, N.J.
Edwards, La.	Patman	Whitehurst
Evans, Colo.	Pelly	Wyatt
Forsythe	Poage	Zwach
Gallagher	Pryor, Ark.	
Gibbons	Quie	
Gray		

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. Thompson of New Jersey with Mrs. Dwyer.
Mr. Blatnik with Mr. Davis of Wisconsin.
Mr. Cabell with Mr. Mills of Maryland.
Mr. Evans of Colorado with Mr. Bell.
Mr. Pryor of Arkansas with Mr. O'Konski.
Mr. St Germain with Mr. Brown of Michigan.
Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.
Mrs. Green of Oregon with Mr. Pelly.
Mr. Gibbons with Mr. Crane.
Mr. Rees with Mr. Quie.
Mr. Melcher with Mr. Conte.
Mr. Helstoski with Mr. Heinz.
Mr. Hawkins with Mr. Ashley.
Mr. McCormack with Mrs. Chisholm.
Mr. Clay with Mr. Sarbanes.
Mr. Dellums with Mr. Badillo.
Mr. Biaggi with Mr. Railsback.
Mr. Eckhardt with Mr. Harsha.
Mr. Gray with Mr. Kuykendall.
Mr. Roy with Mr. Ruppe.
Mr. Gallagher with Mr. Robison of New York.
Mr. Lennon with Mr. Carter.
Mr. Clark with Mr. Sandman.
Mr. Davis of South Carolina with Mr. Zwach.
Mr. Alexander with Mr. Spence.
Mr. Edmondson with Mr. Whitehurst.
Mr. Aspinall with Mr. Springer.
Mr. Blanton with Mr. Terry.
Mr. Corman with Mr. J. William Stanton.
Mrs. Hansen of Washington with Mr. Wyatt.
Mr. Anderson of Tennessee with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LAND AND WATER CONSERVATION FUND AMENDMENT

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6730), to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections 1 (a), (b), and (d) of the Act of July 15, 1968 (82 Stat. 354), as amended by the Act of July 7, 1970 (84 Stat. 410), are hereby repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601), is further amended as follows:

(a) Subsection (a) of section 2 is amended to read:

"(a) ENTRANCE AND SPECIAL RECREATION USE FEES; ESTABLISHMENT; REGULATIONS.—

"(1) ENTRANCE FEES.—Except for areas designated pursuant to subsection (3) of this section, no entrance fees shall be charged by any Federal agency having administrative jurisdiction over areas used for outdoor recreation purposes.

"(2) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense. Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors.

"(3) The Secretary of the Interior (hereafter referred to as the 'Secretary') may, from time to time, by publication of notice in the Federal Register establish or revise entrance fees for any national park, national monument, national historic site, or national battlefield area administered as a part of the national park system.

"(A) For admission into any such designated area, an annual entrance permit (to be known as the 'Golden Eagle Passport') shall be available, for a fee of not more than $10. Any person purchasing the annual permit, and any person accompanying him, in a single, private, noncommercial vehicle shall be entitled to general admission into any unit of the national park system designated as an entrance fee area during the calendar year in which the annual fee is paid, but such permit shall not authorize any use of specialized sites, facilities, equipment, or services for which additional fees are charged pursuant to subsection (b) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations etsablished pursuant to subsection (e). The annual permit shall be available for purchase through all post offices of the first- and second-class and at such others as the Postmaster General shall direct. The Secretary of the Interior shall transfer to the Postal Service from the receipts thereof such funds as are adequate for the reimbursement of the cost of the service so provided.

"(B) Reasonable entrance fees for a single visit or, not to exceed $3 for a series of visits at a single designated area shall be established by the Secretary for persons who choose not to pay the annual fee under clause (A) of this subsection or who enter such an area by means other than by private, noncommercial vehicle.

"(C) No entrance fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for any person for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any park thereof.

"(D) The Secretary shall establish procedures, commencing no later than January 1, 1973, providing for the issuance of an annual entrance permit to any person sixty-five years of age or older and his or her spouse, without charge, for use only in the State in which the individuals reside, but such permits shall admit the bearer only. No other free passes shall be issued to any person: *Provided,* however, That no fees of any kind shall be charged of any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business.

"(4) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that an entrance fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas.

"(5) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any entrance fee and/or special recreation use fee, as the case may be. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

"(6) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: Provided, however, That not less than 25 per centum of the amount so credited shall be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

"(7) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular

Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

"(8) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program."

(b) Subsection 2(c), as added by section 2 of the Act of July 15, 1968, is redesignated as subsection (d).

(c) In accordance with the provisions of the Act of July 15, 1968, the fourth paragraph of subsection 2(a) of the Land and Water Conservation Fund Act of 1965 is redesignated as section 10.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. 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 North Carolina (Mr. TAYLOR) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the bill now before the House was introduced by our colleagues, Mr. SAYLOR, Mr. HOSMER, Mr. SKUBITZ, Mr. KYL, Mr. STEIGER of Arizona, Mr. DON H. CLAUSEN, Mr. LUJAN, Mr. SEBELIUS, Mr. MCKEVITT, Mr. TERRY, and Mr. CÓRDOVA.

Both the committee version of H.R. 6730 now before us and the original bill significantly revamp the concept of the so-called golden eagle passport program. The original proposal would have converted the program into a $4 annual entrance permit. In contrast, the bill recommended by the committee provides for the continuation of the $10 annual carload permit which would admit the bearer and everyone in his noncommercial vehicle into all national parks, monuments, historic sites, and battlefields which may be designated for the collection of admission fees.

By way of background, when the Congress first approved the Land and Water Conservation Fund Act which authorized the creation of the annual carload permit, it seemed abundantly clear to everyone:

That the users of Federal recreation areas should contribute more to Federal recreation programs than nonusers;

That frequent users should contribute more than occasional users; and

That users of more sophisticated facilities should pay more than users of modest facilities.

In short, it does not seem unfair to ask the person who would be using these sometimes very expensive outdoor recreation areas and facilities to help foot a small part of the cost. This bill is based on that philosophy.

When the Land and Water Conservation Fund Act was first under consideration we could see that we would need money in order to acquire Federal recreation areas and aid the States in acquiring and developing State-owned recreation areas. In recognition of this fact, the Congress tried to develop a sensible program which would assure the availability of the dollars required. The golden eagle entrance and user fee program was to be a substantial contributor to the land and water conservation fund and it was expected to produce some $40 million per year for the fund.

Unfortunately, the golden eagle passport program never produced the amounts of revenue anticipated. It has never been a significant element in the land and water conservation program and there is no evidence that it will improve. It has averaged about $12 million per year in revenue, with about 78 percent of this coming from the National Park Service and 19 percent from the National Forest Service. This includes all fees—those received from golden eagle sales, from daily entrance charges, and from camping and other charges.

Notwithstanding the lack of success which it has had as a contributor to the land and water conservation fund, it has enjoyed a relatively favorable response from the using public.

Many people have considered it as a bargain because it allowed them admission to all federally operated outdoor recreation areas for one $10 annual payment. In some cases, contrary to the intent of the law, it was administered in a manner which permitted them to make use of developed campgrounds and other special use facilities without further charge.

Many people have failed to recognize that the main purpose of the program was to create revenue for the new Federal effort to expand the outdoor resources throughout the country.

Under the terms of the committee amendment now being considered, the old golden eagle program would be completely revised:

First, H.R. 6730, as amended, discards the concept that an entrance fee or admission fee should be charged at all Federal outdoor areas and limits such charges to certain types of areas in the national park system. As a result of this change, if H.R. 6730 becomes law, there will be no authority to impose any kind of an admission fee at any Corps of Army Engineers project, wildlife refuge, or national forest. In these areas, gates cannot be established and entrance fee collection is not practical.

Second, at the same time the committee recognized the value of retaining the $10 golden eagle carload permit as the annual admission fee for all of the designated national park entrance fee areas. The bill also requires reasonable daily and seasonal entrance fees at a $3 maximum to be available at each individual park unit;

Third, special recreation user charges are authorized to be collected for the exclusive use of recreation sites and equipment in which the Government has a substantial investment, such as campsites, and boat launching ramps. No special charge is to be imposed for the use of facilities which are basic or incidental to the day use of an outdoor area. In other words, the committee bill is intended to preclude additional charges for the use of visitor centers, roads, trails, overlooks or lightly developed or back country camp areas or for the use of picnic areas. Charging a fee for the use of a picnic table is too petty, too hard to enforce and causes people to picnic along roadsides and in pullovers, producing traffic and litter problems. We feel that these are facilities which almost all of the visiting public can be expected to use or where the collection of a special fee would be impractical;

Fourth, the old system granted no special relief for those persons who are 65 years of age or older, but H.R. 6730 recognizes the fact that our senior citizens deserve some special consideration so that their limited incomes are not unduly affected by the entrance fee requirements. Therefore, H.R. 6730 provides that the Secretary of the Interior shall establish a system by which individuals over 65 years of age can be granted free admission into any park area in their home State.

Fifth, unlike the old system which did not provide any simple procedure for purchasing the Golden Eagle Passport, H.R. 6730 provides that it shall be available at various post offices throughout the Nation and that the Post Office Department shall be reimbursed for the costs of the services which it provides from the sales made. This is similar to the duck stamp program.

Sixth, the committee members generally agreed that one of the reasons for the lack of success of the old fee system was lack of interest by the collecting agencies. The collecting agencies have not had manpower to collect fees and promote and enforce the program. I was told by the superintendent at Yellowstone National Park last summer that this park had 2,700 campsites and a charge of $3 per day was made for each campsite and that campgrounds had been full most of the summer. He stated that the honor system is used providing people a place to leave their money, and 45 percent had been paying. He stated that he had no manpower to enforce collection. Here we are losing millions of dollars and teaching people to cheat and become bad citizens.

As a contrast, in the Pisgah National Forest in North Carolina in the congressional district that I represent, a charge of $1 per car has been made to enter a recreation area, regardless as to whether a person enters to just walk around, picnic, or for camping. There is an honor system that has been used but those who did not pay were frequently given citations as they were leaving the area or while they were in it. It was estimated that collection is made from 98 percent. I received many letters from embittered constituents who were given citations, forcing them to go to court and pay $10. They could not understand why the Forest Service had no manpower to collect fees, but had manpower to make arrests

and they accused the Government of entrapment.

The honor system has not worked. People who pay cannot understand why so little effort has been made to collect from others using the same areas and facilities.

The committee report on this bill States. "Unless a reasonable effort is made to collect from all visitors or users of a fee area, fees shall not be required of any user of that area." That is the intent of this bill. H.R. 6730, as amended, provides that the moneys collected by the various agencies for either admission fees—National Park Service only—or special recreation use fees—all agencies—are to be deposited into a special account in the land and water conservation fund to be reappropriated to the collecting agency for its use to accomplish any authorized recreation objective. When appropriated, these moneys could be used for example, to extend the season at popular campgrounds administered by the collecting agency or to develop facilities which could otherwise not be funded, or for a master plan or wilderness study.

The bill provides that at least 25 percent of the fees collected during the first 5 years shall be used to promote and enforce the fee program.

Finally, H.R. 6730 requires the Bureau of Outdoor Recreation to maintain surveillance over the activities of the various agencies and to report annually to the Congress concerning the golden eagle fee system.

The golden eagle program expired on December 31, 1971. If action is not taken by Congress, the fee collection system will continue except the anual entrance permit, known as the Golden Eagle Passport, will be a thing of the past. Daily admission charges will be made into parks and other recreation areas. In addition, special user charges will be made for camping and other uses of equipment as at present. The present poor enforcement system will continue.

Mr. Speaker, the land and water conservation program has been an outstanding success, and we are proud of that success. No one is more disappointed with the fact that the golden eagle part of of the program has not succeeded than are the members of the Committee on Interior and Insular Affairs. We have reviewed it thoroughly on two different occasions, and we have inquired about it almost annually at oversight hearings since it was created in 1965, so we believe we understand what is involved.

The only conclusion which the committee could reach is that the program should be revamped. The legislation which we recommend will, we believe, result in a reasonable, workable program. It should be an improvement over the present program.

I urge Members of the House to approve this bill as recommended by the Committee on Interior and Insular Affairs.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR), the ranking Republican on our committee.

Mr. SAYLOR. Mr. Speaker, this bill is unusual in one respect; it calls for no appropriation of any money, and will result in revenues being paid into the Treasury of the United States. This, in and of itself, makes it the most unusual of all the bills being considered here today under the suspension of the rules procedure.

I rise in support of H.R. 6730, amending the Land and Water Conservation Fund Act of 1965, as amended. This bill revises and extends the Federal recreation fee system, popularly known as the Golden Eagle Passport System, chargeable at outdoor recreation areas operated by the National Park Service, the National Forest Service, the Bureau of Sport Fisheries and Wildlife, and other Federal agencies.

The practice of charging fees for entrance to or use of federally operated outdoor recreation areas was considered appropriate by the 88th Congress since those being charged received a direct benefit from the program and, it was thought, should be wlling to make a contribution toward expansion of the program. That assumption proved to be correct, but the assumption that a coordinated uniform fee system could be established for the myriad of agencies involved proved to be incorrect. By the 90th Congress, it had become abundantly clear that cooperation among agencies was lacking and that receipts from the Golden Eagle Passport program were far below expectation.

Congress therefore decided to cover a portion of the revenues from the Outer Continental Shelf receipts into the Land and Water Conservation Fund and to terminate the golden eagle program by March 31, 1970. Additionally, revenues collected in the future were to be placed in a separate account in the Land and Water Conservation Fund to be reappropriated to the collecting agency without prejudice to the amounts regularly appropriated. By 1970, partly because of growing public acceptance of the golden eagle program, a secretarial study of the fee program was directed and the life of the golden eagle was extended to December 31 of this last year.

H.R. 6730 was introduced as a direct result of that secretarial study. The Committee on Interior and Insular Affairs has held extensive hearings on the proposal as well as on various related bills, including my bill, H.R. 1131, to provide free golden eagles to persons 65 years of age or older. In the opinion of the committee, this bill, as amended, provides a reasonable fee program that should encourage public use of our outdoor recreation areas without unjustly subsidizing users.

Briefly, this bill provides that the Golden Eagle Passport will henceforth be available for admission only at units of the National Park System. It will remain a $10 annual carload permit. Lesser charges would be permitted for daily and seasonal admission. Other agencies operating outdoor recreation areas would be prohibited from charging entrance fees. At units of the National Park System and at all other federally operated recreation areas, special recreation use fees would be imposed for the use of specialized equipment and services. Special provisions for senior citizens are included in the bill, although not at the full measure contemplated by H.R. 1131. The committee assumed that senior citizens of limited means would probably limit their use of federally operated outdoor recreation areas to those nearby their homes and that those able to travel could reasonably afford the fees charged at areas away from home. Consequently, the committee has directed that the Secretary establish a program whereby persons 65 years of age or older and their spouse would be permitted free access to national park units within their State of residence.

In keeping with the 1970 amendments to the act, the committee concluded that all fees collected should be deposited in a special account in the land and water conservation fund to credit of the collecting agency. These funds could be used by the collecting agency, when appropriated, for any authorized activity other than land acquisition. Twenty-five percent of those fees, however, are to be appropriated exclusively for fee collection improvement. An example for which these fees might be used, in the case of the National Park Service, is to accelerate their master planning activities. Defraying the cost of establishing and operating user reservation systems and extending seasons at camping grounds are other possible uses for which these funds could be appropriated. In order to facilitate the sale of the annual entrance permit, the committee has directed that it be made available at post offices throughout the country in much the same manner as the duck stamp is sold.

One aspect of this bill that merits emphasis is the direction to the Bureau of Outdoor Recreation to periodically report to the Congress on present and potential fee collection areas with recommendations for improvement, if any.

I hope that direction will produce meaningful material for constructive innovation and not merely reams of data that could just as easily have been produced by some data processing system.

This bill carries no new price tag. It does, however, represent the result of a thoughtful approach toward establishing what this committee thinks is a realistic approach for fee collection at federally operated outdoor recreation areas.

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

Mr. SAYLOR. I am happy to yield to my colleague from Missouri.

Mr. HALL. I appreciate the gentleman, the ranking minority member of the Committee on Interior and Insular Affairs, yielding. He and I have discussed this bill before; indeed, we discussed it on June 22, 1970, here on the floor of the House.

If I understood his first qualification correctly, this will not involve entrance fees to Corps of Engineers impoundments but may allow "user fees" with an incentive, all to be recovered unto the Treasury via the land and water conservation fund. Is that correct?

Mr. SAYLOR. That is correct.

Mr. HALL. And in that case it would

make me, as I have stated before, very strongly in favor of this program as long as it does not put us in the position of double jeopardy on entrance fees to natural water impoundments by the Corps of Engineers, when the land was acquired on the basis of a promise of universal and perpetual access to such impoundments.

I understand, however, a similar bill has been considered in the other body and the report pertaining thereto does not make the specific exclusion that the bill reported by the House would as far as the Corps of Engineers entrance fees are concerned. I repeat, I am not referring to "users" fees. I have always been in favor of those.

Would it be the opinion of the distinguished gentleman and the other gentlemen of the committee that the position of the House, as reported and hopefully to be passed here, would prevail?

Mr. SAYLOR. I might say under the rules adopted in our committee I can no longer tell you with assurance who the members of the conference committee will be, but as to following the pattern that has been followed by those representing our committee in the past, I can assure you they will conscientiously endeavor to support the position of the House in the conference.

Mr. HALL. I appreciate the gentleman's statement. I certainly would like to support that position without going into a long repetition of historical documentation on how we have been up and down the hill on this type of provision before. Southwest Missouri contains many Federal impoundments constructed and maintained by the Corps of Engineers, Department of the Army. During the planning period and when the Corps was attempting to sell the people of the Ozark Hills on the advantages of these lakes and reservoirs for multipurpose usage, and especially flood control, we were assured that there would always be free access to water.

In addition, to this, there are various congressional precedents in the Flood Control Acts of 1944, 1946, 1954, and 1962 which reaffirm the principle of free access to inland public waters. This is certainly not the time to break this equitable policy, and to break faith with the people.

Mr. Speaker, I have long believed that the American people should not be charged or taxed, to gain access to their own lakes and reservoirs. Their hard-earned tax dollars financed these impoundments, land acquisitions, and waters so that, therefore, any additional entrance fee constitutes double taxation. Also, I think the American people expect Congress to make clear, once and for all, the longstanding public policy of this country, of free entrance to use our reservoirs and lakes. I appreciate the gentleman's statement.

Mr. KYL. Will the gentleman yield to me?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. KYL. In further assurance to the gentleman from Missouri, let me say that we have written into the bill provisions which would not permit the collection of fees in park areas even where there was an original binding agreement that the fee should not be charged. So there is a precedent in the bill for that which the gentleman from Missouri seeks.

Mr. TAYLOR. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. TAYLOR. I would like to say to the gentleman from Missouri that chairman, WAYNE ASPINALL, authorized me to state that in conference he always endeavors to support the position of the House, but he has strong feelings on this bill and he would endeavor especially hard to see that the bill comes out of conference in the form in which it has been considered here.

I hope to be a member of the conference committee myself, and I will take exactly the same position.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may use to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, as a coauthor of this legislation to improve and extend the golden eagle passport program, I am pleased that we have before us a permanent extension of the Golden Eagle passport.

I fully share the fundamental philosophy upon which the Golden Eagle Passport is based. That is, that those who benefit most directly from access to our parks, forests, and other outdoor areas should be willing to absorb at least some portion of the costs of their acquisition and development.

The Golden Eagle Passport provides a conveniently available and reasonably priced means to implement this concept. While the passport by no means covers the full cost of the activities its possesion permits, it does allow an additional source of funds for the land and water conservation fund, whose resources are used for the improvement of existing park and recreation lands and for the purchase of new ones.

Significantly, this bill takes an important step forward with its provision requiring the Secretary of the Interior to establish a free admission program for senior citizens. I hope this provision can be implemented as rapidly as possible.

In addition, the bill permits the sale of Golden Eagle Passports in post offices. Nearly every American has easy access to a post office and, therefore, easy access to the Golden Eagle Passport program.

Our outdoor recreation lands are a precious commodity. Those who use them should assist in their acquisition and maintenance and the Golden Eagle Passport is the best way to enable them to do so. I am delighted we have obtained a permanent extension.

Mr. SKUBITZ. Mr. Speaker, the purpose of H.R. 6730—as recommended—is to revise and extend the established Federal recreation fee collection system, commonly known as the Golden Eagle Passport program.

At the present time this program is effective at various outdoor recreation areas operated by the National Park Service, the National Forest Service and other Federal agencies.

The "golden eagle" was born on September 3, 1964, when the President signed into law one of the most significant conservation enactments of our time—the Land and Water Conservation Fund Act.

One source of the money to be covered into that fund was to be the fees collected from those who used the recreation areas.

It was the feeling of Congress—and I think rightly so—that those who received the benefits should be willing to pay something for the benefit.

Hence a coordinated fee system for parks, forests, wildlife refuges, and other Federal outdoor recreation areas was envisaged.

Although the land and water conservation program has been a success, the contribution of the golden eagle program to that success has been minimal.

I think it fair to say that the reason for this was that the agencies themselves did not make an effort to push the program and the people themselves did not respond as anticipated.

During the 90th Congress it became clear that, if the land and water conservation program were to succeed, new sources of revenues were needed. The fee program was not providing the funds as had been projected.

The 1968 amendments to the Land and Water Conservation Fund Act recognized the fact that the fee program had produced less revenues than anticipated.

Fee collection was nevertheless deemed desirable.

In 1970, partly because of growing public acceptance of the "Golden Eagle Passport," Congress determined to extend its life to December 31, 1971, to increase the annual charge to $10, and to direct a secretarial study of the fee program.

That study, submitted to Congress in March of 1971, is a matter of record.

H.R. 6730 was introduced as a result.

The subcommittee on National Parks and Recreation held extensive hearings on the proposal, and, after considering alternative proposals and refinements, reported the bill before us today.

H.R. 6730, as amended by the Committee on Interior and Insular Affairs, continues the $10 annual carload "golden eagle passport," but limits its use, and the charging of any other entrance fees, to units of the national park system.

Lesser fees, but not more than $3, are authorized to be charged for daily and seasonal admission.

Reasonable use fees, as distinguished from entrance fees, are to be imposed by other agencies providing facilities, equipment, or services at Federal expense.

All of the fees are to be deposited in a special account, in, but separate from,

the Land and Water Conservation Fund, to supplement regular appropriations of each collecting agency.

In order to facilitate sale of the golden eagle, it is to be available at post offices.

Special consideration is to be accorded persons 65 years of age and older and their spouses. They are to be given free annual entrance permits valid at park units in their State of residence.

Lastly, at the request of collecting agencies, at least 25 percent of fees collected may be used for a 5-year period, to promote fee-collection efforts.

I want to point out to my colleagues that there are no additional costs, other than those presently attributable to the costs of administering this program, engendered by this legislation.

I urge the favorable vote of my colleagues for H.R. 6730.

Mr. SEIBERLING. Mr. Speaker, will the gentleman from North Carolina yield to me for a question?

Mr. TAYLOR. I will be delighted to yield to the gentleman for a question.

Mr. SEIBERLING. Mr. Speaker, the latest concept on national parks involves putting them in the vicinity of large urban areas, you know. I wonder whether there will be some inconsistency if it is possible to charge fees for admission to parks in those areas. Would there be some inconsistency between that practice and the objective of urban national parks, which is to open up these areas to people from the inner cities who may not be able to afford the fees? Can you shed any light on whether this bill will give the Interior Department any authority to improve admission fees for entrance to such parks?

Mr. TAYLOR. I would like to state to the gentleman that most of the areas he is referring to established in urban areas are designated as "national recreation areas" or "national seashore" or "lakeshore areas."

Mr. SEIBERLING. Yes.

Mr. TAYLOR. They are not designated as national parks. This legislation authorizes the charging of entrance fees in national parks, national historical sites, national monuments, and national battlefields. We now have entrance fees being charged in all of these areas. It does not authorize charging of entrance fees in national recreation areas or national seashore or lakeshore areas.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 6730, 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. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, 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 North Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1, except subsection (c), of the Act of July 15, 1968 (82 Stat. 354) as amended by section 1 of the Act of July 7, 1970 (84 Stat. 410) and section 210 of the Flood Control Act of 1968 (82 Stat. 746), as amended, are repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is further amended as follows:

(a) Subsection (c) of section 2 as added by the Act of July 15, 1968, is redesignated as subsection (d).

(b) Subsection (a) of section 2 is amended to read as follows:

"(a) ENTRANCE AND RECREATION FEES; ESTABLISHMENT; REGULATION; ENFORCEMENT.—

"All proceeds from fees established pursuant to this Act: *Provided,* That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes.

"The President is authorized to provide for the designation of land and water areas administered by or under the authority of the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico) at which recreation fees are to be charged, and to provide for the establishment and revision of such fees as follows:

"(i) A fee of not more than $10 for an annual permit payable by a person entering an area so designated by a private noncommercial vehicle which, if paid, shall excuse the purchaser and all persons accompanying him in such vehicle from payment of any other fee for admission to that area and all other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid. Such permit shall be designated a "Golden Eagle Passport".

"(ii) A fee of not more than $25 for an annual recreation permit which shall entitle the purchaser and all persons accompanying him in a private noncommercial vehicle to all the benefits included under clause (i) of this paragraph and in addition shall entitle the purchaser to enter any designated area and to utilize camping and other facilities provided therein without payment of any other supplemental fees except areas which are designated by the President as not being within coverage of the permit, during the year for which the fee has been paid. Any citizen of the United States, entitled to receive a Golden Eagle Passport at no charge as provided elsewhere in this section, shall be entitled to obtain an annual recreation permit at a fee of not more than $15 upon presentation of proof of age. Such permit shall be designated a "Golden Eagle Recreation Passport".

"(iii) Fees for daily and multiple-visit entrance permits payable by persons who choose not to purchase the annual entrance permit authorized pursuant to clause (i) of this paragraph. Such permits shall be valid at only one area so designated, only during the day or period for which the fee has been paid, and only in accordance with regulations applying to that area.

"(iv) Fees for supplemental permits for the use of specialized sites, facilities, equipment, or services provided by the United States within any area so designated. Such fees may be in addition to the annual fee provided for in clause (ii) of this paragraph.

"(v) Fees for special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses.

"The above fees may be charged for access to or use of any Federal land area or recreational facility where fee collection is determined to be economically and administratively feasible.

"Entrance and admission fees may be charged at areas administered primarily for scenic, scientific, historical, cultural, or recreation purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters.

"User fees at recreation areas administered by the United States at Federal lakes and reservoirs shall be collected by officers and employees only from users of highly developed facilities constructed for reasons of public health, safety, and convenience, and which require a schedule of regular maintenance and supervision. Fees shall not be collected for entrance or access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

"The President shall provide for the development of appropriate guidelines for the establishment of a system of standardized fees. It is the intent of this Act that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

"All fees established under this Act shall be fair and equitable: *Provided further,* That nothing herein shall require that any fee be established at the same level charged by non-Federal public recreation agencies and by private enterprises for comparable facilities and services.

"The above fees may not be charged to any person who (1) is engaged in commercial or other activities not related to recreation; (2) is traveling over any national parkway or any road or highway established as part of the Federal-aid system, as defined in title 23, United States Code, section 101, or any road within the national forest system or within Corps of Engineers project boundaries, commonly used by the public as a means of travel between two places either or both of which are outside of the designated fee area; (3) is exercising a right of access to any land in which such person has any property right if such land is within a designated fee area; (4) has a right of access or hunting and fishing privileges under a specific provision of law or treaty; or (5) is engaged in the conduct of official Federal, State, or local government business.

"Clear notice that a fee has been established pursuant to this subsection shall be posted at each area to which it is applicable. The head of each Federal department and agency referred to in this subsection is authorized to prescribe rules and regulations for the collection of the fees established pursuant to this subsection for areas under his administration or authority: *Provided further,* That except as provided above, no free permits shall be issued to any Member of Congress or other Federal, State, or local

government official. The collection of fees for the annual recreation permits, established pursuant to clauses (i) and (ii) of the second paragraph of this subsection, may be made by the head of such agency directly or by contract with any private or public agency. Any such contract may provide that the contractor will receive not more than 10 per centum of the total fees he collects for any one calendar year, and may be subject to such other terms and conditions as the agency head deems proper.

"Any person authorized by the head of a Federal agency referred to in this subsection to enforce any rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100."

"No citizen of the United States who is sixty-five years of age or over shall be required to pay any entrance or admission fee for entry or admission to any area or areas covered by clause (i) of this subsection." Such citizens will be given a nontransferable Golden Age Passport which will be renewable each year. This permit will be equal, in all respects, to the Golden Eagle Passport described in clause (i) of this subsection.

SEC. 3. Section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903) is amended by inserting immediately before the period at the end thereof the following: "except to the extent that the head of a Federal agency referred to in said section determines to be necessary to advertise and promote any recreation fees established pursuant to section 2(a) of this Act".

SEC. 4. (a) The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of "The Golden Eagle Insignia", originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.

(b) Chapter 33 of title 18 of the United States Code is amended by adding the following new section thereto:

"§ 715. 'The Golden Eagle Insignia'

"As used in this section, 'The Golden Eagle Insignia' means the words 'The Golden Eagle' and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses 'The Golden Eagle Insignia', or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of the Land and Water Conservation Fund Amendments Act of 1971, shall not be a violation of this section.

"A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior."

(c) The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereon:

"715. 'The Golden Eagle Insignia'."

(d) The rights in "The Golden Eagle Insignia" under this Act, shall terminate if the use by the Secretary of the Interior of "The Golden Eagle Insignia" is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.

SEC. 5. Subsection (a) of section 6 of the Land and Water Conservation Fund Act of 1965, as amended, is amended (1) by deleting the period at the end of paragraph (2) thereof and inserting in lieu thereof a semicolon and the word "and"; and (2) by adding immediately after paragraph (2) thereof the following new paragraph:

"(3) For defraying expenses incurred in connection with the operation and maintenance of Federal recreation facilities in or around Federal lakes and reservoirs administered by the Corps of Engineers, Tennessee Valley Authority, or the Bureau of Reclamation, and for recreation areas located on public domain lands administered by the Bureau of Land Management."

SEC. 6. The President shall submit a report to the Congress within one year following the approval of this Act on the progress which has been made to achieve a system of standardized fees.

SEC. 7. This Act may be cited as the "Land and Water Conservation Fund Amendments Act of 1971".

AMENDMENT OFFERED BY MR. TAYLOR

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

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 1893 and insert in lieu thereof the provisions of H.R. 6730, 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: "To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6730) was laid on the table.

BUFFALO NATIONAL RIVER, ARK.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8382) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" numbered NR-BUF-7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided,* That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to the enactment of this Act: *Provided further,* That such reimbursement shall not exceed a total of $375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as "owner") of any improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or any owner of lands used solely for agricultural purposes (including, but not limited to, grazing) may retain, as a condition of the acquisition of such property or lands, a right of use and occupancy of such property for such residential or agricultural purposes. The term of the right retained shall expire upon the death of the owner or the death of his spouse, whichever occurs later, or in lieu thereof, after a definite term which shall not exceed twenty-five years after the date of acquisition. The owner shall elect, at the time of conveyance, the term of the right reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the

time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this Act or would affect the national river and the values to be protected by it under this Act.

SEC. 5. The Secretary shall administer, protect, and develop the Buffalo National River 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; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the national river and 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 recommendation as to the suitability or nonsuitability of any area within the national river for preservation as a wilderness, and any designation of any such area as a wilderness, shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 7. For the acquisition of lands and interests in lands, there are authorized to be appropriated not more than $16,115,000. For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to recommend the enactment of H.R. 8382 by our colleague from the State of Arkansas (Mr. HAMMERSCHMIDT). This legislation provides for the creation of the Buffalo National River which is located in the Ozark country in northern Arkansas.

DESCRIPTION AND SIZE

Late last spring, I had an opportunity to visit this area briefly to see for myself the values which it has to offer for the future enjoyment of the people of the Nation.

The river itself, of course, is the prime resource. From the time when the autumn rains begin, until the dry season which begins in the early summer, the entire river provides an outstanding opportunity for those who like to canoe or float. While some parts of the river may not be navigable for the entire year, the stream provides an excellent fishery habitat. It is relatively warm, unpolluted waters and gravelly streambed make it a classic smallmouth bass stream.

It would be difficult to enjoy the river, without enjoying the scenery, as well. The entire area offers the photographer an outstanding landscape to pursue his hobby. Multicolored cliffs, spectacular rock formations and forested hillsides are interspersed along the practically undeveloped riverway.

Naturally, such an area offers many associated recreational opportunities. Scenic vistas from the overhanging cliffs and interesting valleys and caves along the river provide the hiker, camper, and explorer with some relatively rare opportunities to escape from the day-to-day routine of the urban life.

In addition to all of these other features, Mr. Speaker, it is believed that this area may contain some valuable archeological sites. To date there has been no systematic effort to examine these values, but there have been several interesting discoveries which suggest that evidence of prehistoric times might be found and artifacts of more recent times have been uncovered in various places.

RECREATION POTENTIAL

Mr. Speaker, it is almost unbelievable that a resource of the magnitude of this area remains available today. Here in one long, but compact unit we have an opportunity to protect for all time a pure, free-flowing river with an amazing combination of values. It is fair to say that the Buffalo River, with its clean waters, its sports fishery and its associated water-oriented recreation values, combined with its scenic, natural, scientific, historical, and cultural qualities make it one of the outstanding conservation opportunities anywhere in the country.

More than 15 million people live near enough to the Ozark country to drive there in 1 day. Properly developed, the area can support a tremendous visitor load without giving the visitor the feeling of being crowded. In fact, it is estimated if the development program is undertaken promptly, the annual visitation rate will approach 2,000,000 visits after the first 5 years.

DISTINCTION WITH WILD AND SCENIC RIVERS PROGRAM

The area involved in this proposal stretches some 132 miles from the Ozark National Forest to its confluence with the White River. All but the upper reaches of the river are included in the proposal, and the remainder—about 16 miles—is within the national forest. The lands which are deemed worthy of inclusion in the boundaries total 95,730 acres and the corridor will vary in width from a half mile to about 4 miles depending on the nature of the adjacent lands and the potential which they offer for supplemental recreation opportunities.

Unlike the wild and scenic rivers program which is much more limited in size—100 acres per mile on both sides of the river—the national river will be administered in a manner similar to a national recreation area. Except for lands needed for public use, access and development, qualifying residents will be entitled to retain a right of use and occupancy of their homes and farmlands for their lifetime or for a period of 25 years if they wish. Of course, they will be compensated for the interest in the land which is acquired by the Federal Government.

COMMITTEE CONSIDERATION AND AMENDMENTS

This legislation has been carefully reviewed by the Members of the Committee on Interior and Insular Affairs. It has the endorsement of the congressional delegation from the State of Arkansas and it has the enthusiastic support of the Governor and other State officials.

For the most part, the committee amendments bring this legislation into conformity with the standards required at other areas which are comparable in nature.

The committee amendments do include one unprecedented change which results from unique circumstances. This amendment provides that the State of Arkansas may be reimbursed for its share of the cost of facilities which are to be developed in the future at a State park area which it has agreed to donate to the Federal Government for the purposes of the national river.

The State of Arkansas has approved a bond issue for state park improvements and secured a matching EDA grant. It has money available and plans made to make needed improvements at the Buffalo River State Park. The improvements include the installation of water and sewage facilities so as to control pollution as larger crowds visit the park. They include an underground electrical system, more adequate restrooms, additional picnic units, campgrounds and facilities. These plans have been approved by the

National Park Service to assure their compatibility with the development plans contemplated by the Federal Government.

The reimbursement authorized is for State funds used to make improvements after the bill is enacted into law—not for existing State park facilities which will be donated. The amount involved cannot exceed $375,000 and repayment is to be without interest.

Since construction costs are escalating each year, adopting the amendment will not only make the needed improvements available years earlier, but also may save the Government money in the long run. To my knowledge, no other State has offered to advance funds to make needed improvements in this manner. Of course, no reimbursement could be made unless appropriations for that purpose are approved by Congress.

COST

Altogether, it is estimated that the land acquisition program will require the investment of $16,115,000 and the bill contains the usual limitation on appropriations in this regard. These funds, as everyone knows, will be appropriated from the land and water conservation fund which was established for this purpose.

Under the terms of the bill, development of the area is authorized in annual installments, rather than in the usual lump sum. As the Members of the House are well aware, the development of our park and recreation areas is proceeding at a snail's pace. The language contained in this legislation is an honest attempt to prompt the Park Service, the Department of the Interior and the Office of Management and Budget to complete the job which they have indicated needs to be done. Far too many projects have been authorized where little or no develment work has been done and we all know that construction costs are escalating rapidly.

In this case, if the funds are not requested in accordance with the schedule which the Department submitted with the sanction of the Office of Management and Budget, then the authority to make the appropriations will lapse and the agency will be required to come back to the Congress to explain why the work has not been done and why the funds were not requested. We think this is a far better procedure than granting the usual lump sum development ceiling with a provision permitting the authorization be be automatically increased if construction is delayed, because that procedure has not been conducive to the orderly completion of the projects recommended.

CONCLUSION

Mr. Speaker, H.R. 8382 provides for the creation of an outstanding new addition to the national park system. I am delighted to have this opportunity to recommend its approval by the Members of the House and I urge its adoption, as amended.

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

Mr. TAYLOR. I will be glad to yield to the gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding, and I have asked for this time for the purpose of asking the gentleman a question.

The State of Arkansas has already made some substantial improvement, and the reimbursement feature of this measure is for improvements made after the passage of this bill. Is that correct?

Mr. TAYLOR. The gentleman is correct. And the amendment so provides only for reimbursements made after the passage of the bill. The park as it now is would be donated.

Mr. HALEY. I thank the gentleman.

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

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8382, a bill providing for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

The Buffalo River, from its beginning in the Ozark National Forest to its confluence with the White River, some 148 miles away, is a beautiful natural river. It is still a free-flowing stream of crystal-clear water. It abounds with fish. Its banks are scenic. And in my opinion, the outdoor recreational opportunities it provides should be conserved for all the American people. The Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments thought so in 1963, and in 1969 legislation passed the other body to establish the Buffalo as a national river. I am in favor of establishing the Buffalo as a national river—all 95,730 acres of its lands and waters. And I sincerely urge my colleagues' support for that purpose. There are two things about H.R. 8382 that bother me, however, and I think that the record should reflect these reservations lest we establish precedent detrimental to salutory past practices of the Committee on Interior and Insular Affairs and this Congress.

The Wild and Scenic Rivers Act, 78 Stat. 906, for which I and many others interested in preserving our natural assets worked long and hard, provides a method whereby rivers such as the Buffalo can be added as components of a national wild and scenic rivers system. The argument has been made that the Buffalo and its environs are too large an area to fit within the formula of that act—or, conversely, that land worthy of protection would not be so protected and hence lost to development. The argument is convincing. Nevertheless, I would rather have seen the Wild and Scenic Rivers Act altered to accommodate this river. Establishment of this river as a national river by means other than the Wild and Scenic Rivers Act will work no harm provided it is understood that this legislation is an attempt to accommodate a unique situation, not an attempt to undermine the policy of the United States as set forth in that act.

H.R. 8382 contains authorization to reimburse the State of Arkansas up to $375,000 for improvements it intends to make at a State park slated for inclusion within the national river. That money is to come from the funds authorized for appropriation for development purposes by this bill. This is the first time in my memory that the Committee on Interior and Insular Affairs has approved of such a measure. In behalf of the proposition, it must be stated that the State of Arkansas has indicated that it will donate that State park as well as another and 1,500 acres of State game management lands. The State has already obligated itself to a matching fund grant from the Economic Development Administration for construction of the facilities which include recreation oriented conveniences and a sewage and water treatment facility. And the legislation does provide that reimbursement may be made only for those facilities constructed after this bill becomes law and only for those facilities developed in a manner approved by the Secretary of the Interior. I do not question the reasonableness of the reimbursement provision. I do want to caution against its becoming a precedent. I do not object to that provision, provided it is understood that this, too, is an attempt at accommodation of a unique situation, not the precurser of a practice of the committee.

With the two caveats I have cited in mind, I think that this legislation is a significant step forward in preserving the remaining natural areas in this country and I urge its passage.

The SPEAKER. The Chair recognizes the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 8382—a bill providing for the establishment of the Buffalo National River in the State of Arkansas.

This river is one of the last significant free-flowing natural rivers in the country—a fact that has been officially recognized by the Secretary of Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The river originates in the Ozark Mountains and flows eastwardly through four counties to join with the White River some 148 miles from the beginning.

Along the stream—the scenery is constantly changing—from forested hills to high cliff walls interspersed with caves and waterfalls.

The river is suitable for canoeing and for float trips.

It is an understatement to say that the river is remarkably beautiful.

H.R. 8382 would create a corridor of 132 miles along the river starting within the Ozark National Forest—95,730 acres would be incorporated in the national river.

Only a small portion of that acreage is presently in Federal ownership—950 acres.

About 3,950 acres are in State ownership. Over 90,000 are privately owned.

In order to reduce the necessity for immediate acquisition of privately owned lands, three zones will be established. A development zone of about 9,000 acres will have to be acquired to develop needed visitor facilities.

A conservation zone of about 78,000 acres would be established wherein owners of residential or agricultural properties would be permitted to retain a right of use and occupancy for a life or 25-year term, provided that for residential property, to be eligible, construction thereof must have begun before

September 3, 1969—the date the other body first approved the legislation.

A private-use zone of about 9,400 acres would be established wherein private ownership would be permitted subject to scenic controls and rights-of-ways for necessary access. Most of the land in that area is used for farming.

Because almost all of the lands along the river are in private ownership acquisition costs are substantial—$16,115,000. State-owned lands—including the Buffalo River State Park and the Lost Valley State Park which will be within the borders of the national river—are to be donated.

Authorized appropriations for development within the national river are prescribed for 5 years in annual installments beginning fiscal year 1974 and totaling $9,371,000.

The sum of $375,000 is authorized to be reimbursed to the State of Arkansas for improvement at the Buffalo River State Park which the State is obligated to make under a matching funds contract with the Economic Development Administration—provided the Secretary of the Interior approves the facilities and they are constructed subsequent to the date this bill becomes law.

It seems eminently reasonable to authorize such a reimbursement, although somewhat unusual, since the State is going to donate the parklands on which the facilities will be constructed to the Federal Government for inclusion in the national river and the Federal Government would have to construct similar if not identical facilities.

This national river could have been established under the Wild and Scenic Rivers Act—82 Stat. 906. This legislation goes further than that act which was designed to protect rivers and areas of smaller magnitude: river corridors averaging no more than 100 acres per mile on both sides of the river.

Establishment of this national river will afford recreation opportunity for some 15 million people living within a day's drive. At the same time this outstanding recreation resource will be preserved for generations of Americans.

I urge the support of my colleagues for this bill.

Mr. Speaker, I now yield to the gentleman from Arkansas (Mr. HAMMERSCHMIDT) such time as he may consume.

Mr. HAMMERSCHMIDT. Mr. Speaker, I wish to associate myself with previous remarks of my colleagues on this bill. It is an amended version of the proposal which I introduced in the 90th and subsequent Congresses.

In brief, the Buffalo River flows almost entirely within the congressional district I represent. H.R. 8382 establishes the Buffalo as a national river to be maintained as a free-flowing stream.

It sets up a federally owned and supervised area along 132 miles of the river, comprised of 95,730 acres of land and water, to be administered by the Secretary of Interior as a unit of the National Parks System.

It is a beautiful river in an unspoiled and beautiful land.

The proposal has its controversial aspects. Many of those people whose living places and ways of life would be affected find understandable cause to oppose this bill.

Yet there is confirmation for the wisdom of establishing this national river for future generations to enjoy.

No sounder basis can be cited than the approval of the House Committee on Interior and Insular Affairs. The action followed extensive committee inquiry and investigation as directed by its distinguished chairman, the gentleman from Colorado (Mr. ASPINALL) whose support for sound environmental causes is known to us all. For his wise leadership in assuring a complete examination of this proposal, I am deeply grateful.

I wish also to express special appreciation to the chairman of the Subcommittee on Parks and Recreation, the gentleman from North Carolina (Mr. TAYLOR) for his astute shaping of the legislation.

Of immense help was the good counsel of the ranking minority member of the committee, the gentleman from Pennsylvania (Mr. SAYLOR). Both he and the gentleman from North Carolina (Mr. TAYLOR) visited the Buffalo area to become more knowledgeable about this beautiful land, as did the gentleman from California (Mr. JOHNSON).

My neighbor and colleague, the ranking minority member of the Subcommittee on Parks and Recreation, Mr. SKUBITZ, knows the area quite well, and has counseled with me numerous times on this legislation.

For their personal expenditure of time and effort, they have the thanks of those who have long sought enactment of this bill. A full measure of appreciation in fact, goes to all the members of the committee and the efficient and hard-working professional staff members, too.

This is true, I am sure, of my colleague from Arkansas (Mr. ALEXANDER), who in this Congress introduced an identical measure to mine; of the other members of the Arkansas House delegation, Mr. MILLS and Mr. PRYOR, we are united in support of the bill. So, too, are our colleagues in the other body, Senator MCCLELLAN and Senator FULBRIGHT, who introduced Buffalo River legislation, as I did, beginning with the 90th Congress.

There are many, many others to thank for their constructive assistance. Members of the Ozark Society of Arkansas, dedicated to the preservation of our great outdoor resources, gave unremitting support to the legislation.

The press has given strong support to the concept. In my district I wish to single out the backing of the Southwest American of Fort Smith and the Northwest Times of Fayetteville.

Elsewhere in Arkansas, the Pine Bluff Commercial, the Arkansas Democrat, and the Arkansas Gazette have been active editorial proponents of the measure, as have many other newspapers.

So many have been so helpful.

Mr. Speaker, the bill presented to the House today takes what I hope will be the final form of the law. It contains details important to the success of establishing the Buffalo as a national river.

The committee amended my original bill in several respects.

I would have preferred a land acquisition provision for "35-years or life occupancy" but am pleased for the "25-years or life occupancy" provision.

I would have preferred January 1971 as the date limiting reimbursement for property improvements, but I accept with thanks the committee suggestion of September 13, 1969, the date on which the other body first passed a similar bill.

I regret the deletion of my proposal for a special Federal payment to compensate the counties for their losses of taxable lands. However, I accept the judgment of the committee that such action would set an unrealistic precedent.

Most pleasing is the provision reimbursing the State of Arkansas up to $37,000 for Buffalo River development work it undertakes after enactment of the legislation, as a result of contractual arrangements recently accepted. It was most gratifying that the committee approved this fair and equitable provision, having assured itself of the close cooperation between the State of Arkansas and the Department of the Interior in the matter.

At the risk of being overly repetitive, I would like to state again important points about H.R. 8382 as brought to the House floor today, asking the understanding and support of my colleagues for its passage.

It preserves the Buffalo as a free-flowing stream so that more and more people may enjoy this magnificent natural resource.

The Buffalo's headwaters lie within the Ozark National Forest. All of the remaining 132 miles of the river can be preserved and administered as a single unit.

The river and its valley comprise a veritable natural museum and living outdoor laboratory.

It offers scenery unique and unmatched between the Rocky Mountains and the Appalachians, with massive bluffs and deep valleys providing spectacular settings along the entire reach of the river.

The Buffalo River is unspoiled, unmarred by heavy residential or commercial development, free from the pollution which generally accompanies such growth.

It is something "special" among rivers.

Moreover, it possesses qualities historical, geological, cultural, botanical in combination found nowhere else.

Within the proposed boundaries, there are many noteworthy natural features, including massive beds of cavernous limestone, displays of faulting sedimentary rocks; dolomite; sandstone, and shale formations; fossil remains of ancient life.

Some 1,500 species of plants have been identified along the river.

A variety of small animals exist in the area. Hunting and fishing will continue in accordance with State and Federal law unless dangerous to public safety or not in the interests of resource management.

Numerous archeological sites within the proposed national river boundaries tell a story of American Indian occupation over a span of some 9,000 years.

The proposed national river bounds would include virtually the entire river and land adjacent totaling 95,730 acres.

The river traverses four counties, rising in Ozark National Forest in Newton County, and cutting through Searcy, Marion, and Baxter Counties before flowing into the White River.

The land to be acquired is identified as to ownership as Federal Government 950 acres, State of Arkansas 3,950 acres, and more than 90,000 acres are privately owned.

The land is not densely populated—approximately one occupied dwelling per square mile. Many of the occupants are lifelong residents of the valley.

About 10 percent of the area could continue in private ownership subject to certain easements. The remainder would be acquired by the Department of the Interior—some 9,000 acres to be developed rather rapidly for public use and access. The remainder would be acquired with options to bona fide tenants of life occupancy or 25 years. For land acquisition, the amount authorized to be appropriated is $16,115,000. For development, the measure authorizes $9,371,000 over a 5-year period.

Mr. Speaker, I call to the attention of my colleagues these additional facts.

For several years, the State of Arkansas has been on record favoring the national river concept for the Buffalo. Such support began with Gov. Orval Faubus. It continued with Gov. Winthrop Rockefeller. It is carried on today in the administration of Gov. Dale Bumpers.

By way of further validating this proposal, I cite the recommendation of the White River Basin Coordinating Committee.

This group is made up of skilled and experienced career public servants who represent the Department of Agriculture, Army, Commerce, HEW, Interior, and the Federal Power Commission as well as the States of Arkansas and Missouri.

The committee carefully considered the multipurpose development alternatives, including flood control, irrigation, power production, protection of fish and wildlife, enhancement of recreation potential. It compared them with values to be realized by retaining the river in its free-flowing condition.

The committee then recommended—

The National Park Service has proposed a plan for the preservation and development of the Buffalo as a National River (as a free-flowing stream).

This project should be carried out as part of the recreation plan for the White River Basin.

Mr. Speaker, it is my belief that approval of this measure will be consistent with sound conservation and resource development practices. It will permit preservation of a unique river to the long-time economic and cultural benefit of our Nation.

Mr. Speaker, I urge passage of this bill which will assure for future generations preservation of the Buffalo River as a free-flowing stream and protection of the beautiful and relatively unspoiled adjacent land from further commercial encroachment.

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

Mr. HAMMERSCHMIDT. I yield to the gentleman.

Mr. KYL. Mr. Speaker, I would like to get some kind of assurance from the gentleman in the well that he will continue to converse with me, at least on a frequent basis, now that he no longer has to contact me daily in furthering the passage of this piece of legislation.

Mr. HAMMERSCHMIDT. I would be pleased to keep the gentleman informed of the progress of this development. I thank my distinguished colleague, the gentleman from Iowa (Mr. KYL) for his good help.

Mr. TAYLOR. Mr. Speaker. I have no further requests for time.

Mr. SKUBITZ. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 8382, 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. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 7), to provide for the establishment of the Buffalo National River in the State of Arkansas, 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 North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, for the purpose of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River," numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of (1) improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or of (2) lands used solely for agricultural purposes on such acquisition date may retain the right of use and occupancy of such property for such respective purposes for a term, as the owner may elect, ending either (a) upon the death of the owner or his spouse, whichever occurs later, or (b) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned, and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or agricultural purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided*, That the Secretary may exclude from any improved property any waters or land adjoining such waters or land as he deems necessary for public access thereto.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments

below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and the values to be protected by it under this Act.

SEC. 5. The Secretary shall administer, protect, and develop the Buffalo National River 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; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,102,000 (April 1971 prices) for development of the area plus or minus such amounts, if any, as may be justified by ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. TAYLOR

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

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 7 and insert in lieu thereof the provisions of H.R. 8382, as passed.

The SPEAKER. The question is on the amendment offered by the gentleman from North Carolina.

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. 8382) was laid on the table.

GENERAL LEAVE

Mr. TAYLOR. 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 North Carolina?

There was no objection.

SUGAR ACT CLARIFICATION

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 958) to amend the Sugar Act of 1948, as amended.

The Clerk read as follows:

H.J. RES. 958

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 204(a) of the Sugar Act of 1948, as amended, is amended by striking the words "section 202(c)" and inserting in lieu thereof the words "Section 202".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. 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 Washington (Mr. FOLEY) will be recognized for 20 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 20 minutes.

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

Mr. Speaker, the purpose of the House Joint Resolution 958 is to correct a technical problem arising from the approval by the House of the conference report on H.R. 8866, the Sugar Act Amendments of 1971.

In the consideration of that conference report it became evident that a technical error in citing a Sugar Act subsection had frustrated the clear intention of the conference committee.

The conference report included authority for the President to assign deficits under the act to all those countries listed in section 202(c) of the Sugar Act. It was the intention of the conferees from both the House and the Senate to include all nations participating in the act in this authority of the President to assign deficits.

It was later discovered that section 202(c) in effect included all the nations participating in the act except the Republic of the Philippines. It was not the intention of the managers to exclude the Philippines but to include all nations participating under the act, and specifically to include the Republic of the Philippines.

This joint resolution would have the effect of merely striking section 202(c) and inserting in lieu thereof section 202. This substitution will have the effect of authorizing assignment of deficits to all participating nations, including the Republic of the Philippines, and comports with the intention of the conferees of both the House and the Senate.

I might call the attention of the House to the fact that the cosponsors of this joint resolution now under consideration include all the House conferees on the Sugar Act amendments, H.R. 8866. I am joined in cosponsoring this resolution by the distinguished gentleman from Texas (Mr. POAGE) the chairman of the Agriculture Committee, and the gentleman from Mississippi (Mr. ABERNETHY), the gentleman from Oklahoma (Mr. BELCHER), and the gentleman from California (Mr. TEAGUE).

Again I assure the House this is merely a technical correction to conform the conference report with what was the intention of the managers of the House.

Mr. TEAGUE of California. Mr. Speaker, the gentleman from Washington has correctly and quite properly described what this is all about. It is purely a technical matter. All the Republicans who were conferees—all being the gentleman from Oklahoma (Mr. BELCHER) and I—believe that was our understanding, and our understanding will be correctly set forth when this resolution is adopted. This is purely a technical matter and it should be adopted. There is no purpose in taking more time, and I hope we will not have the necessity for a rollcall vote.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass House Joint Resolution 958.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Joint Resolution 958, just passed.

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

There was no objection.

EXEMPTING POTATOES FOR PROCESSING FROM MARKETING ORDERS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2672) to permanently exempt potatoes for processing from marketing orders.

The Clerk read as follows:

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruit and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, in 1937 Congress passed the Agricultural Marketing Agreement Act. This act authorized a marketing order for potatoes but included an exemption for those potatoes that were produced for canning.

In 1946 when amendments to the Agricultural Marketing Agreement Act were passed, technology had advanced to the point where potatoes were also being frozen as a method of processing. Frozen potatoes had then become a common commodity on the market, and the Agricultural Marketing Agreement Act was amended to include an exemption for potatoes for freezing as well as canning.

Two years ago it became apparent that again technology had created a new type of processed potato product in the processing of potatoes by dehydration. It was discovered that processors engaged in the dehydrating of potatoes were not exempt from the marketing orders, as were canning and freezing processors.

In those States where Federal potato marketing orders existed, dehydration processors faced a severe problem. Being subject to the marketing orders, they were obliged in some cases to pay a higher price for potatoes used in their processing operations than were processors who were freezing or canning potatoes or dehydration processors in other States where the marketing orders did not apply at all.

Consequently, the economics of the processing industry made it impossible for these dehydrators to continue to operate in those States where a Federal marketing order was in effect. Accordingly, the 91st Congress passed legislation to exempt all processing operations from marketing order controls. The final form of the legislation included a Senate amendment placing a 2-year limitation on the legislation in order to allow for a period of examination of the new exemption.

This month the 2-year period will expire, and the House Committee on Agriculture has reported a Senate-passed bill which would permanently extend marketing order exemption to all potatoes for processing.

It seems to me that this legislation is necessary in order to equitably apply the processing exemption that will otherwise exist only for the freezing and canning operations of the processing industry.

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

Mr. FOLEY. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding.

I have read the committee report. I have no great potato producing facilities one way or the other in my district. I am just interested in the processes of good government.

As I understand the background here, it is that the people who process and dehydrate potatoes are more or less competing for the same marketing order exemptions, as those who freeze and can potatoes.

Mr. FOLEY. The gentleman is correct.

Mr. HALL. We made an exclusion for one group, and now the others want to be similarly excluded, to put it as simply as possible.

In other great production areas of food and fiber stuff we have marketing orders, with markoffs and advertising and promotion and so forth, as the gentleman well knows. I have no fault to find with that, when the people vote it as the individuals who are actually producers.

But are we not making a mistake by accepting more and more exclusions including everyone in the basic industry? For example, in the milk marketing orders and the checkoff system, if we excluded that portion of the milk which goes into cheese, would we not be in about a comparable situation with excluding potato producers or heavy carbohydrate producers as to any basic crop, who freeze and dry or dehydrate instead of using the total basic production as the baseline? It seems to me we are exempting more and more, to the point where we cut under the original intent of the process for making these things more consumable in the minds of the buying public.

Mr. FOLEY. The gentleman raises a very important issue and a very pertinent question. In fact, the Committee on Agriculture was faced with somewhat of a dilemma in the consideration of this bill. On the one hand, the great majority of the committee supports the marketing order concept and is reluctant, as the gentleman says, to erode that concept to any great degree.

The problem which arises, however, is that there are only two ways we can, in effect, treat processors equitably. One would be to extend a marketing order to all processing, repealing the exemption both for canning and freezing, and extending the provisions of such a universal marketing order to every State in which potatoes are raised or processed.

The only alternative is to extend the freezing and canning exemption to all processing operations as this bill does.

As I noted earlier, the canning exemption under the marketing order system is a very old one. It goes back to the agriculture marketing legislation of the 1937 act. The exemption for freezing dates from the 1946 amendments to the Marketing Act.

To be perfectly candid with the gentleman, I doubt very much if it would be easy for the committee or for the House to remove exemptions of such long standing.

I might note in recent years that the percentage of potatoes going into processing channels as that against the so-called fresh potato crops has increased dramatically in all major potato-raising States. In my own State of Washington between 70 and 80 percent of our potato crop is now being processed in one form or another. Similar developments have occurred, I believe, in the State of Maine and in Idaho. Throughout the Nation more and more of the potato crop is going into processing.

There is therefore a very real problem created when marketing orders exempt some types of processing but not others, and the only satisfactory and feasible resolution of this problem that the Committee on Agriculture can suggest is balancing the treatment of processors so that all processors stand on an equal footing with relation to marketing orders by means of a general processing exemption as provided in S. 2672.

I urge the House to suspend the rules and pass the bill.

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

Mr. FOLEY. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Speaker, I ask your support of the bill S. 2672 to permanently exempt potatoes from processing from marketing orders. It is important that all potatoes sold for processing receive fair and equal treatment in marketing arrangements.

Historically there has been a legal distinction made between fresh agricultural commodities and those used for processing. The Agricultural Marketing Agreement Act of 1937 gave an exemption to potatoes used for canning. In 1946, the same exemption was extended to potatoes for freezing. At that time, frozen food was a great advance in processing technology.

In recent years, dehydration has become a widely used technique and a significant element in the potato processing business. However, it has taken some time for this development to be reflected in legislative changes. In February 1970, the exemption granted to potatoes for canning and freezing was extended to potatoes for other processing by Public Law 91–196, but only for a 2-year period. During this period of time, soon to expire, no difficulties have been experienced in connection with this extension of the law.

Now the time has come to make this temporary measure permanent so that henceforth all potatoes used for processing by any technique will be exempted from marketing orders. This is the way to insure equitable treatment for all engaged in the potato processing field.

The Maine Potato Council has endorsed the bill by a unanimous vote. I add my strong recommendation to theirs and ask that you join me in supporting the passage of S. 2672.

Mr. GOODLING. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would very briefly like to respond to the question the gentleman from Missouri (Mr. HALL) raised.

Fresh produce is pretty largely sold on eye appeal. With respect to potatoes we know that we can use potatoes that do not have eye appeal for processing and come up with just as good a product. This to my way of thinking and to the thinking of a lot of the people on the Committee on Agriculture should place better potatoes on the fresh market than we would otherwise.

The gentleman from Washington (Mr. FOLEY) explained the bill and I shall not go into it any further. He mentioned the technology that we have gained in processing and dehydrating potatoes. We have done exactly the same thing with regard to chip potatoes. Today we are producing a far better chip than we did 10 or 15 years ago.

One thing that is very, very desirable in my point of view is the fact that we will get the Government out of the potato marketing field to a certain extent rather than adding an additional burden to the Government.

This is a good bill, and I hope everyone will support it.

I reserve the balance of my time.

Mr. LEGGETT. Mr. Speaker, I urge that S. 2672 be passed under suspension of the rules. This bill is identical to H.R. 11175, which was introduced by Mr. HANSEN of Idaho and cosponsored by Congressmen MCCLURE, EDWARDS of California, FRENZEL, HATHAWAY, PURCELL, and me.

The purpose of this bill is to permanently exempt potatoes for dehydration

and other processing from regulation under marketing orders. It would thus make permanent Public Law 91-196, which amends the Agriculture Act of 1937 to establish this exemption but which expires in 2 weeks, on February 20.

Potatoes for canning and freezing are already exempt from marketing orders. Since potato products compete with each other, it is only fair that all potatoes for processing be placed on an equal footing. This bill has the support of potato growers, shippers, and processors. I support it fully.

Mr. FRENZEL. Mr. Speaker, S. 2672, an act providing exemption for potatoes for processing from marketing orders under the Agriculture Adjustment Act, merits the attention and the vote of each Member of this House. It extends a partial exemption, due to expire this year, and in addition broadens the exemption to apply to all potatoes for processing. This legislation restores the position of potatoes which are to be dehydrated, putting them on the same basis as potatoes intended for canning and freezing. The total effect is to put potato processors, who market different, but essentially competitive products, on an equal footing. This bill is an important one for the people of my district, and I hope it will be passed today.

The SPEAKER. The question is on the motion offered by the gentleman from Washington that the House suspend the rules and pass the bill S. 2672.

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.

GENERAL LEAVE

Mr. FOLEY. 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 Washington?

There was no objection.

MERCHANT MARINE ACT AMENDMENT

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9756) to amend the Merchant Marine Act, 1936, as amended.

The Clerk read as follows:

H.R. 9756

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. Section 1101 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271), is amended by striking out the entire section and inserting the following:

"SEC. 1101. As used in this title—

"(a) The term 'mortgage' includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended on any vessel of the United States (other than a towboat barge, scow, lighter, car float, canal boat, or tank vessel of less than twenty-five gross tons), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended.

"(b) The term 'vessel' includes all types, whether in existence or under construction, of passenger cargo and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges and dredges which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwise trade within the meaning of section 2 of the Shipping Act, 1916, as amended, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction vessels owned by citizens of the United States;

"(c) The term 'obligation' shall mean any note, bond, debenture, or other evidence of indebtedness (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (d) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1108 of this title), issued for one of the purposes specified in subsection (a) of section 1104 of this title;

"(d) The term 'obligor' shall mean any party primarily liable for payment of the principal of or interest on any obligation;

"(e) The term 'obligee' shall mean the holder of an obligation;

"(f) The term 'actual cost' of a vessel as of any specified date means the aggregate, as determined by the Secretary of Commerce, of (i) all amounts paid on or before that date, and (ii) all amounts obligated to be paid from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

"(g) The term 'depreciated actual cost' of a vessel means the actual cost of the vessel depreciated on a straightline basis over the useful life of the vessel as determined by the Secretary of Commerce, not to exceed twenty-five years from the date the vessel was delivered by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual cost of the vessel depreciated on a straightline basis from *the* date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce; and

"(h) The terms 'construction', 'reconstruction', or 'reconditioning' shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping."

SEC. 2. Section 1102 of the Merchant Marine Act, 1936 (46 U.S.C. 1272) is amended as follows:

(1) By striking from the first sentence thereof the words "Federal Ship Mortgage Insurance Fund (hereinafter referred to as the fund)" and inserting in lieu thereof the words "Federal Ship Financing Fund (hereinafter referred to as the Fund)".

(2) By deleting the word "fund" immediately preceding the words "the sum of $1,000,000" and inserting in lieu thereof the word "Fund".

(3) By deleting the words "Section 1110 (46 U.S.C. 1279)" at the end of the first sentence thereof and inserting in lieu thereof "Section 1107 (46 U.S.C.)."

(4) By deleting the word "fund" from the last sentence thereof wherever it appears and inserting in lieu thereof the word "Fund".

SEC. 3. Sections 1103 through 1109 of the Merchant Marine Act, 1936 (46 U.S.C. 1273-1278) are amended by striking such sections entirely and inserting in lieu thereof the following:

"SEC. 1103. (a) The Secretary of Commerce, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this title.

"(b) No obligation shall be guaranteed under this title unless the obligor conveys or agrees to convey the Secretary of Commerce such security interest, which may include a mortgage or mortgages on a vessel or vesels, as the Secretary of Commerce may reasonably require to protect the *interests* of the United States.

"(c) The Secretary of Commerce shall not guarantee the principal of obligations in an amount in excess of 75 per centum, or 87½ per centum, whichever is applicable under section 1104 of this title, of the amount, as determined by the Secretary of Commerce which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary of Commerce, unless the obligor creates an escrow fund as authorized by section 1108 of this title, in which case the Secretary of Commerce may guarantee 75 per centum or 87½ per centum, whichever is applicable under section 1104 of this title, of the actual cost of such vessel or vessels.

"(d) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

"(e) Any guarantee, or commitment to guarantee, made by the Secretary of Commerce under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

"(f) The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one full time shall not exceed $3,000,000,000.

"SEC. 1104. (a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade; (D) in the fishing trade or industry; or (E) with respect to flooding drydocks, in the construction, reconstruction, reconditioning, or repair of vessels: Provided, however, That no guarantee shall be entered into pursuant to this paragraph (a)(1) later than one year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels, or facilities or equipment pertaining to marine operations;

"(2) financing the purchase of vessels theretofore acquired by the Fund under the provisions of section 1105 and reconditioning and reconstructing such vessels;

"(3) financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid

with respect to a vessel pursuant to title V of this Act, as amended; or

"(4) refinancing existing obligations issued for one of the purposes specified in (1), (2), or (3) whether or not guaranteed under this title, including, but not limited to, short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time.

"(b) Obligations guaranteed under this title—

"(1) shall have an obligor approved by the Secretary of Commerce as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary of Commerce;

"(2) subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary of Commerce, of the vessel which is used as security for the guarantee of the Secretary of Commerce: *Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is or would have been eligible for mortgage aid for construction under section 509 of this Act (or would have been eligible for mortgage aid under section 509 of this Act except that the vessel was built with the aid of construction-differential subsidy and said subsidy has been repaid) and in respect of which the minimum downpayment by the mortgagor required by that section would be or would have been 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost or depreciated actual cost: *Provided, further,* That the obligations which relate to a barge which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which said subsidy has been repaid, and is to be carried on a vessel, may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost thereof;

"(3) shall have maturity dates satisfactory to the Secretary of Commerce but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twenty-five years from the date of the delivery of the vessel which serves as security for the guarantee of the Secretary of Commerce or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) twenty-five years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary of Commerce;

"(4) shall provide for payments by the obligor satisfactory to the Secretary of Commerce;

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary of Commerce;

"(6) shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary of Commerce is a delivered vessel, the vessel shall be in class A–1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary of Commerce, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service; and

"(7) may provide, or a related agreement may provide, if the vessel used as security for the guarantee of the Secretary of Commerce is a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, and if the Secretary of Commerce approves, that the sole recourse against the obligor by the United States for any payments under the guarantee shall be limited to repossession of the vessel and the assignment of insurance claims and that the liability of the obligor for any payments of principal and interest under the guarantee shall be satisfied and discharged by the surrender of the vessel and all right, title, and interest therein to the United States: *Provided,* That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the security interest conveyed to the Secretary of Commerce under this title, (ii) in class, and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the obligor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the Secretary of Commerce of claims of the obligor under such policies.

"(c)(1) The security for the guarantee of an obligation by the Secretary of Commerce under this title may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary of Commerce under this title may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

"(2) If the security for the guarantee of an obligation by the Secretary of Commerce under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided,* That the Secretary of Commerce may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

"(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources.

"(e) The Secretary of Commerce is authorized to fix a fee for the guarantee of an obligation under this title. If the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. For purposes of this subsection (e), if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Fee payments shall be made by the obligor to the Secretary of Commerce when moneys are first advanced under a guaranteed obligation and at least sixty days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

"(f) The Secretary of Commerce shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, for services in connection with the escrow fund authorized by section 1108 and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided,* That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed.

"(g) All moneys received by the Secretary of Commerce under the provisions of sections 1101–1107 of this title shall be deposited in the Fund.

"(h) Obligations guaranteed under this title and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary of Commerce), liens and releases of liens, payments of taxes, and such other matters as the Secretary of Commerce may, in his discretion, prescribe.

"SEC. 1105. (a) In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this title, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of Commerce of the unpaid principel amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided,* That the Secretary of Commerce shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

"(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Commerce, the Secretary of Commerce

may notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days from the date of such notice, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

"(c) In the event of any payment by the Secretary of Commerce under subsection (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of the sale shall be as approved by the Secretary of Commerce.

"(d) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) or (b) of this section, shall be paid in cash. If at any time the moneys in the Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) or (b) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms nad denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations 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 of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

"(e) In the event of a default under any guaranteed obligation or any related agreement, the Secretary of Commerce shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary of Commerce, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary of Commerce shall receive through the sale of property an amount of cash in excess of any payment made to an obligee under subsection (a) or (b) and the expenses of collection of such amounts, he shall pay such excess to the obligor.

"SEC. 1106. Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce to be guaranteed, or for the purpose of obtaining any extention or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues and security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act."

SEC. 4. Section 1110 of the Merchant Marine Act, 1936 (46 U.S.C. 1279) is redesignated "SEC. 1107."

SEC. 5. Sections 1111 through 1112 of the Merchant Marine Act 1936 (46 U.S.C. 1279a; 1279b) are amended by striking such sections and inserting the following in lieu thereof:

"SEC. 1108. (a) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel or vessels which will serve as security for the guarantee of the Secretary of Commerce, the Secretary of Commerce is authorized to accept and hold, in escrow under an escrow agreement with the obligor, a portion of the proceeds of all obligations guaranteed under this title whose proceeds are to be so used which is equal to: (i) the excess of the principal amount of all obligations whose proceeds are to be so used over 75 per centum, or 87½ per centum, whichever is applicable under section 1104 of this title, of the amount paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of the vessel or vessels; (ii) with such interest thereon, if any, as the Secretary of Commerce may require: *Provided*, That in the event the security for the guarantee of an obligation by the Secretary of Commerce relates both to a vessel or vessels to be constructed, reconstructed or reconditioned and to a delivered vessel or vessels, the principal amount of such obligation shall be prorated for purposes of this subsection (a) under regulations prescribed by the Secretary of Commerce.

"(b) The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the obligor is obligated to pay as interest on such obligations or for the construction, reconstruction, or reconditioning of the vessel or vessels used as security for the guarantee of the Secretary of Commerce under this title, to redeem such obligations in connection with a refinancing under paragraph (4) of subsection (a) of section 1104 or to pay to the obligor at such times as may be provided for in the escrow agreement any excess interest deposits, except that if payments become due under the guarantee prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such payments become due (including realized income which has not yet been paid to the obligor) shall be paid into the Fund and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the obligor with respect to the guaranteed obligations and (ii) to the extent not so required, be paid to the obligor.

"(c) If payments under the guarantee have not become due prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed to prepay the excess of the principal of all obligations whose proceeds are to be used to finance the construction, reconstruction, or reconditioning of the vessel or vessels which serve or will serve as security for such guarantee over 75 per centum or 87½ per centum, whichever is applicable under section 1104 of this title, of the actual cost of such vessel or vessels to the extent paid, and to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the obligor.

"(d) The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States with such maturities that the escrow fund will be available as required for purposes of the escrow agreement.

"(e) Any income realized on the escrow fund shall, upon receipt, be paid to the obligor.

"(f) The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to protect fully the interests of the United States.

"SEC. 1109. The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title."

SEC. 6. Nothing in this Act shall limit or affect the right of an obligor who maintains a capital reserve fund under section 607 of the Merchant Marine Act, 1936, to make deposits of the proceeds of guaranteed obligations into such capital reserve fund as provided in subparagraph (c) of condition (6) of section 1107 of the Merchant Marine Act, 1936, as in effect prior to the effective date of this Act.

SEC. 7. Any citizen of the United States to whom the Secretary of Commerce issued an approval in principle of an application for loan or mortgage insurance or a commitment with respect to such insurance under the provisions of title XI of the Merchant Marine Act, 1936, prior to the effective date of this Act may elect, with respect to the vessels covered by such approval or commitment, to be bound either by the provisions of title XI of the Merchant Marine Act, 1936, as in effect prior to the effective date of this Act or by the provisions of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, the bill would amend title XI of the Merchant Marine Act in order to facilitate the financing of ship construction.

Under the title XI program, funds for financing ship construction are obtained

in the private market and are insured by the Government, for which an annual premium is received.

The title XI program was first authorized in 1938 and has been very successful. Since the inception of the program, contracts or commitments have been entered into to finance 518 vessels, and 830 lighters, representing shipyard contracts of approximately $2.5 billion. There have been defaults on only eight vessels, all of which are now back in service. The Federal ship mortgage fund presently has a balance in excess of $30 million.

This bill will effect some needed improvements in the marketability of the title XI obligations and result in lower financing costs. It includes provisions which remove present restrictions on refinancing; permit the Government's undertaking to be in the form of a guarantee of obligations rather than the more cumbersome insurance of mortgages; reduce the qualifying tonnage of certain vessels to meet technological changes, permit the use of an escrow fund in all title XI financings, and authorize title XI financing of the repayment to the Government of construction-differential subsidy received in the construction of a vessel.

The bill has the support of the Maritime Administration, as well as the shipping, shipbuilding, and financial communities. I believe the proposed revisions will be of substantial benefit in providing the private capital needed to implement the building program of 300 ships contemplated by the Merchant Marine Act of 1970.

In conclusion, as to the cost of this legislation, I quote from pages 13 and 14 of House Report No. 92–688:

> The legislation will not result in any direct costs to the Government insofar as the merchant fleet is concerned. However, there is anticipated some additional increase in the cost of administering the legislation as it applies to the fishing industry. This will be so because of the unique characteristics of that industry, and the determinations that the Secretary of Commerce will be required to make regarding fishing resources. Your Committee was advised by NOAA that at present NOAA processes 30 Title XI applications per year at a cost of $60,0000. After the passage of H.R. 9756, the agency anticipates the filing of 70 additional applications for a total of 100 applications per year for a total cost of $260,000.

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

Mr. Speaker, the chairman of the Committee on Merchant Marine and Fisheries has explained this rather technical bill and I want to simply support the position that he has taken.

Mr. Speaker, title XI of the 1936 Merchant Marine Act is one of three principal tools utilized by the Federal Government to promote the growth of our merchant marine. Title XI—ship mortgage insurance—represents the least costly of these methods. It, in fact, pays for itself. But it has produced the greatest results in terms of attracting private investment capital into all segments of the merchant marine. The remaining two incentives are, of course, direct construction and operating differential subsidy and tax-deferred capital construction funds which, until enactment of the Merchant Marine Act of 1970, were available only to a very limited segment of our merchant marine.

Title XI very simply provides a Federal guarantee for a mortgage held by a private investor and secured by a qualified vessel registered under the U.S. flag. It is analogous to the guarantee of an FHA home mortgage, although infinitely more complex in its terms and the paperwork involved.

Title XI ship mortgage insurance, as I have indicated, benefits all segments of the merchant marine, including ships engaged in foreign and domestic deepsea trades, and towboats and barges engaged in inland and coastwise transportation.

The Merchant Marine Act of 1970 amended title XI by increasing the maximum amount of mortgages which may be outstanding from $1 billion to $3 billion. This increase was essential in order that the new ship construction envisioned by the 1970 act could be insured under this program. With the exception of expanding the coverage of title XI to cover oceanographic research vessels, the 1970 act did not otherwise amend title XI in any significant manner.

The purpose of title XI is to create a favorable climate so that large sums of private capital will be attracted to the merchant marine. Institutional investors have a wide variety of investment avenues open to them. Many of them are unfamiliar with the merchant marine and are dismayed at the monumental amount of paperwork which accompanies a title XI ship mortgage under the existing act. H.R. 9756 attempts to simplify the placement of title XI offerings with the investment community through eliminating a great deal of useless paperwork without in any way reducing the security of the investor or of the United States as an insurer of the obligation.

Under existing law, the United States insures a mortgage held by the private investor. Upon enactment of H.R. 9756, the United States will insure a note held by the investor, while the United States will hold the mortgage on the vessel as its security. The investor, in reality, is interested only in the obligation represented by a note or other instrument of indebtedness and the Federal guarantee of payment in the event of default. There is really no need to burden the investor with knowledge of or obligations arising from the mortgage. The elimination of the investor as a party to the mortgage will greatly reduce the volume and scope of material with which the investor and his counsel must become familiar in order to enter the ship financing market. Testimony from representatives of leading investment houses in New York supported the adoption of these changes.

In addition to simplifying and facilitating the placing of title XI obligations, H.R. 9756 extends the coverage of title XI insurance to include fishing vessels of the United States and reduces from 200 to 25 gross tons the minimum tonnage for towboats, barges, and other relatively small commercial vessels. This will greatly assist the financing of commercial vessels on our inland rivers and will extend title XI coverage to LASH and Seabee barges being constructed for a number of our liner operators in foreign trades.

Mr. Speaker, these amendments to title XI of the 1936 act are the result of long and careful consultation between the shipping community, the Maritime Administration, and the investment community. The enactment of this legislation will complement the Merchant Marine Act of 1970, and I urge all my colleagues to support its passage.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 9756, a bill to improve the Ship Mortgage Insurance program's responsiveness to the current needs of both the shipping and the fishing industry for investment capital.

While the current ship mortgage insurance program has been successful, resulting in the construction of 519 vessels and 820 lighters, it needs revision in order to provide increased flexibility and lower financing cost.

The bill before us would remove restrictions on refinancing contained in the present law. The effect of these restrictions, during the period of high interest rates, was to force shipowners and the Government to enter into long-term financing commitments at record high rates. Because availability of financing was not assured for the refinancing of shorter term commitments, the Government and the shipowners were placed at an unnecessary disadvantage.

To correct this situation, H.R. 9756 would authorize refinancing of obligations subject to the requirement that the interest rate shall not exceed a rate determined to be reasonable by the Secretary of Commerce.

In order to simplify the mortgage insurance process, the bill, H.R. 9756, authorizes the guarantee of an obligation, that is, bonds or notes, rather than the more cumbersome insurance of a construction loan or mortgage.

Under the bill before us, the proceeds from the guaranteed obligations shall be used for three purposes:

First, the proceeds may be used to finance construction, reconstruction, or reconditioning of vessels, either during the construction or within 1 year thereafter.

Second, the proceeds of obligations relating to existing vessels may be used to finance the construction, reconstruction, or reconditioning of vessels.

Third, the proceeds of obligations from existing vessels may be used to finance the construction, reconstruction, or reconditioning of facilities or equipment, first, pertaining to marine operations such as port facilities, containers, or other cargo equipment or, secondly, facilities or equipment pertaining to commercial fishing operations.

An important provision of H.R. 9756 would permit financing of barges, including those to be carried aboard ships and similar vessels of more than 25 gross tons. Under current law, only barges of 200 gross tons or over could be financed.

Mr. Speaker, as a coauthor of H.R. 9756, I feel that this bill will assist vessel operations in acquiring the private funds necessary to successfully implement the ship construction program contemplated by the Merchant Marine Act

of 1970. In order to provide a viable, modern, highly competent and efficient fleet, we must endorse this legislation. I urge my colleagues to support this bill with an "aye" vote.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN).

The SPEAKER. The question is on the motion offered by the gentleman from Maryland (Mr. GARMATZ) that the House suspend the rules and pass the bill H.R. 9756, 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.

OLDER AMERICANS ACT AMENDMENT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1163) to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes, as amended.

The Clerk read as follows:

S. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDING AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) administer the program through the Administration on Aging; and

"(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a)(1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Secretary in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

"(d) If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

"(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Secretary may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

"PAYMENT OF GRANTS

"SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 303 of this Act, shall be in the form of an amendment to the State plan provided in section 303. Such plan shall—

"(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 303(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or con-

tracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State or local programs.

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary. In administering the State plan, the State agency shall—

"(i) make reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the Court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elecet to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals');

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where apropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

"(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title,

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

"(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

"(10) to give perference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students, in the operation of the project; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

"(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan."

The SPEAKER. Is a second demanded?

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PERKINS. Mr. Speaker, consideration of S. 1163 by the House today has been made possible by a number of our colleagues who share my great concern that we are not effectively meeting one of the most urgent needs of our elderly citizens—their proper nutrition.

Principal among my many colleagues who have focused attention on the needs of the elderly is the distinguished gentleman from Florida (Mr. PEPPER). The program embodied in the legislation before us today was first presented to the Congress almost 2 years ago—in May of 1970—when Mr. PEPPER introduced the first bill of this type. Since that time, he has worked diligently and tirelessly for enactment. Evidence of his determination and effort is illustrated by the fact that bills similar to S. 1163 which have been introduced during this Congress by Mr. PEPPER are cosponsored by 112 Members of the House.

A strong and persuasive hearing record has been compiled by the committee on this legislation and companion legislation both in this Congress and the previous Congress. That the elderly have special nutritional problems is well documented.

They, more than any other group cannot afford a proper diet.

They more than any other group lack the skills to prepare nourishing well balanced meals.

They more than any other group have limited mobility which impairs their capacity to shop and cook and prepare food for themselves.

They more than any other group are isolated from the mainstream of social activity with the result that they have a feeling of rejection and loneliness.

The aged, more than any other of our population groups, cannot afford proper nutrition because as much as 30 percent of the elderly live in poverty, and one-third of all of America's poor citizens are to be found among our senior citizens.

Testimony before our committee indicated that over one-half of all elderly single individuals and 10 percent of all families of senior citizens have an income of less than $30 per week.

In an effort to begin to meet these special needs of the elderly in the field of nutrition, S. 1163 authorizes $100,000,000 in fiscal year 1973 and $150,000,000 in fiscal year 1974 to make grants to States which submit feeding plans to the Administration on Aging.

Funds will be allotted among the States on the basis of the relative population aged 60 or over. However, no State shall be allotted less than one-half of 1 percent of the sums appropriated. Federal funds are authorized to pay 90 percent of project costs. Non-Federal matching may be funds or in-kind resources.

The Secretary of HEW must administer the program through the Administration on Aging. At the State level, the program must be administered by the agency administering other programs authorized by the Older Americans Act unless the Governor of the State with the approval of the Secretary of HEW designates another agency.

Participants must be aged 60 or over, and they must meet one or more of the following criteria:

First, they cannot afford to eat adequately;

Second, they lack the skills to select and prepare well-balanced meals;

Third, they have limited mobility; or

Fourth, they have feelings of rejection or loneliness which obliterates incentive to prepare and eat their meals alone.

Spouses of persons qualifying for the program automatically qualify for participation.

Each project must provide at least one hot meal per day 5 or more days a week to an eligible participating elderly citizen and each such meal must assure a minimum of one-third of the daily recommended dietary allowance as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council.

Projects must furnish a site for the provision of meals and, where appropriate, provide home-delivered meals or supply transportation between the project site and the residences of eligible individuals who otherwise would be unable to participate.

Nutrition projects operated under such State plans are eligible to receive surplus commodities.

I know of no opposition to this legislation and I urge my colleagues' support of the legislation.

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

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

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding at this time.

This is a curious way to handle a bill that involves hundreds of millions of dollars in the 2 years it covers. Even though there is about a 10-percent allotment for administration by each State, I wonder if the gentleman would take just a little more time and explain to the Members, before we pass this by suspending the rules, how it would actually be determined that our senior citizens, or our aging or elderly, or whatever other definition there is—and I might paraphrase that by saying that I am getting dangerously close to that category myself, so I am not in outright opposition to the bill—but I would just like to know, since most of these senior citizens have seen fit to secure their own future, what the yardstick would be for determining whether they are undernourished, or whether we are going to have a host of dieticians calling upon our senior citizens. So, would this be up to the State administration to decide, or upon request of the senior citizen in his home, or how do we determine it?

Second, Mr. Speaker, if the gentleman would be good enough, in order to attempt to win my support for this bill, in spite of its costliness at a time when we are bankrupt, to explain whether or not this food would come out of our surplus commodities, or the CCC, or whether it would be by way of food stamps, or still yet by direct cash reimbursement for the purpose of upgrading nutrition?

Mr. PERKINS. Let me say to the distinguished gentleman this is a supplemental program—a program that is additional to the food stamp program. We expressly provide in the legislation that the program be administered and coordinated with other food and nutrition programs administered by the Department of Agriculture, but we do not put the administration of this program with the Department of Agriculture. It remains with the Secretary of HEW and the Administration on Aging to work out the best method possible for providing meals to the needy elderly. Each State must submit a State plan. The bill contains specific basic requirements that the State plans must meet. Funds are allocated on an equitable formula. They are distributed on the relative number of people over 60 in the State as compared to the number in the whole country.

The bill focuses on the elderly and this group is among the poorest in our society. We have all the evidence in the world to substantiate that.

Mr. HALL. The gentleman surely does not mean that they are poorer than the undernurtured children that we passed special legislation for just recently; does he?

Mr. PERKINS. I did not say that. But I repeat that more than 30 percent of the elderly live in poverty and one-third of all of America's poor citizens are to be found among our senior citizens. Tragically and unfortunately we have far too many children who are destitute in this country. By and large however one of the major groups that live in poverty are the elderly.

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

Mr. PERKINS. I yield to the gentleman.

Mr. BRADEMAS. Mr. Speaker, I thank the distinguished chairman for yielding.

Mr. Speaker, I would like to try to respond to some of the questions raised by my friend, the gentleman from Missouri.

It should be pointed out that nutrition projects that are operated under the proposed legislation would be eligible to receive surplus commodities donated by the Secretary of Agriculture, which, I believe, was one of the questions of the gentleman from Missouri.

Second, with respect to the participation of older citizens, there is no means test in the bill. However, the bill does provide that the States must give preference to projects serving primarily low-income individuals.

I think it is appropriate at this time, Mr. Speaker, to note that this measure was reported unanimously by the full

Committee on Education and Labor and that the other body last November approved it unanimously.

Mr. Speaker, it is ironic in a day when obesity is a major health problem, when our diets are prime targets of conversation, that we should be here today talking about hunger and malnutrition. Yet even in America—known worldwide and envied by other countries for its wealth, productive agricultural resources, and its highly developed food distribution system—the White House Conference on Food, Nutrition, and Health found in 1969 that:

> Hunger and povetry exist on a disgraceful scale in the United States. The Nation's conscience will no longer stand for the toleration of these conditions. Funds must be provided to get food to needy people on an emergency basis. The President and the Congress must supply the leadership in closing the hunger gap.

The President further in April 1970 in a report by his Presidential Task Force on Aging was urged to direct the Administration on Aging and the Department of Agriculture to deliver a program that would result in a nutrition program for the elderly.

Indeed, Mr. Speaker, the recent White House Conference on the Aging endorsed exactly the kind of program our committee has reported.

The bill before the House today represents an effort to meet our responsibilities with respect to a particular group—the aged.

Thus far, our efforts in this field have been on a project basis and totally inadequate to meet the needs.

Now is the time to turn to the needs of our citizens.

Mr. Speaker, the measure before us would authorize grants to States to pay up to 90 percent of the cost to establish a nutritional project to those persons 60 and over and their spouses. Funds granted to the States would be awarded by them to political subdivisions or private nonprofit organizations, through grant and contract, for the establishment and operation of such projects within the State.

Mr. Speaker, the Select Subcommittee on Education of the House Education and Labor Committee has conducted hearings on a similar proposal over the past 2 years. It was originally introduced by Congressman CLAUDE PEPPER and supported by Members of both parties.

The need for this legislation has been adequately demonstrated. The bill is based upon the experience of the administration on Aging which has conducted some 32 nutritional demonstrational projects for the aged over the past 3 years. With the overwhelming success of these projects I am convinced that it is now the time to institute a national program of this kind.

Mr. Speaker, the appropriations authorized under this bill are not large—they are $100 million in fiscal year 1973 and $150 million in fiscal year 1974.

Mr. Speaker, I think it is important at this point to note that the Federal Government spent approximately $500 million on nursing home care in 1970 and about $1.3 billion on medicaid. Total medicaid outlay is approaching $8 billion.

Geriatric authorities emphasize the important role of nutrition in obtaining and maintaining good health for elderly persons so that they can maintain a substantial degree of self-sufficiency.

The nutritional program authorized by S. 1163 will help achieve these ends and represent a substantial savings in one of the fastest growing elements of the Federal Government.

Mr. Speaker, I think it is important once again to point out that this bill is based upon the recommendations of the 1969 White House Conference on Food, Nutrition, and Health, the 1970 Report of President Nixon's Task Force on Aging, and the 1971 White House Conference on the Aging.

As chairman of the Select Subcommittee on Education having jurisdiction on a variety of programs for the elderly, I intend to do everything in my power to see that proposals emanating from the White House Conference on Aging will be given serious consideration by this body.

Mr. Chairman, I would like at this time to pay special tribute to Congressman PEPPER who has worked hard and long to fulfill this urgent need in our society. The commitment he brings to this bill is characteristic of his overall concern for the aged. Without his efforts, this bill today would not be a reality.

In like fashion, I must commend the leadership of the distinguished senior Senator from Massachusetts, the Honorable EDWARD M. KENNEDY, for championing this legislation in the other body. Mr. Speaker, in conclusion, I would say that the principal theme of the White House Conference on Aging, held a few weeks ago here in the Nation's Capital, was that the time for talking about meeting the problems of the aging was over and that the time for action for the aging had now come. As this measure has had such wide bipartisan support both in the Committee on Education and Labor and in the other body, I would hope very much that the nutrition program for the elderly would find similar support here in the House today.

Mr. SCHEUER. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, hunger and malnutrition know no age limits, but over 20 million elderly citizens in this rich country of ours are particularly hurt by the lack of an adequate diet. It is high time that we establish a national priority that the old should not be hungry and adopt a program that will achieve that end.

Today we are considering a bill, S. 1163, that will make great strides toward eliminating malnutrition of the elderly.

I am pleased that the committee accepted two amendments that I offered to the bill. One provides that the elderly themselves should be involved in the design of the nutrition programs since they best understand their own needs. The elderly themselves must have a share in that responsibility. My second amendment provides that volunteers from other age groups, particularly the young, should be encouraged to participate in the operation of the nutrition projects. While the elderly should contribute services, we must not allow this program to further isolate the elderly from the mainstream of society, by failing to encourage the use of other volunteers from other age groups.

The elderly are in desperate need of these nutrition programs. They will not only contribute to the health of the elderly, but also enable them to escape the boredom and isolation which now make their lives sad, dreary, and lonely. The bill is a major breakthrough, not only in care for the elderly, but in giving them a responsible role in programs meant to help them.

I urge my colleagues to vote overwhelmingly for this urgently needed and long overdue legislation.

Mr. BRADEMAS. Mr. Speaker, I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman, the distinguished chairman of the subcommittee, who has brought this bill to the floor, for yielding to me. And I wish in the warmest way to commend the distinguished chairman of the Committee on Education and Labor along with the distinguished chairman of the subcommittee who held hearings on this measure for having dedicated themselves to the production of this bill by holding numerous hearings, giving their strong support to it, and bringing the companion measure passed by the other body to the floor.

Mr. Speaker, I think the best summary of this bill can be gleaned from part of the debate in the Senate where the companion bill was considered and, as was stated by the distinguished chairman of the subcommittee, passed by the other body by a vote of 89 to zero. I refer to the statement of Senator KENNEDY, a sponsor of the companion bill in the other body. As you know, the bill is for a 2-year period. It provides an authorization of $100 million for the fiscal year 1973 and $150 million for 1954. The Federal Government under this bill would pay 90 percent of the cost of such a program; the other 10 percent to be paid by the States, the local communities, or by nonprofit groups or organizations.

The States, of course, will offer appropriate plans for the setting up of the program in the several States. Senator KENNEDY said:

> The bill also provides that, first, each program must provide at least one hot meal a day, 5 days a week. Each meal also must contain a minimum of one-third of the recommended daily dietary needs for elderly persons.
>
> Second, the meals will be served in sites accessible to the majority of elderly within the community. Schools, senior citizen centers, churches, and other public and nonprofit locations can be used.
>
> Third, Outreach Services to locate the isolated elderly will be part of each program so that those who most need the program will be aware of it.
>
> Fourth, the sponsor will provide a setting conducive to the inclusion of other social services as a corollary to the meal itself.
>
> Fifth, preference for staffing will go to the elderly. The talents of elderly are often wasted as a youth-oriented society forces able men and women into early retirement and the frustration of feeling useless.

Mr. Speaker, I would add only this: I do hope that the administration, which has come out with a strong endorsement of this bill recently, this bill which has

bipartisan support on both sides of the Capitol, will see to it that there is a supplemental budget request of the full $100 million authorized by this bill for 1973. There are over 20 million senior citizens who will be eligible for the benefits of this bill, most of them, at least. The $100 million is a minimum amount that should be provided to try to give better nutritional sustenance to those people at least once a day for at least 5 days a week.

So I just want to express the hope, Mr. Speaker, that the administration will make an appropriate request for full funding of this measure for 1973.

During consideration of S. 1163, the companion bill in the Senate, Senator CRANSTON recalled the history of this legislation, which I call to the attention of my colleagues. He said:

On May 28, 1970, Congressman Claude Pepper introduced H.R. 17763, a nutrition program for the elderly. Because the Congress failed to act upon this measure during the 91st Congress, Mr. Pepper reintroduced his bill as H.R. 5017 on February 25 of this year. Senator Kennedy introduced his similar legislation, S. 1163, on March 10. We in the Senate now have the opportunity to take the first initiative in moving this important legislation. I urge my colleagues to support S. 1163 and send it to the House with an over-whelming approval.

This was accomplished on November 30, 1971, and S. 1163 was referred to the Committee on Education and Labor and on December 8, 1971, the committee ordered reported S. 1163, as amended, unanimously by voice vote.

Mr. Speaker, I remind my colleagues of the spectacle here in America, the richest of countries, to the fact that one-fourth of older Americans, the mothers and fathers of this generation, are living below the poverty line. This legislation will not only provide one hot nutritious meal, 5 days per week, for so many of these Americans, but it will help dispel the loneliness and isolation that is a terrible burden to so many. It will provide, in addition, recreational and counseling opportunities, which so many older Americans also so urgently need.

I hope eventually we will recognize a responsibility all over America to provide this program for every senior citizen who needs it and that their lives may once again be enriched and blessed. This is the direction of life Robert Browning expressed:

Grow old along with me.
The best of life is yet to be,
The last of life for which the first was made.

Mr. Speaker, I am grateful for the support of my colleagues who joined with me in the sponsorship of this legislation. They were:

LIST OF COSPONSORS

James Abourezk of South Dakota, Bella S. Abzug of New York, Joseph P. Addabbo of New York, Glenn M. Anderson of California, William R. Anderson of Tennessee, Frank Annunzio of Illinois, Thomas L. Ashley of Ohio, Herman Badillo of New York, William A. Barrett of Pennsylvania, Nick Begich of Alaska, Jonathan B. Bingham of New York, John Brademas of Indiana, Frank J. Brasco of New York, William S. Broomfield of Michigan, J. Herbert Burke of Florida, James A. Burke of Massachusetts, Phillip Burton of California, James A. Byrne of Pennsylvania, Shirley Chisholm of New York, Frank M. Clark of Pennsylvania, William Clay of Missouri, George W. Collins of Illinois, James C. Corman of California, R. Lawrence Coughlin of Pennsylvania, W. C. (Dan) Daniel of Virginia, Dominick V. Daniels of New Jersey, John H. Dent of Pennsylvania, John D. Dingell of Michigan, Harold D. Donohue of Massachusetts, John G. Dow of New York, John Dowdy of Texas, Robert F. Drinan of Massachusetts, Thaddeus J. Dulski of New York, Bob Eckhardt of Texas, Don Edwards of California, Joshua Eilberg of Pennsylvania, Marvin L. Esch of Michigan, Dante B. Fascell of Florida, and Walter E. Fauntroy of Washington, D.C.

Daniel J. Flood of Pennsylvania, William D. Ford of Michigan, Donald M. Fraser of Minnesota, James G. Fulton of Pennsylvania, Cornelius E. Gallagher of New Jersey, Edward A. Garmatz of Maryland, Joseph M. Gaydos of Pennsylvania, Robert N. Giaimo of Connecticut, Henry B. Gonzalez of Texas, Gilbert Gude of Maryland, Seymour Halpern of New York, James M. Hanley of New York, Julia Butler Hansen of Washington, Orval Hansen of Idaho, Michael Harrington of Massachusetts, William H. Harsha of Ohio, William D. Hathaway of Maine, Augustus F. Hawkins of California, Ken Hechler of West Virginia, Henry Helstoski of New Jersey, Floyd V. Hicks of Washington, Louise Day Hicks of Massachusetts, Frank Horton of New York, James J. Howard of New Jersey, Albert W. Johnson of Pennsylvania, Harold T. Johnson of California, James Kee of West Virginia, Edward I. Koch of New York, Dan Kuykendall of Tennessee, Peter N. Kyros of Maine, Arthur A. Link of North Dakota, Paul N. McCloskey, Jr. of California, Spark M. Matsunaga of Hawaii, Lloyd Meeds of Washington, Ralph H. Metcalfe of Illinois, Abner Mikva of Illinois, George P. Miller of California, Joseph G. Minish of New Jersey, Patsy T. Mink of Hawaii, Parren J. Mitchell of Maryland, William S. Moorhead of Pennsylvania, F. Bradford Morse of Massachusetts, John M. Murphy of New York, Morgan F. Murphy of Illinois, Lucien N. Nedzi of Michigan, Robert N. C. Nix of Pennsylvania, David R. Obey of Wisconsin, James G. O'Hara of Michigan, Thomas M. Pelly of Washington, Carl D. Perkins of Kentucky, Bertram L. Podell of New York, David Pryor of Arkansas, Roman G. Pucinski of Illinois, and William J. Randall of Missouri.

Thomas M. Rees of California, Ogden R. Reid of New York, Donald W. Riegle, Jr. of Michigan, Peter W. Rodino, Jr. of New Jersey, Robert A. Roe of New Jersey, Benjamin S. Rosenthal of New York, Edward R. Roybal of California, William F. Ryan of New York, Fernand J. St Germain of Rhode Island, Paul S. Sarbanes of Maryland, James H. Scheuer of New York, Fred Schwengel of Iowa, Keith G. Sebelius of Kansas, Robert H. Steele of Connecticut, Louis Stokes of Ohio, James W. Symington of Missouri, Fletcher Thompson of Georgia, Frank Thompson, Jr. of New Jersey, Charles Thone of Nebraska, Robert O. Tiernan of Rhode Island, Guy Vander Jagt of Michigan, Charles A. Vanik of Ohio, Joseph P. Vigorito of Pennsylvania, Charles H. Wilson of California, Lester L. Wolff of New York, Jim Wright of Texas, and Gus Yatron of Pennsylvania.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. REID).

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

Mr. REID. I am happy to yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, I rise in support of the bill, S. 1163, to amend the Older Americans Act of 1965. First, let me commend the members of the Education and Labor Committee for favorably reporting out this urgently needed bill.

There should be no question about the social, economic, or fiscal wisdom of this sensible and overdue legislation.

In providing for the establishment of nutritionally sound, low cost meals and related services, we are taking another important step in making it possible for our proud and independent senior citizens to maintain and extend their essential independence and human dignity.

The enactment of this bill will in many instances make it possible for our older citizens to continue to reside independently by making available, on a local basis and in the vicinity of where they reside, at least one hot meal per day at least 5 days a week. In many cases these services will make it unnecessary for a somewhat handicapped senior citizen to give up his or her place of residence and move into either expensive or less satisfactory living quarters. In postponing or precluding the need to move into a nursing home or similar facility, we have saved the individual, his family, or the taxpayer literally thousands of dollars in each case. At the same time, we have preserved for that individual a healthier and more dignified environment in which to live.

By locating nutrition projects in areas having high concentrations of eligible recipients, providing meals to shut-ins and supplying transportation to the project, this legislation, although limited in scope and application, will insure provision of these vital services to those who need it and desire it.

I urge my colleagues to vote in favor of S. 1163.

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

Mr. REID. I am happy to yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, having introduced similar legislation of my own, I rise in enthusiastic support of S. 1163 which would provide for the establishment and expansion of low-cost meal projects for the elderly.

During the White House Conference on the Aging held last November, I met with many of the delegates and also hosted a reception for the Massachusetts representatives. One of their foremost concerns was the passage of this bill. I was most disappointed that final House action on the measure could not be completed in the last session but I am gratified that it is now before this Chamber for approval.

The bill authorizes grants to the States for the purpose of paying up to 90 percent of the cost of establishing and operating nutrition projects to provide low cost, nutritionally sound meals and related services to individuals 60 years of age or older and their spouses.

The States will be required to give preference to projects serving primarily low-income individuals and minority groups. Efforts must be taken to insure that the maximum number of eligible individuals will have an opportunity to participate. Additionally, participants must be provided with supportive services such as recreational activities, health and welfare counseling, and informational and referral services.

There can be no question as to the need for the legislation. A survey taken in connection with the White House Conference indicated that 55 percent of the elderly who were questioned stated that they cannot afford to buy the food they like. Besides a lack of income, lack of physical mobility or transportation and downright loneliness are all too often preventing the elderly from getting the proper nutrition they need.

The scattering of nutrition programs for the elderly in this country falls far short of what is required. This legislation will go a long way to fill this gap. In my home State of Massachusetts alone, a total of $7.3 million in grants is authorized under the act for such programs during the next 2 years.

As a member of the Labor-HEW appropriations subcommittee which will have jurisdiction over the funding of these programs, I pledge to do my utmost to insure that the amounts authorized will be provided.

Thank you, Mr. Speaker.

Mr. REID. Mr. Speaker, I rise in support of S. 1163, which would add a new title VII to the Older Americans Act of 1965, authorizing a program of grants to the States to establish projects which provide at least one hot meal each day at least 5 days per week for qualified persons aged 60 or over.

This program is, I believe, soundly conceived and completely proven in research over the past several years, something that is not always done in the case of legislation. Clearly it is badly needed.

Mr. Speaker, this bill has the support of the administration and has the support of Secretary Flemming, the Assistant to the President for research and action in the field of the aging. It has the strong backing of the White House.

Further, it is clearly a first step in carrying out President Nixon's pledge to the delegates at the recent White House Conference on Aging to undertake new initiatives to assist the Nation's elderly citizens.

The Task Force on Aging, established by the President in 1970, reported that insufficient income is only one of several causes of incidences of malnutrition among the elderly. Loneliness, isolation, physical infirmity creating an inability to travel, and ignorance of nutritional needs are also major factors.

Mr. Speaker, I might quote at this point one specific recommendation from the White House Conference on Food, Nutrition and Health:

> The U.S. Government, having acknowledged the right of every resident to adequate health and nutrition must now accept its obligation to provide the opportunity for adequate nutrition for every aged resident.

President Nixon's Task Force on Aging in 1970 recommended the following:

> The Task Force believes that programs can be designed which not only provide adequate nutrition to older persons, but equally important, combat their loneliness, channel them into the community, and educate them about proper nutrition and afford some of them an opportunity for paid community service.

This program has not been developed hastily. Over the past few years there has been developed a very sound research and demonstration effort in the Administration on Aging to develop good models for these nutritional programs. Currently, some 19 of these demonstration projects are being funded around the Nation. All of these projects are designed with a particular goal in mind—to overcome the social problems underlying inadequate diets among older people. They test techniques for nutrition programs that not only may improve diet but also enhance self-esteem and self-reliance. All aim at providing: A reaching out into the community to locate those most in need; building nutrition education into the project; providing a variety of ancillary social services, and establishing a means for systematic and objective evaluation.

It is my judgment that, based on this research and demonstration effort, we have proceeded in a fashion all too rare in Government—which is to thoroughly field test a concept under varying conditions before it is put into operation. We are embarking, then, upon a course of action which we have every reason to believe will produce the desired results.

We are presently supporting under the regular program operations of the Administration on Aging, some 112 nutritional programs of group meals and home delivered meals for the elderly. However, these are relatively small and scattered operations. There is no room for doubt concerning the need for a greatly increased effort, particularly for the elderly poor.

And, we must squarely face the fact that our older population is essentially a low-income group. Using the poverty guidelines developed by the Social Security Administration, in 1968, 4.6 million persons aged 65 or older—or about one-quarter of all older persons—lived in households with a total income below the poverty line.

The bill now before the House is centered upon the problem of inadequate nutrition, but it is really far broader in its scope. While centering upon nutrition, it provides a perfect vehicle for attacking related problems of loneliness, physical isolation from the community, and inadequate social services which threaten the quality of life, and in some cases, life itself. It has a central purpose of helping more elderly people maintain a life of independence and dignity outside an institution. I think that this is highly desirable, not only in humane terms, but in terms of cost in tax dollars. Even the very best institutional care is not a desirable alternative to independent living where that is possible, and even inadequate institutional care is vastly more expensive than the kinds of programs such as this which assist the elderly to live independently.

In a nation of abundant agricultural resources it is sad indeed that we should speak today of hunger and malnutrition among our Nation's senior citizens. The bill before the House today represents a clear effort to meet this problem head on.

Authorities in the field of geriatrics continually emphasize the importance of nutrition as preventative medicine for the elderly—preventative medicine which will help them maintain good health and thus also some measure of self-sufficiency. S. 1163 would certainly be a significant step toward achieving these goals.

Mr. Speaker, I urge that we give overwhelming support to this urgently needed program.

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

Mr. REID. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. First I should like to ask my friend from New York if he can answer the question I asked my friend from Indiana as to whether the $250 million provided here is or is not included within the budget?

Mr. REID. As the gentleman knows, the authorization is $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

In the budget message which I have here, the U.S. Department of Health, Education, and Welfare, states, on special programs for the aging, that there is an increase in the 1973 budget to $100 million. And the President stated in his speech to the White House Conference on Aging:

> We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

In addition, the HEW budget on aging clearly states that—

> The primary goal will be prevention of unnecessary institutionalization for the elderly permitting them to live self-sufficient, independent, and dinified lives in their own homes and residences.

S. 1163 clearly is designed to meet these objectives.

I specifically asked the White House about half an hour ago as to the posture of the budget submission for 1973 and the position of the Office of Management and Budget. They told me it was being worked on, but that clearly the President intended in fiscal 1973 that part of the $100 million to be used for the purposes of this bill. As regards 1974, that is under study now. However, it has the total backing of the President's principal aide, Secretary Fleming, who testified to this effect just a few days ago in the Senate.

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. I yield 2 additional minutes to the gentleman from New York, Mr. Speaker.

Mr. DENNIS. Will the gentleman yield further?

Mr. REID. Yes, I yield to the gentleman.

Mr. DENNIS. The gentleman's answer, then, amounts to this: That this bill provides $100 million in 1973 for this specific program?

Mr. REID. That is correct.

Mr. DENNIS. The budget provides $100 million for aging people but not all for this specific program?

Mr. REID. That is correct.

Mr. DENNIS. This bill provides $150 million for 1974 for which the budget at this time provides nothing whatever?

Mr. REID. That is correct.

Mr. DENNIS. If I may ask one more question just to clear up this matter——

Mr. REID. Certainly.

Mr. DENNIS. Am I correct that there is no means test in this bill in that the criteria set forth here in section 701 are merely in the nature of guidelines?

Mr. REID. There is no means test. However, the criteria are relatively explicit although they could be characterized as guidelines in 701.

Mr. DENNIS. In other words, I might be eligible under this measure even if I did not have a feeling of rejection and loneliness. Is that not correct?

Mr. REID. As the gentleman knows, there are several criteria. I listed some in 701. There is also a requirement in section 705 of the legislation that priority be given to projects serving primarily low-income individuals. I think it is quite clear that the criteria and the legislative history would not apply to the gentleman.

Mr. DENNIS. But the criteria are not criteria. They are guidelines for priority. But actually even a millionaire is eligible. Is that not true?

Mr. REID. No.

Mr. STEIGER of Wisconsin. Will the gentleman yield to me?

Mr. REID. Yes.

Mr. STEIGER of Wisconsin. In answer to the gentleman, let me say on page 24 of the bill under the State plan section, I would urge the gentleman from Indiana to read the language that says:

> Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

So it is not true that a millionaire would be eligible to receive free meals under this bill.

Mr. DENNIS. It is a priority, but he is still eligible.

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 5 minutes.

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

Mr. STEIGER of Wisconsin. Absolutely.

Mr. GROSS. The gentleman from Indiana (Mr. BRADEMAS) said that the food to be used would be derived from surplus agricultural supplies.

Mr. BRADEMAS. No, he did not. If the gentleman would yield?

Mr. STEIGER of Wisconsin. I am happy to yield.

Mr. BRADEMAS. That is not what the gentleman from Indiana said. The gentleman from Indiana said, rather, and to be very clear about it for the benefit of my friend from Iowa, to quote from the report:

> Nutrition projects operated under this title are eligible to receive surplus commodities donated by the Secretary of Agriculture.

Mr. GROSS. Would the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield further.

Mr. GROSS. Is the food to come from surplus supplies or not?

Mr. STEIGER of Wisconsin. The program under the law authorizes the use of surplus commodities. I would judge, frankly, that there would be some cases in which surplus commodities would be used but not always in these nutritional programs.

Mr. GROSS. What if we had a crop failure in this country? We have had such failures although not in recent years. Or suppose the farmers organized and went on strike, as the dock workers are doing, and refused to produce a surplus. With all of these programs geared to surplus supplies of food, what would be the result?

Mr. STEIGER of Wisconsin. The result it seems to me would be simply to shift to the purchase of that food which was available should a strike in the farm belt areas occur and surplus food not be available.

Mr. GROSS. There would be available Polish, Danish, and Czechoslovakian hams?

Mr. STEIGER of Wisconsin. The gentleman from Iowa knows full well that I do not want Danish or Norwegian or Dutch cheese to be used. Perhaps, Polish hams might be acceptable but, so long as it is not imported——

Mr. GROSS. The gentleman, in other words, is not interested in oleomargarine?

Mr. STEIGER of Wisconsin. I tried to get into this question during the consideration of this bill, the oleomargarine question, but I lost to the urban bloc.

Mr. GROSS. I suspect that even suffering from loneliness, at least some of those who have been accustomed to American farm products would probably gag on foreign imports.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield for a couple of questions?

Mr. STEIGER of Wisconsin. I would be happy to yield to the gentleman from California.

Mr. TEAGUE of California. I lived alone for about a year during the terminal illness of my wife, and I am well over 60. I certainly lack the skills to select nourishing and well-balanced meals. However, I was rejected by about 100,000 voters in my district and I felt quite lonely during that time.

Would I be eligible to receive benefits under the provisions of this bill?

Mr. STEIGER of Wisconsin. I doubt seriously that you would since you do not have the limited mobility which prevents you from shopping.

Mr. TEAGUE of California. Yes; I have bursitis in my shoulders.

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

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

Mr. HUNGATE. Mr. Speaker, I rise in support of this bill.

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

Mr. STEIGER of Wisconsin. Yes, I yield to the gentleman from Indiana.

GENERAL LEAVE

Mr. BRADEMAS. I would like to ask unanimous consent that at the conclusion of the debate that all Members be permitted to revise and extend their remarks on this bill and to include extraneous matter.

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

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of this legislation, remarks concerning imported hams and rejection notwithstanding.

I would, however, want to at least pursue a caveat that I think the House should be aware of.

The idea as to how to improve the nutritional capability of older citizens is one which no one seriously objects to, but I think in order to be fair it must be clearly understood by the House that this is, in effect, an expanded demonstration program which will provide increased nutritional capacity for a limited number of elderly in the United States of America.

Even if the full $100 million authorized for fiscal 1973 were available for this program, the number of people who could participate at any one time would be very small. I would argue that there are far more effective ways of insuring the ability of older people to get nutritional food, such as, for example, increasing the cash available to them to do their own shopping, rather than going through the process of establishing this kind of nutritional program.

I would hope that at least all of us who vote for this will understand that there will only be a limited number of the elderly who will be eligible to participate and only a relatively small number of projects started under this program, even if the full appropriation is approved. We are saying to those who would fortunately live in the area that receives the grant, they will be taken care of, but those who are not so fortunate will suffer from this lack of being so located.

Mr. Speaker, I urge the House to vote for this bill because it makes sense, but it is not a panacea for the problems of older Americans. However, it is one small step in the right direction.

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

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

Mr. MATSUNAGA. Mr. Speaker, I rise in support of this bill. As a cosponsor of similar legislation, I am pleased to express my support for S. 1163, which will establish a program of grants for nutritional projects for the elderly. These projects would provide at least one hot meal a day, at least 5 days a week, to the elderly persons served by the projects.

Under the formula contained in S. 1163, my own State of Hawaii would be allocated $500,000 during fiscal year 1973 and $750,000 for 1974.

Mr. Speaker, much has been written and spoken recently about the plight of America's elderly. Nowhere is that plight more tragic than among the elderly poor, who often find themselves isolated from society, with no friends or family. The bill now before us would not only lessen that isolation, but it would also

provide a regular, nutritionally sound meal for thousands of older Americans. It would, in fact, build on the successful experience of the pilot projects funded by Congress under the provisions of the 1968 amendments to the Older Americans Act.

Although none of the 32 projects funded under the 1968 law was located in Hawaii, a similar project was conducted on the island of Kauai with funds obtained through the Economic Opportunity Act. That project, which operated from September 1969 until last June, served up to 50 elderly persons with a hot noon meal, 5 days a week. Mr. Speaker, that project was a resounding success. An evaluation of the project prepared by an independent consultant described how the program worked:

Around 10 a.m., the van begins to collect participants at their homes and deposits them at the parish hall. A Volunteer Aide is usually there to assist the participants with special games, entertainment, dancing, and other activities designed to promote fellowship. Limited exercise programs are also conducted.

Shortly before 11 a.m., the caterer delivers the food, which is then served promptly by three Serving Aides. These Aides, it should be noted, have also developed a warm rapport with the participants. Prior to and during the meals, special nutrition classes are held. Afterwards, the van returns people to their homes and also takes individuals to dentists and doctors for appointments made in connection with the program."

It is important to note, Mr. Speaker, that the project sponsors were sensitive to local food tastes, a factor specifically provided for in S. 1163.

In the short time during which the Kauai project functioned, its impact was substantial and beneficial. The key finding was described by the consultant in the following manner:

According to all observers, the major impact of the program is that people feel better as a result of it. "I feel good now," one lady in her seventies told the evaluator, "I even walk faster!" The psychological impact is difficult to measure, but manifests itself in various ways. Some of the women now bring flowers for the tables. Many of the men now wear new aloha shirts, whereas at first they came in clothes that apparently had not been changed in weeks. Participants' dispositions have changed too, according to people who have known them.

One 76-year-old lady, who used to complain continuously, has amazed everyone with her cheerfulness as the program progressed. Many of the participants have obtained new dentures through the program's Medical Services, and perhaps as Dr. Haruki, DDS, suggested, they no longer find it embarrassing to smile: Whatever the cause, the participants appear noticeably happier than when the project began.

Mr. Speaker, our great Nation was established in "pursuit of happiness." S. 1163, when enacted, will bring a small measure of added happiness to thousands across the country in keeping with our national goal, and I urge its overwhelming approval by the House today.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 3 additional minutes.

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

Mr. STEIGER of Wisconsin. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. What happens with reference to these feelings of rejection and loneliness which obliterates the incentive to prepare and eat a meal alone? Is this surplus food to come out of restaurants, prepared and ready to eat? Or is this surplus food to be prepared in common kitchens for the elderly?

Mr. STEIGER of Wisconsin. It is the hope, I think, of the members of the Committee on Education and Labor that, in fact, you do go to preparing meals which can be served in a location that will make possible a number of elderly coming to it for the purpose of eating that meal.

We have, may I say to the gentleman from Iowa, an excellent program which is underway in almost every State called the "Meals on Wheels" program, which involves the preparation of meals at a central location, and then the delivery of those meals to individual elderly persons who cannot get out of their homes. That is the kind of thing that has been done in the past. What we are trying to do here is to provide some degree of balance between those who cannot get out of their own homes and thus must have the services such as the "Meals on Wheels" program, and those who are more ambulatory but, for whatever reasons included in the criterion, can be served by this nutritional program—but, McDonald's, no. In fact, this bill is based on a number of pilot projects already underway.

Mr. GROSS. So it is a $250 million demonstration program that the gentleman from Wisconsin thinks may or may not be permanent? Is that the gentleman's estimate of it?

Mr. STEIGER of Wisconsin. How much money?

Mr. GROSS. $250 million.

Mr. STEIGER of Wisconsin. $250 million; that is correct.

Mr. GROSS. And it is a demonstration process, as it stands in this bill; is that correct?

Mr. STEIGER of Wisconsin. In many places that is exactly what we are doing.

Mr. GROSS. Of course, it will never become permanent. Nothing ever becomes permanent around here that starts as a pilot program, does it?

Mr. STEIGER of Wisconsin. Well, it is an expansion of pilot programs, but I do not want the gentleman from Iowa to hold his breath waiting for it to expire.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, let me say that this is one of the few programs that has really been tested in the field. There have been over 30 different research and development grants across the country testing the feasibility of developing, and evaluating a system for the delivery of meals. We are faced in this country with the fact that about a quarter of all our senior citizens, that is at least 4 million, live below the poverty line. Beyond this, there are many who do not fall below the poverty line, but are not ambulatory.

I believe it is the intention of the White House to proceed with some vigor in this program to try and reach the basic problem of nutrition, and also the prevention of serious disability which may come from poor nutrition.

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

Mr. REID. I yield to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I thank the gentleman for yielding. I rise in enthusiastic support of the bill S. 1163.

May I commend the chairman of the Committee on Education and Labor, the gentleman from Kentucky, and the gentleman from Indiana (Mr. BRADEMAS), for bringing us this amendment to the Older American Act, which will provide grants to the States for low-cost meal projects.

I am pleased to tell the House that the gentleman from New York (Mr. REID) and myself were speakers at one of the three luncheons for the delegates to the White House Conference on the Aging in the latter part of 1971. We left the luncheon that noon in early December believing the bill we consider today would be considered that afternoon. Now it is 2 months later, but even so passage today may be in time for the Appropriations Committee to consider this authorization for this appropriation year.

Mr. Speaker, the bill which I introduced, H.R. 12035, is substantially the same as S. 1163, which as a matter of information passed the Senate during the time the White House Conference on the Aging was meeting here in Washington. I believe it is significant to point out that when the Senate passed S. 1163 it was by the unanimous vote of 89 to 0. The bill before us today amends title VI of the Older American Act of 1965 which amendment is redesignated as a new title VII. The amendment authorizes grants to the States for the purpose of paying up to 90 percent to establish and operate nutritional programs which will provide low-cost, nutritionally sound meals and related services to individuals 60 years of age or older and their spouses.

S. 1163 authorizes $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for grants to those States which submit an acceptable State plan and provides for administration of the program by the Secretary of HEW through the Administration on the Aging. Participating States may designate a single State agency to have responsibility for administering the nutrition program within the State. When a State receives an allocation, it is to be disbursed by grant or contract to public or private nonprofit institutions, organizations, agencies, or political subdivisions of the State which agree to establish a nutrition project.

All recipients of a grant or contract must agree to follow the advice of persons competent in the field of nutrition, and when a nutrition project is established a site must be furnished where the project is to be located which must be in an area with a concentration of eligible individuals and, as the report puts it, "preferably within walking distance."

Furthermore, the project may provide

home-delivered meals to eligible individuals who may be homebound. Also, the group sponsoring the project has the authority to supply transportation between the project site and the residences of eligible individuals who would otherwise be unable to participate in the project.

It is interesting to note that while this bill has its main objective the provision for low-cost meal projects, in the title of the bill there is contained the wording the grant may be used to provide the opportunity for social contacts and for other purposes. According to the report, these supportive services may include such things as recreational activities, health and welfare counseling and informational and referral services where they are not otherwise available.

State allocations under this program shall be allotted under a formula which recites that each State shall be allotted an amount which bears the same ratio to the total authorization as the population age 60 or over in such State bears to the population age 60 or over in all 50 States, provided, however, that no State shall be allotted less than one-half of 1 percent of the total sum appropriated for the fiscal year for which the formula is applied. Now, according to the report on page 3 there are about 28,900,000 60-plus in the population in the United States.

Missouri has 783,600 of this age group. That means 2.71 percent of the total of the 60-plus population, and, upon the assumption for fiscal year 1973 there was an authorization of $100 million, it would mean Missouri would be allocated $2,595,400, and for fiscal year 1974 where the authorization will be $150 million, the State of Missouri would then be allocated $3,893,000.

Mr. Speaker, as chairman of the Special Studies Subcommittee of the House Committee on Government Operations which was assigned as one of its duties to conduct hearings on the problems of the aging, I can report to the House that proper nutrition is one of the foremost needs of our older citizens and particularly those who may not enjoy enough income to be able to provide themselves with a sufficiently nutritional diet. Since about September 1 our committee has held over 30 days of hearings here in Washington, and in Baltimore, Chicago, New Orleans, suburban New Jersey and elsewhere. There are over 40 separate problems of the aging which our committee has identified. However, these separate or break down into four or five general categories including income maintenance, health needs, housing, transportation, and last but certainly not least, nutrition.

We are considering an important bill today. It is one that just about all the membership of the House should be able to support. Those who, for one reason or another, may oppose the extension of the poverty program—because of the expensive comprehensive child care provision—can vote for this bill with good conscience. Those who may regard themselves as conservatives and sincerely believe that we must try diligently to reduce total Federal expenditures will find that this bill provides the opportunity to save money. Oh, I know there will be those who will refuse to believe this kind of statement. Let me hasten to explain how this can be accomplished.

For those who may not have thought of it in these terms it should be instructive and informative to note that the Federal Government spent approximately $500 million on nursing home care under medicare in calendar year 1970. During this same calendar year the Federal Government spent $1.3 billion on nursing home care under medicaid. Mr. Speaker, S. 1163 which provides for nutrition projects for our older citizens, when viewed in its proper perspective is really a measure that provides for preventive health care. Good nutrition is a form of preventive medicine. In the science of gerontology, geriatric authorities have emphasized again and again the importance of nutrition in maintaining good health for elderly persons. Put in its simplest terms, the longer we can help sustain large numbers of our older Americans with some degree of self-sufficiency in their own homes and their own surroundings, then the less we will have to spend on nursing home care under medicare and medicaid. The fact that the nutrition program authorized by S. 1163 and the degree that it reduces the population of our elderly persons in nursing homes, to that extent it represents a substantial saving in one of the fastest growing items of our entire Federal budget.

Mr. Speaker, S. 1163 is a measure that should enjoy the support of conservatives and liberals alike. In that regard, it is not only a good bill but a rare piece of legislation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 1 additional minute to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, I would like to say to my colleague, the gentleman from Missouri (Mr. RANDALL), that I very much appreciate the interest and initiative that the gentleman has shown in the development of this program. The gentleman has held some significant hearings in his Subcommittee on Government Operations. I would say to the gentleman that I share his convictions, and his hope that this program will help in a medical sense to prevent the kind of debilitation that occurs to our senior citizens, and perhaps relieving arthritis, and other illnesses which might be aggravated by nutritional deficiencies.

I believe this significant initiation by the White House reflects its commitment to the White House Conference on the Aging, and I hope therefore that we can start to make meaningful progress in this area for our senior citizens who clearly and desperately need our help.

Mr. PRICE of Texas. Mr. Speaker, S. 1163, the Nutrition Program for the Elderly Act, which we are considering today would establish a categorical grant program. Under this program the Federal Government would pay 90 percent of the costs incurred by local projects to carry out a national nutrition program for older Americans.

We all realize that our older citizens deserve our continuing support and assistance. However, as I have said to this House before, we need to maximize our capacity to help these older persons by turning more to private programs, voluntary organizations, and State and local government agencies.

The most fundamental problem facing the elderly is that of an inadequate income. We all agree that we need to take concrete steps to assist our elderly to achieve a higher level of income. Through an effective income strategy, many nutrition and related problems will be significantly lessened. Malnutrition is often related to poverty and once an older person has sufficient income he can provide for his own nutritional needs. The type of action I feel is most apropriate therefore is the sort of provision contained in H.R. 1 which liberalizes the amount of annual earnings exempt under the social security retirement test. For older persons who wish to continue working, this amount would be increased from $1,680 to $2,000 for 1972 and thereafter would be adjusted to increases in wage levels. Where annual earnings exceed the exempt amount, benefits would not be reduced by more than $1 for each $2 of earned income. This type of provision enables an older person to retain his dignity and help himself. At the same time we are taking this type of constructive action, we should eliminate those existing programs which do little more than make recipients feel like wards of the State.

As the administration pointed out in hearings on S. 1163, a categorical feeding program for the elderly cannot be totally effective in meeting their multiple needs. For instance, in the area of nutrition, there is already a provision in H.R. 1, the social security amendments that have been passed by the House, which would directly provide for nutrition services for the elderly. Moreover, on January 11, 1971, the President signed into law the "Amendments to the Food Stamp Act of 1964" which include a provision that permits persons 60 years of age or older, who are homebound or feeble, to use food stamps to purchase meals delivered to them by nonprofit organizations or local government agencies.

The costs associated with this program are also of concern to me. If the goal of the program is to reach a substantial number of older persons then the program as envisaged in this legislation will be very expensive. To date, even though the Administration on Aging has been conducting demonstration in this area for some 3 years, there is no available information on how to reduce the costs of these programs. We need to explore the use of the private sector in the provision of nutrition services as a way of reducing costs. For instance, I understand that cafeterias in various parts of the country are successfully experimenting with furnishing reduced price meals for older persons in off-peak hours.

In summary, Mr Speaker, although I am a strong supporter of programs to effectively help our older citizens to maintain their independence and dignity, I do feel the legislation being considered today helps meet this objective.

Mr. BURKE of Florida. Mr. Speaker,

I rise in support of S. 1163, to amend the Older American Act of 1965 and which will provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training, and education projects, opportunity for social contacts, and other purposes. H.R. 5017, which I cosponsored and which was introduced in February 1971, contains most of the pertinent provisions of S. 1163.

The State of Florida has almost 1½ million residents 60 years of age or older. Its over-65 population represents more than 13 percent of the total population of the State. It is significant that nationally the over-65 population is less than 10 percent of the total. People from every State in the Union have come to Florida. The warm, sunny climate enjoyed by most of the State makes it an attractive place for our elder citizens to spend their retirement years. Broward County is one of the most attractive areas in the State and the cities of Fort Lauderdale and Hollywood, which I represent, have large populations of our older citizens.

The problems of the aged are the problems of all Shakespeare eloquently reminded us of this when he wrote:

All the world's a stage, and all the men and women merely players. They have their exits and their entrances; and one man in his time plays many parts, his acts being seven ages. At first the infant, mewling and puking in the nurse's arms. And then the whining school-boy, with his satchel and shining morning face, creeping like snail unwilling to school. And then the lover, sighing like furnace, with a woeful ballad made to his mistress' eyebrow. Then a soldier, full of strange oaths, and bearded like the pard; jealous in honour, sudden and quick in quarrel, seeking the bubble reputation even in the cannon's mouth. And then the justice, in fair round belly with good capon lined, with eyes severe and beard of formal cut, full of wise saws and modern instances; and so he plays his part. The sixth age shifts into the lean and slipper'd pantaloon, with spectacles on nose and pouch on side; his youthful hose, well saved, a world too wide for his shrunk shank; and his big manly voice, turning again toward childish treble pipes and whistles in his sound. Last scene of all, that ends this strange eventful history, is second childishness, and mere oblivion, sans teeth, sans eyes, sans taste, sans everything.

Age comes to all. The rich, poor, weak, strong, black, white, yellow, and red all succumb to the ravages of time.

It is sad that in America today, many of our citizens born in the 1800's and early 1900's suffer from hunger and malnutrition. This generally results from an inadequate income and/or a lack of nutritional knowledge. Lack of physical mobility or of transportation may impair ability to shop for food. Those living in rented room may not have cooking and refrigeration facilities. Then, to, there are social and psychological considerations—many elderly people who live alone isolated from family and friends, simply lack the motivation to prepare adequate meals for themselves. The loneliness and sense of alienation of single elderly persons removes the incentive to plan and prepare nutritious meals. These factors combine to produce a way of life which incorporates malnutrition and persistent physical and mental deterioration. When we realize that 25 or 30 percent of the 20 million aged in this country have incomes below the established poverty level, we can see how urgent the need is for this legislation.

Mr. Speaker, S. 1163 authorizes the expenditure of $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for grants to States submitting acceptable State plans. It also provides for the administration of this program by the Secretary of Health, Education, and Welfare through the Administration on Aging. The funds so appropriated will be allotted to States are to be dispersed by grant or contract, to public or private nonprofit institutions, organizations, agencies, or political subdivisions of the State which agree to establish a nutrition project.

Recipients of a grant or contract must agree to: first, establish a nutrition project with the advice of persons competent in the fields of nutrition and services to the elderly; second, furnish a site for the nutrition project preferably in an area having a concentration of eligible individuals within walking distance; third, provide home-delivered meals to eligible individuals, where appropriate, and supply transportation to and from the project site; fourth, provide participants with supportive services such as recreational activities, health and welfare counseling and informational and referral services; fifth, utilize methods of outreach that will insure the maximum number of eligible individuals have an opportunity to participate; and sixth, provide special menus to meet particular dietary needs arising from the health requirements, religious requirements, and ethnic backgrounds of participants.

Since history judges governments by how well they care for the weak and infirm within its society, it seems proper, that our Nation as a government "by the people, for the people and of the people" should start today to insure the health of our needy senior citizens by establishing, maintaining, and operating a low-cost meal project with nutrition training and educational and social opportunities.

Mr. BROOMFIELD. Mr. Speaker, our country has seen fit, and rightly so, to insure that our senior citizens receive the medical attention and aid that many of them need. Through medicare and medicaid, we have launched an ambitious program to ease the financial squeeze that rising medical costs impose on this country's elderly population.

Time and time again studies have shown that all too many of America's elderly are suffering from inadequate diets. While the reasons and the causes for this situation may be many, it is clear that they demand a solution. If we are truly committed to helping our senior citizens meet their health needs then, surely, this measure which would provide low-cost nutritious meals is part of that commitment.

We have no way to estimate how much of the cost of medicare is the result of the inability of the elderly to obtain a balanced diet. However, it is undisputed that good health and diet go hand in hand. We can make no better investment than in a program to upgrade and improve the diets of senior citizens.

That opportunity is before us today. This legislation, which I am proud to have introduced in this House during the last session, is a logical extension of our present commitment.

Mr. Speaker, should there be any doubt as to the necessity of the measure before us today, let us look to the facts in order to get the true picture.

As a group which represents 20 million Americans, our senior citizens are burdened with the highest degree of poverty. In an age when inflation has almost become an accepted fact of life, they, more than any other group, live on restricted incomes.

Because of their advancing age and consequently their reduced mobility, transportation is not a luxury but a dire necessity. Living in older neighborhoods, they are often isolated from shopping centers, medical personnel, and other facilities which we take for granted but which for them are almost impossible to reach.

We know full well, Mr. Speaker, the extent and depth of their peculiar situation which they have patiently and silently endured. These Americans have worked for and placed their trust in their country and Government. They are confident that we will respond to legitimate needs. They do have legitimate needs and we do have a duty to respond. We cannot and must not ignore their plight.

While I am gratified to see action being taken to translate this legislation into public law, I would hope that this measure represents a new round of legislation to aid the elderly. As worthy as this measure is, it should be but the first step.

The needs of older Americans are not restricted to health alone. We must insure that low-cost and moderate housing is available. Mass transportation and jobs for those who wish to work are only two more areas which are vitally important to these people. They are, therefore, areas which we must confront.

Legislation dealing with these questions are now pending before Congress. For the sake of 20 million citizens, I hope that this session will witness the consideration and eventual passage of this legislation.

Mr. FISH. Mr. Speaker, I rise in support of S. 1163 which amends the Older Americans Act of 1965 to provide for a system of grants to States for nutrition programs for senior citizens. This legislation represents a landmark step in a delivery system to insure adequate health and nutrition for older Americans.

The scope of this serious problem was recently outlined in the report of President Nixon's Task Force on Aging. It stated:

In examining the incidence of malnutrition among the elderly, the Task Force concluded that insufficient income was only one of the several causes. The lonely older person who can afford an adequate diet but does not eat properly; the older person who finds going to the store too great a burden; the older person who is nutritionally ignorant; the chronically ill older person unable to prepare a hot meal—are all part of the problem.

This bill authorizes $100 million for

fiscal year 1973 and $150 million for fiscal year 1974. Funds so appropriated will be allotted to States on the basis of each State's proportionate share of the Nation's population aged 60 and older. This means for example, in my own State of New York, over $23 million will be allotted to fight malnutrition among the elderly.

This legislation will initiate a program of low-cost, nutritionally sound meals, at or near areas of a concentration of eligible elderly. Churches, schools, community centers and senior citizens centers will be utilized. This progressive and humane program deserves the support of each Member of the House of Representatives and I strongly urge my colleagues to vote accordingly.

Mrs. HECKLER of Massachusetts. Mr. Speaker, too many senior Americans are living—and dying—on tea and toast.

In the winter of their lives, when comfort, warmth, ease and good food is the least they deserve, many senior citizens live alone in furnished rooms, on the margin of poverty, in poor health, unable or indisposed to shop or to cook or even to scavenge.

The result is that they subsist in a twilight to which the darkness comes sooner than it ought.

This House, Mr. Speaker, has rightfully and dutifully provided for the children of America with hot lunches, breakfasts, and an array of services designed to prepare and fortify them to become valuable, productive citizens. They are properly regarded as the Nation's insurance of its own perpetuity. They represent something we owe to ourselves.

In their own way, our senior citizens are just as helpless as children and just as deserving of our attention and concern. They have built this Nation. They have passed it on to us better than it was when they received it. They have paid their dues.

It is our obligation, then, Mr. Speaker, to see to it that the status of rest and retirement that they have earned is made as pleasant and as comfortable as possible.

We have the chance to do just that in this bill, S. 1163, which makes available to them at least one hot meal a day, 5 days a week, from which they can draw not only sustenance and nutrition but also the well-being that comes from knowing that someone cares enough to see to their needs.

This bill also provides that State programs set up to feed senior citizens must bring other kinds of help to them, such as recreation, health and welfare counseling, and other information which they need but cannot get.

Seniors are no exception to the rule that man does not live by bread alone.

This is not just another welfare bill, Mr. Speaker, because it makes these meals and these services available according to ability to pay. Those who can afford a nominal fee will be required to pay it, which easily removes it from the something-for-nothing category.

Pride is still an important possession, even to people over 60, and the fact that they do not eat well is many times the result of their not being able or disposed rather than not having the wherewithal. They are not slighted in this bill.

In so diverse a society as ours, particularly in a senior society which clings more strongly to such things, the ethnic, religious, and dietary distinctions must be observed. And they are in this bill. Focus is also directed at the low-income and non-English speaking who are every bit as deserving.

Mr. Speaker, this is good legislation, strongly needed, strongly deserved in justice, in charity, in common concern for those to whom we owe so much. I urge its overwhelming passage.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation. Making what are called major revisions in the 1965 Older Americans Act—indeed, adding an altogether new section—the bill would help put sound nutrition into the diets of millions of the elderly. Its approach is open and straightforward, calling for grants to all 50 of the States—$100 million in fiscal 1973, $150 million in fiscal 1974—to finance low-cost meals for men and women over 60. It would assure most participants of at least one hot, nutritious meal 5 days a week.

To round out this new program, the bill would set up a brace of ancillary services: health and welfare counseling, for example, and educational projects designed to school the elderly in their nutritional needs.

The merits of this legislation hardly need emphasis here; it is no secret that the elderly's eating habits are uneven, at the very best. One of the biggest problems is money. Living on fixed incomes—modest social security benefits are the sole source of income for millions—the elderly are pushed deeper and deeper below the Government's poverty level each time the cost of living inches upward. Many of them cannot afford a balanced diet.

Often the victims of muggings and assaults, the elderly are seldom willing to brave the city streets; an errand as routine as grocery shopping has taken on the dimensions of an adventure. Many of them, moreover, lack the fundamental knowledge of nutrition to prepare sound meals. Still others, living cheerless lives in solitary apartments, simply do not care any more; a sandwich or a hurried bowl of cornflakes fills the stomach, after all, and does away with the half hour or so of dreary toil it takes to fix a meal.

The White House Conference on Aging has already laid bare the problems I have just outlined.

The elderly's plight, growing bleaker and bleaker every year, should be among the very highest priorities of this Congress.

The bill now before us is a step in the right direction.

I urge its passage.

Mrs. GRASSO. Mr. Speaker, the need for adequate nutrition is a major concern of the elderly in America today. It is disturbing, indeed, when it is determined that for a variety of reasons half of the elderly have diets deficient in essential nutrients and caloric content. It is tragic that in a nation so abundantly endowed so many of our people lack the diet needed to remain healthy and functioning members of society.

I have previously stated the overriding importance of comprehensive nutritional services for the elderly. The complexities of a nutritionally deficient diet combine with other factors—finance, the strength to prepare a series of meals when one is in failing health or living in loneliness—to add to the distress of the agony. The Congress today met its responsibility and approved legislation to provide better nutritional services for the elderly.

S. 1163 authorizes $250 million over 2 years for grants to the States to pay up to 90 percent of the cost of projects to provide low cost, nutritionally sound meals to individuals above 60 years of age and to their spouses. In my State of Connecticut over 400,000 people would benefit from the $1.38 million for fiscal year 1973 and the $2.07 million for fiscal year 1974 allocated under this bill for the State. While a single State agency will administer the funds and help coordinate projects, the major emphasis will be placed on assistance provided by local public and private nonprofit institutions. Grants will be provided to those institutions which establish a program to provide the elderly with one hot meal a day, at least 5 days a week. The project directors must furnish, where feasible, a conveniently located site for the program and supply transportation to those individuals who cannot easily reach the meal center.

Under this legislation, different plans are available. Meals will be disbursed at local centers—programs that will allow many individuals the opportunity to meet people of their own age and interest. In addition these facilities will also provide needed health and welfare counseling information and services for the elderly.

But happily, those people confined to their homes will also benefit from these local projects. In conjunction with and as a supplement to the group meals programs, volunteers will provide home delivered meals to the bedridden and shut-ins. The "Meals on Wheels" programs, which are already enjoying great successes in many parts of the country, will be expanded and increased in scope to help local projects reach the maximum number of people possible within the financial resources of the local grants.

Mr. Speaker, an adequate nutritionally balanced diet is essential to the well-being of the elderly. We cannot, and indeed must not, be satisfied so long as millions of Americans who worked for this land in their youth are faced with unnecessary misfortunes in the autumn of their lives.

I wholeheartedly endorse the provisions contained in S. 1163 and am pleased to see the support it received from my colleagues. Passage of this legislation is the initial step in enacting a new comprehensive national program of assistance which will provide a better life for all the elderly in our Nation today.

Mr. FORSYTHE. Mr. Speaker, I would like to take this opportunity to express my support for S. 1163, authorizing grants to the States to establish nutrition projects for our older Americans.

I believe this can be a very meaningful program for this important segment of

our society, one that can reduce unnecessary suffering and provide valuable social experience as well as meeting nutritional needs.

In New Jersey, and in my district, the senior citizen population is growing in increasing numbers each year.

Many of these people, who have made invaluable contributions to their country during their lifetime, are not able to provide themselves with the food they need.

They deserve better than this.

S. 1163 will not solve all of the problems. But it will help. By providing nutritional services at nearby community facilities, such as schools, churches and community centers, elderly Americans will be able to eat some of their meals in the company of others with similar interests. The program has the potential of improving the morale and spirit of senior citizens as well as their health. In fact, it has the potential of prolonging life and of helping to make that life more meaningful.

I believe society owes a debt to the older American.

This program is one way in which it can be repaid.

Mr. DULSKI. Mr. Speaker, I support the pending legislation, S. 1163, and urge its passage.

As you know, I suggested to the committee a clarification of one section of the bill, specifically section 706(a)(3).

I believe the intent is well understood by those close to the subject, but to insure that there arises no question I would like to tender the following as a part of the legislative history.

I would preface my remarks by pointing out that my home city of Buffalo, N.Y., has been in the forefront on pilot endeavors toward improving nutrition for the elderly.

The Buffalo program is operated by Food and Nutrition Services, Inc., which has received excellent cooperation from various civic, public, and private organizations. Such cooperative spirit is an essential ingredient.

There are four broad groups of elderly persons who need meal service.

NEEDING MEAL SERVICE

Such men and women range from individuals who cannot leave their homes, to those who simply would benefit by daily meals at a subsidized price, combined with activities.

For all four groups, food that is more nutritious would be both a preventive and a therapeutic measure. Throughout the country, there are considerable numbers of persons in each group who require that food services of differing types be provided by the community.

The four groups are:

First. Adults, of any age, who need home-delivered meals. These include the homebound, those able to be transported once a week to a center for dining and activities, and others capable of walking to a nearby location for group dining and activities.

Ill and handicapped persons may need special attention and care in regard to their nourishment for either part or the remainder of their lives.

For various and often multiple reasons they cannot prepare or obtain adequate meals. Other aspects of their lives are affected by illness and/or handicap. Such situations can be present regardless of income level. This group can benefit substantially from a professionally directed community meals service agency.

Second. Elderly persons who can cook, or live with someone who does, but who cannot get out readily, are more-or-less homebound, and need socialization. Auto transportation to a group-dining and activity center, once or twice a week, is desirable for this group.

Third. Elderly persons who get out, but have poor eating patterns, or have problems in relation to meals, such as need for a special diet.

Fourth. Elderly persons who do not have the above difficulties, but would benefit from meals at a subsidized price, accompanied by social activities, in various types of centers placed strategically throughout the city and county.

INTENT OF LEGISLATION

The intent of section 706(a)(3) is that those State approved eligibles under this program:

First. Furnish sites for group dining, sociability, and nutrition and consumer education projects in as close proximity to the majority of eligible individuals' residences as feasible, and preferably within walking distance where possible;

Second. Operate home-delivered meals' projects for eligible individuals who are homebound;

Third. Provide portal-to-portal transportation to the group dining sites for those infirm who do not need delivered meals, also for those normally receiving home-delivered meals as often as the latters' strength permits; and

Fourth. Carry out a sound community plan for coordinating services specified in first, second, and third, especially for persons whose needs and status change; further that such services may or may not be under the same auspices depending upon a community's structure of responsibility.

Mr. Speaker, the experience of the various pilot projects has been most informative and has made clear that the problems of nutrition for the elderly are complex.

NEED FOR FLEXIBILITY

It is because of these complexities and the variations in need from community to community that we require flexibility in the law within reasonable bounds to permit a proper accent according to the needs and possibilities within a particular community.

As I have pointed out, there are many groups of public, private, religious, charitable, and so forth, which can easily provide leadership in the field of group dining. But where the need exists—as it does at least to a degree in most communities—for individual attention through home-delivered meals, there is a fundamental necessity for professional supervision and an active system for taking advantage of the information that can flow from the individual visits to the homes.

In Buffalo, home-delivered meals are provided generally where warranted on a five-times-a-week basis. Delivery is made by a volunteer who has been properly instructed in careful observation of possible changes in the physical condition of the individual who is homebound.

When a Buffalo volunteer recognizes circumstances which appear to require urgent attention, there is provision for immediate reporting by telephone to the operating agency where trained individuals take appropriate action.

In all cases where a meal is home-delivered, the volunteer makes a written observation which is checked by professionals before it is added to the individual file. These observations often indicate patterns of development, some of which show up gradually. The cumulative reports can indicate changes and provide alerts which initiate investigation and action by professional staff members.

Mr. Speaker, as I said at the outset, I am in full support of S. 1163 and urge its passage.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill S. 1163, as amended.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 350, nays 23, not voting 58, as follows:

[Roll No. 27]

YEAS—350

Abbitt	Carey, N.Y.	Evins, Tenn.
Abernethy	Carney	Fascell
Abourezk	Casey, Tex.	Findley
Abzug	Cederberg	Fish
Adams	Celler	Fisher
Addabbo	Chamberlain	Flood
Anderson, Calif.	Chappell	Flowers
	Clancy	Foley
Anderson, Ill.	Clark	Ford, Gerald R.
Andrews	Clausen, Don H.	Ford, William D.
Annunzio	Cleveland	Fountain
Arends	Collier	Fraser
Aspin	Collins, Ill.	Frelinghuysen
Baker	Conable	Frenzel
Baring	Conte	Frey
Barrett	Conyers	Fulton
Begich	Cotter	Fuqua
Belcher	Coughlin	Galifianakis
Bennett	Culver	Gallagher
Bergland	Curlin	Garmatz
Betts	Daniel, Va.	Gaydos
Bevill	Daniels, N.J.	Gettys
Biester	Danielson	Giaimo
Bingham	Davis, Ga.	Goldwater
Boggs	de la Garza	Gonzalez
Boland	Delaney	Grasso
Bolling	Dellenback	Gray
Bow	Denholm	Green, Pa.
Brademas	Dent	Griffin
Brasco	Derwinski	Griffiths
Bray	Dickinson	Grover
Brinkley	Diggs	Gubser
Brooks	Dingell	Gude
Broomfield	Donohue	Hagan
Brotzman	Dorn	Haley
Brown, Ohio	Dow	Halpern
Broyhill, N.C.	Drinan	Hamilton
Broyhill, Va.	Dulski	Hammer-schmidt
Buchanan	Duncan	Hanley
Burke, Fla.	du Pont	Hanna
Burke, Mass.	Edwards, Ala.	Hansen, Idaho
Burleson, Tex.	Edwards, Calif.	Harrington
Burlison, Mo.	Eilberg	Harvey
Burton	Erlenborn	Hastings
Byrne, Pa.	Esch	Hathaway
Byron	Eshleman	
Caffery		

Hays	Mazzoli	Sarbanes
Hébert	Meeds	Saylor
Hechler, W. Va.	Metcalfe	Scherle
Heckler, Mass.	Mikva	Scheuer
Heinz	Miller, Calif.	Schneebeli
Henderson	Miller, Ohio	Schwengel
Hicks, Mass.	Mills, Ark.	Scott
Hicks, Wash.	Minish	Sebelius
Hillis	Mink	Seiberling
Hogan	Minshall	Shipley
Holifield	Mitchell	Shoup
Horton	Mizell	Shriver
Hosmer	Mollohan	Sikes
Howard	Monagan	Sisk
Hull	Montgomery	Skubitz
Hungate	Moorhead	Slack
Hunt	Morgan	Smith, Calif.
Hutchinson	Morse	Smith, Iowa
Ichord	Mosher	Smith, N.Y.
Jacobs	Moss	Snyder
Jarman	Murphy, Ill.	Staggers
Johnson, Calif.	Murphy, N.Y.	Stanton,
Johnson, Pa.	Myers	James V.
Jonas	Natcher	Steed
Jones, Ala.	Nedzi	Steele
Jones, N.C.	Nelsen	Steiger, Wis.
Jones, Tenn.	Nichols	Stephens
Karth	Nix	Stokes
Kastenmeier	Obey	Stratton
Kazen	O'Hara	Stuckey
Keating	O'Neill	Sullivan
Kee	Passman	Symington
Keith	Patman	Talcott
Kemp	Patten	Taylor
King	Pepper	Teague, Tex.
Kluczynski	Perkins	Terry
Koch	Pettis	Thompson, Ga.
Kyl	Peyser	Thompson, N.J.
Kyros	Pickle	Thomson, Wis.
Landrum	Pike	Thone
Latta	Pirnie	Tiernan
Leggett	Podell	Udall
Lent	Poff	Ullman
Link	Powell	Van Deerlin
Lloyd	Preyer, N.C.	Vander Jagt
Long, La.	Price, Ill.	Vanik
Long, Md.	Price, Tex.	Veysey
Lujan	Pucinski	Vigorito
McClory	Purcell	Waldie
McClure	Quillen	Wampler
McCollister	Randall	Ware
McCormack	Rangel	Whalen
McCulloch	Rees	Whalley
McDade	Reid	White
McDonald, Mich.	Reuss	Whitten
McEwen	Rhodes	Widnall
McFall	Roberts	Williams
McKay	Rodino	Wilson, Bob
McKevitt	Roe	Wilson,
McKinney	Rogers	Charles H.
McMillan	Roncalio	Winn
Madden	Rooney, N.Y.	Wolff
Mahon	Rooney, Pa.	Wright
Mailliard	Rosenthal	Wydler
Mallary	Rostenkowski	Wylie
Mann	Roush	Wyman
Martin	Roybal	Yates
Mathias, Calif.	Runnels	Yatron
Mathis, Ga.	Ruth	Young, Fla.
Matsunaga	Ryan	Young, Tex.
Mayne	St Germain	Zablocki
	Sandman	Zion

NAYS—23

Archer	Devine	Rousselot
Ashbrook	Flynt	Satterfield
Blackburn	Goodling	Schmitz
Camp	Gross	Steiger, Ariz.
Clawson, Del	Hall	Teague, Calif.
Collins, Tex.	Michel	Waggonner
Colmer	Rarick	Wiggins
Dennis	Robinson, Va.	

NOT VOTING—58

Alexander	Dowdy	Mills, Md.
Anderson, Tenn.	Downing	O'Konski
Ashley	Dwyer	Pelly
Aspinall	Eckhardt	Poage
Badillo	Edmondson	Pryor, Ark.
Bell	Edwards, La.	Quie
Biaggi	Evans, Colo.	Railsback
Blanton	Forsythe	Riegle
Blatnik	Gibbons	Robison, N.Y.
Brown, Mich.	Green, Oreg.	Roy
Byrnes, Wis.	Hansen, Wash.	Ruppe
Cabell	Harsha	Spence
Carter	Hawkins	Springer
Chisholm	Helstoski	Stanton,
Clay	Kuykendall	J. William
Corman	Landgrebe	Stubblefield
Crane	Lennon	Whitehurst
Davis, S.C.	McCloskey	Wyatt
Davis, Wis.	Macdonald, Mass.	Zwach
Dellums	Melcher	

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. Stubblefield with Mr. Landgrebe.
Mr. Blatnik with Mr. Harsha.
Mr. Macdonald of Massachusetts with Mr. Forsythe.
Mr. Roy with Mr. McCloskey.
Mr. Evans of Colorado with Mr. Bell.
Mr. Blanton with Mr. Carter.
Mr. Biaggi with Mr. Quie.
Mr. Ashley with Mr. Brown of Michigan.
Mr. Helstoski with Mr. Clay.
Mr. Corman with Mrs. Chisholm.
Mr. Downing with Mr. Mills of Maryland.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Pryor of Arkansas with Mr. O'Konski.
Mrs. Hansen of Washington with Mr. Pelly.
Mr. Alexander with Mr. Crane.
Mr. Aspinall with Mr. Byrnes of Wisconsin.
Mr. Lennon with Mr. Kuykendall.
Mr. Melcher with Mr. Davis of Wisconsin.
Mr. Eckhardt with Mr. Hawkins.
Mr. Anderson of Tennessee with Mr. Railsback.
Mr. Badillo with Mr. Riegle.
Mr. Cabell with Mr. Robison of New York.
Mr. Gibbons with Mr. Dellums.
Mr. Davis of South Carolina with Mr. Spence.
Mr. Dowdy with Mr. Springer.
Mr. Edmondson with Mr. Ruppe.
Mr. J. William Stanton with Mr. Whitehurst.
Mr. Wyatt with Mr. Zwach.

Mr. THOMPSON of Georgia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 748, U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, GONZALEZ, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

APPOINTMENT OF CONFEREES ON S. 749, AUTHORIZING U.S. CONTRIBUTIONS TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, GONZALEZ, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

APPOINTMENT OF CONFEREES ON S. 2010, PROVIDING INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2010) to provide for increased participation by the United States in the International Development Association, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, GONZALEZ, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

EXTENDING DATE FOR TRANSMISSION TO CONGRESS OF JOINT ECONOMIC COMMITTEE REPORT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 196) extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 196

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee", approved December 22, 1971 (Public Law 92-216; 85 Stat. 778), is amended by striking out "March 10, 1972" and by inserting in lieu thereof "March 28, 1972".

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.

TINICUM NATIONAL ENVIRONMENTAL CENTER

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7088) to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation from imminent destruction, the last remaining true tidal marshland in the Commonwealth of Pennsylvania, with its highly significant ecological features, including prime habitat for many species of wildlife, and a feeding and resting place for migratory wildfowl, the Secretary of the Interior is authorized and directed to establish the Tinicum National Environmental Center and administer same as a unit of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee).

SEC. 2. In fulfillment of the purposes of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands in the vicinity, or otherwise, such lands or interests therein, or other property in the counties of Delaware and Philadelphia, Commonwealth of Pennsylvania, as he may deem necessary for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh. The area to be acquired for the foregoing purposes shall not exceed 1200 acres: *Provided, however,* That said limitation shall not preclude such boundary adjustments as may be deemed necessary for effective administration of the Tinicum National Environmental Center. Lands of interests therein, title to which is held by the Commonwealth of Pennsylvania or a political subdivision thereof, may be acquired only by donation. A description by metes and bounds of the proposed Tinicum National Environmental Center shall be published in the Federal Register, and a scale drawing thereof shall be available in the Office of the Secretary, and such other place or places in the immediate vicinity of the proposed center as will afford all interested parties easy access to information respecting the proposed center.

The area to be acquired will be generally bounded on the west by Wanamaker Avenue, on the south by Interstate Highway I–95, on the east by the easterly edge of the Tinicum Wildlife Preserve and the lands owned by the United States Department of the Interior and the United States Army Corps of Engineers, and on the north by the developed areas and parklands of Darby Township, Folcroft, Norwood, and Prospect Park Borough, exclusive of the portion of marshland which has been filled by the Folcroft Landfill Corporation.

SEC. 3. The Secretary shall construct, administer, and maintain at an appropriate site within the Tinicum National Environmental Center hereby authorized a wildlife interpretative center for the purpose of promoting environmental education, and to afford visitors an opportunity for the study of wildlife in its natural habitat.

SEC. 4. Nothwithstanding any other provision of law, any Federal property located within any of the areas described under the provisions of the second section of this Act may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of the Act.

SEC. 5. The Secretary of the Interior may enter into cooperative agreements with the Commonwealth of Pennsylvania, political subdivisions thereof, corporations, associations, or individuals to carry out the provisions of the Act.

SEC. 6. There are hereby authorized to be appropriated $2,250,000 to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 7088 is to preserve the last true tidal marshland in the Commonwealth of Pennsylvania.

This valuable marshland is located just west of the International Airport at the southwest edge of the city of Philadelphia. It is known as Tinicum Marsh.

Mr. Speaker, Tinicum Marsh originally consisted of approximately 6,000 acres. Since World War I, more than 5,000 acres of this tidal wetland have been deeply covered with fill to construct railroads, highways, boatyards, the International Airport, disposed sites, and residential and industrial sites.

As of today, the remaining original pristine tidal marsh consist of only about 200 acres.

Mr. Speaker, in achieving the purpose of this legislation to preserve from destruction, the last remaining true tidal marshland in the Commonwealth of Pennsylvania, briefly explained, section 1 of the bill would authorize and direct the Secretary of the Interior to establish the Tinicum National Environmental Center. The center would be administered as a part of the national wildlife refuge system.

Section 2 of the bill would direct the Secretary to acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands within the vicinity, such lands as may be necessary in the counties of Delaware and Philadelphia for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh. The size of the refuge would be limited to 1,200 acres, however, the Secretary would be authorized to make boundary adjustments whenever he deemed it advisable to do so.

Lands or interests therein owned by the Commonwealth of Pennsylvania or any political subdivision thereof could be acquired by the Secretary for inclusion within the refuge by donation only.

Section 2 of the bill would also describe in detail the area within which the refuge could be established.

Section 3 of the bill would require the Secretary to construct, administer, and maintain at an appropriate site within the refuge a wildlife interpretative center, to be used for environmental education purposes and to afford visitors an opportunity to study wildlife in its natural habitat.

Section 4 of the bill would authorize the transfer of any Federal property within the desired area, without consideration, provided it is with the concurrence of the head of the agency having custody of the property.

Section 5 of the bill would authorize the Secretary to enter into cooperative agreements with the Commonwealth of Pennsylvania and any political subdivision thereof, corporations, and associations or individuals in order to more effectively carry out the provisions of this legislation.

Section 6 of the bill would authorize to be appropriated $2,250,000 in order to carry out the provisions of the legislation.

Mr. Speaker, all witnesses testifying at the committee hearings were in strong support of this legislation. In addition, the committee received numerous resolutions from various clubs, societies, associations, and guilds in the Tinicum area in strong support of this legislation. Testimony produced at the hearings indicated that the city of Philadelphia, Delaware and Philadelphia counties, the Commonwealth of Pennsylvania and all Federal and State agencies concerned were fully cooperating in an effort to preserve and maintain this valuable remaining marshland.

Mr. Speaker, H.R. 7088 was unanimously ordered reported by the Merchant Marine and Fisheries Committee and I urge its prompt passage.

We received, during our consideration of the bill, the testimony of a number of our colleagues, including our good friend from Pennsylvania, Mr. WILLIAMS, who is one of the sponsors of the bill—indeed, the principal sponsor—and our good friend from Pennsylvania, Mr. GREEN, who has joined in support of this legislation and who testified in support of it. Practically the entire membership of the congressional delegation from Philadelphia appeared in support. The gentleman from Pennsylvania (Mr. BARRET) was most interested. Our friend from New Jersey, Mr. FORSYTHE, a member of the committee, was also most interested in it.

At this time I make a series of unanimous-consent requests.

(Mr. GARMATZ (at the request of Mr. DINGELL), was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GARMATZ. Mr. Speaker, I rise and join my colleagues in urging the passage of H.R. 7088.

Basically, H.R. 7088 is designed to authorize the Secretary of the Interior to assist in the preservation of the last true remaining tidal marshland in the Commonwealth of Pennsylvania, by establishing the Tinicum National Environmental Center.

Mr. Speaker, it is urgent that this refuge be established at the earliest possible date, because the valuable marshland to be included in this refuge is rapidly being diverted to other uses. In fact, out of the approximately 6,000 acres originally contained in Tinicum Marsh, only 200 acres of this marshland remain.

Mr. Speaker, this marshland serves as habitat for at least 119 kinds of waterfowl and shore birds and 177 species of land birds. It also serves as a valuable resting and feeding ground for tens of thousands of migratory waterfowl in the Atlantic Flyway, and for this reason alone, it should be preserved.

Mr. Speaker, H.R. 7088 was unanimously ordered reported by my Committee on Merchant Marine and Fisheries and I urge its prompt passage.

(Mr. FORSYTHE (at the request of Mr. DINGELL) was given permission to

revise and extend his remarks at this point in the RECORD.)

Mr. FORSYTHE. Mr. Speaker, I want to express my enthusiastic support for H.R. 7088, a bill that is designed to preserve the last remaining marshland in Pennsylvania.

The tip of this sanctuary for wildlife is actually in the city of Philadelphia, within sight of the busy Philadelphia International Airport, near oil refineries, large industries, and a proposed site for the Bicentennial Exposition.

There are approximately 5 million people living within a 12-mile radius of the Tinicum Marsh, now a refuge for wildlife, a major stopping and feeding place for migratory wildfowl, and a place rare in this sprawling metropolitan area where people can observe nature.

Under the bill, the 1,200 acres of the Tinicum Marsh will be acquired and preserved by the Interior Department as the Tinicum Environmental Center.

The legislation authorizes $2 million for the purchase of the privately owned portions of the marsh. Unless this property is quickly acquired, it will be developed as the suburban sprawl continues, and the Tinicum Marsh will be destroyed.

We New Jerseyans, living in the most densely populated State in the Nation, know well the value of nature areas such as this.

I would like to strongly urge my colleagues to support H.R. 7088. As the New York-Washington corridor continues to grow in population, it is essential that natural areas like the Tinicum Marsh are preserved.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

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

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

Mr. HALL. I appreciate the gentleman from Michigan yielding, and I appreciate his statement. I think I can understand why all the gentlemen from Pennsylvania would appear and testify as they have, and I certainly can understand the gentleman's interest in wildlife preservation. I do understand that this is one of the resting places that has been befouled by man in his own effort to survive on earth, as ill-begotten as that sometime may be. But in view of the fact that most of the contamination comes from the airport authority and/or the city of Philadelphia land-fill operation, and the county of Delaware in particular according to the committee report; I wonder why they cannot in part be honorbound and beholden to "pick up the check" for this, instead of asking the Federal Government and taxpayers to do so.

Mr. DINGELL. I shall yield to my good friend from Pennsylvania in a moment, but I wish to reply to the question of the gentleman from Missouri. First, I should like to point out that we are handling pollution matters in other ways. But we are trying to acquire this land so that it cannot be dredged, filled, or further befouled, and also to save precious marshland, the only remaining marshland in the area.

Mr. HALL. The report itself states they—the city, authorities, and county—have already done this, is that not correct?

Mr. DINGELL. The function of the legislation is to protect the marshland area from pollution. The principal purpose is to place the marsh in public ownership so that it can be enjoyed by all the people.

I believe my good friend and colleague, sponsor of the bill, Mr. WILLIAMS, of Pennsylvania, has some comments that he would like to make. I yield to him.

Mr. WILLIAMS. Mr. Speaker, I would like to say to my distinguished colleague from Missouri that within the last year and a half one sewer authority has spent over $5 million in improvements to their operation.

Another sewer authority has the plans to double its capacity and go from a secondary treatment facility to a tertiary treatment facility with onsite sludge burning facilities with the ultimate in air pollution control. In addition to that, the plans for the regional treatment plant in Philadelphia, the Philadelphia southwest plant, are being prepared so that this plant will be upgraded and expanded at a cost close to $300,000 or $400,000 by 1975. This has all been done within the past few years.

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

Mr. DINGELL. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I rise in support of this bill. As the original legislative sponsor of the concept of saving Tinicum Marsh, I am delighted that this committee has acted. Gathering support for this concept was difficult. A full year passed before many who support the concept were willing to join in this effort.

Today that old opposition is behind us and we in the Philadelphia area are united behind this bill even though it is not as comprehensive as the original bill I introduced.

No small measure of credit must go to the editorial staff and board of the Philadelphia Evening Bulletin whose untiring and forceful prodding did so much to expand support for the preservation of Pennsylvania's last tidal marsh, Tinicum.

The thanks of the people of Philadelphia and the surrounding area and indeed those people of the country who wish to reverse the trend of urban ugliness should go to Representative DINGELL, of Michigan, chairman of the Fisheries and Wildlife Subcommittee, who demonstrated interest in this bill as if it were in his background, not ours.

I personally wish to thank you, Mr. Chairman, for your assistance in this matter. I hope this bill passes and the Senate acts quickly.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. KEITH. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in support of H.R. 7088. It will establish the Tinicum National Environmental Center in the counties of Delaware and Philadelphia in the Commonwealth of Pennsylvania.

The Tinicum Marsh is located in a high-density population area just a few miles from the center of the city of Philadelphia, and is close to the major urban centers of the northeast corridor. It is the last remaining true tidal marshland in Pennsylvania, is a prime habitat for many species of wildlife, and a feeding and resting place for migratory wildfowl. Reports from the Environmental Protection Agency's Middle Atlantic Regional Office in Philadelphia confirm the unique ecological characteristics of this area.

H.R. 7088 would authorize and direct the Secretary of the Interior to establish and administer the Tinicum National Environmental Center, acquiring for that purpose such lands or other property in the counties of Delaware and Philadelphia up to 1,200 acres as he deems necessary to preserve, restore, and develop the natural area known as Tinicum Marsh. The boundaries of the proposed area are defined to include lands presently owned by the Army Corps of Engineers, and the bill would authorize the transfer of any Federal land within the boundaries to the Secretary of the Interior without consideration.

Much of the Tinicum marshland is in private ownership, and I understand from the sponsor of this bill (Mr. WILLIAMS of Pennsylvania), that a regional director of the Bureau of Sport Fisheries and Wildlife, and others have met with the owners and have every reason to expect their full cooperation in acquiring these lands. The sum of $2,250,000 would be authorized to carry out the purposes of this legislation.

Several years ago, the Smithsonian Institution established its Chesapeake Bay Center for Environmental Studies on the western shore of the Chesapeake Bay just south of Annapolis comprising some 1,500 acres of land which include a wide selection of ecosystems. The purposes of that center are similar to those envisioned for the Tinicum Environmental Center. Located near a large city—in that case, Baltimore—and surrounded by a growing suburban population, this center provides an excellent site for studying the effects of increasing density and urban development on the natural environment. It is hoped that these studies, in addition to warning of dangers of various forms of pollution, also will help resolve some of the problems. Few areas of the country today need such a Center as much as the Philadelphia area.

Tinicum Marsh was originally a part of the Tennakon-Minquas Island marshes that occupied 5,700 acres at the time of first settlement in 1643. Since the advent of World War I, more than 5,000 acres of tidal wetlands have been deeply covered with fill to construct railroads, highways, boatyards, the Philadelphia International Airport, and residential and industrial sites, and for trash disposal. In 1968, the last tidal wetland in the State of Pennsylvania had been reduced to only 523 acres. Although vastly reduced from its original expanse, Tinicum remains a vital link in the Atlantic flyway for important numbers of waterfowl, shorebirds, and wading birds. Scientists have analyzed and confirmed its high usefulness as a purifier of polluted water, as a nursery for a variety of aquatic organisms, as a nutrient base for the fisheries of the Delaware Estuary, and as a catch-

ment basin for the flood waters of Darby Creek—far more economical and efficient than any man-made reservoir.

During the disastrous floods of the Chester Creek near this section of Delaware County last fall, many areas suffered heavy damage as a result of Hurricane Doria and associated storms with thousands of people being driven from their homes and untold financial loss in both residential and business sections of the surrounding communities. However, Tinicum Marsh is a flood plain and serves as a great regulator of floods. Darby Creek which runs through Tinicum Marsh had minimal flooding conditions during recent very heavy rains, yet Chester Creek only several miles to the west had a flooding disaster. Should Tinicum Marsh be filled for development, its flood storage volume would be decimated.

The potential of the area to be set aside under this bill in its value as a recreational area can best be judged by the success of the Tinicum Wildlife Preserve, a part of the area designated for preservation in H.R. 7088. Without any active promotion by the city of Philadelphia, the number of visitors to the preserve has reached 46,000 annually. The city has not had the funds to improve the access roads to the preserve, or to provide for accommodation of a large number of visitors. It has been left, therefore, entirely to the interested individual citizen to seek out the preserve. If funds were available to administer the preserve adequately, it is hard to guess what the annual visitation might be.

Unfortunately, as with many of the urban areas today, the Tinicum Marsh is now beginning to feel the effects of the degradation of the environment around it. For this reason, it is necessary to act and act as quickly as possible in order to preserve this area and the tremendous amount of wildlife it serves. The quality of the water in Tinicum Marsh has been degraded to the point that much of the wildlife in the area is now seriously threatened. This legislation would provide an adequate vehicle for preserving, restoring, and developing this unique natural area. In addition, it would provide the inhabitants of one of the largest cities in the country with a nature preserve practically within a stone's throw from the city line. I, therefore, urge my colleagues' favorable consideration of this bill and their vote for the passage of H.R. 7088.

Mr. Speaker, in order that the bill may be more fully explained by its chief sponsor, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WILLIAMS).

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

Mr. WILLIAMS. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I associate myself with the remarks the gentleman from Pennsylvania made prior to taking the well.

Mr. Speaker, I rise in support of H.R. 7088, to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania. The area known as Tinicum Marsh is the last remaining marshland in Pennsylvania and is under the serious threat of extinction. The area has long been a wildlife refuge, undoubtedly longer than recorded history.

The encompassed acreage includes almost 300 acres which has been set aside in southwest Philadelphia as a waterfowl and wildlife refuge. More than 250 species of birds have been observed. Ducks, geese, and other water birds are in abundance during spring and fall. It attracts herons, egrets, and other marsh birds in summer.

The bill would authorize the Secretary of the Interior to acquire as much as 1,200 acres for establishment of the environmental center. At the time of the first settlement in 1643, Tinicum Marsh was a part of the Tennakon-Minquest Island marshes that occupied 5,700 acres. Since World War I more than 5,000 acres of tidal wetlands have been converted to man's use. By 1968, the last tidal wetland in the Commonwealth had been reduced to 523 acres.

The preservation of the marsh has the support of virtually every citizen and organization in the area, as well as the local governments. Even those private landowners have expressed their willingness to cooperate.

As pointed out in the committee report, time is of the essence in this situation and immediate action must be taken to protect the last few remaining acres of tidal marshland in Tinicum Marsh.

Mr. Speaker, I most strongly urge that this measure receive the full support of the Members of the House.

Mr. WILLIAMS. Mr. Speaker, H.R. 7088 is a bill that is important, not only to the people of my congressional district, but to a vast segment of the American public. In this bill we are attempting to preserve and protect the Tinicum Marsh for future generations.

Tinicum Marsh is located in the center of the Eastern Megapolis which stretches from Boston to Virginia. It is a vital sanctuary for waterfowl along the Atlantic flyway, but it is also within easy reach of a great portion of the population of this country. It is 6 miles from Philadelphia's City Hall, less than 10 miles from Camden, within 95 miles of New York and Baltimore, and 130 miles of Washington and New Haven. In fact, there are approximately 5 million people living within a 12-mile radius of the Tinicum Marsh. The tip of the marsh is located in Philadelphia, with the balance of Delaware County, Pennsylvania. The Tinicum region is at the southwest edge of the city of Philadelphia, just to the west of the International Airport.

What we are attempting to save in this bill is the last 1,200 acres of marsh, from an original area of almost 6,000 acres. Marshlands have been filled in to meet man's needs, and now there is almost none left to meet nature's needs. Tinicum is the last remaining tidal marshland in Pennsylvania, and deserves to be saved while there is still time.

In 1968 the Conservation Foundation of Washington, D.C., cited Tinicum Marsh as a classic example of prime urban open space threatened by numerous developmental pressures, under a Ford Foundation grant a complete study was done of the marsh.

That study showed that the marsh is a prime resting and feeding place for tens of thousands of migratory waterfowl and shorebirds. Almost 300 different species of birds are found in the marsh area. It is, indeed, a stirring sight to see flocks of Canada geese, mallard, black, and pintail ducks and blue wing teal coming in to land on the marsh. I would add, that it is a sight we must act to preserve for generations yet unborn.

Years of enroachment and neglect have taken their toll on Tinicum. The blight of pollution has been deeply felt. But, I assure you that Tinicum can be saved. Despite the fact that 6,000 acres of tidal marshland which supported its own major ecosystem and balanced the ecology has been reduced to only 1,200 we can still preserve the remainder if we act now.

The Tinicum National Environmental Center will encompass the remaining 1,200 acres of pristine tidal marsh and save them for posterity. The Tinicum Marsh contains large stands of wild rice and other vegetation on which the migratory wildfowl feed.

A preserved Tinicum will serve as a vital resting and feeding place for waterfowl, and as a place for man to study nature and the environment. But, the value of Tinicum does not stop there.

Studies made of the marsh have shown that it is of incalculable value in flood control. Just last fall our area was hit by major flooding which did great damage. The area surrounding Darby Creek, which flows into Tinicum Marsh, was little touched by this flood. Tinicum is so receptive and capable of holding great amounts of water that the floodwaters caused only an insignificant increase in the water level.

Should Tinicum not be saved, but rather filled in and developed, surrounding communities would be in danger from flooding in future storms.

The value of saving Tinicum Marsh is well known to many, and the cost is low in comparison. H.R. 7088 authorizes $2¼ million for the purchase of the privately owned portions of Tinicum Marsh. Unless the land is promptly acquired, it will undoubtedly be developed and Tinicum will be lost forever.

This property is an amazing piece of real estate in that it is located close to an industrial area, and on the very edge of the largest city in the State. The marsh itself is a prime habitat for many species of wildlife and a feeding and resting area for huge numbers of waterfowl. It is a rare thing to find such an area as this in this close proximity to a dense human population center. The area, if properly preserved can serve not only as a preserve for wildlife, but as a unique environmental study area easily accessible to many.

This bill, H.R. 7088, is cosponsored by almost every Pennsylvania Congressman, and, also, by Congressman JOHN HUNT, whose New Jersey district is directly across the Delaware River from the area which includes the Tinicum Marsh. We have the support of a number of important ecology and nature or-

ganizations in our efforts to save Tinicum. The Sierra Club, the Audubon Society, the National Wildlife Federation, the National Parks and Conservation Association, and the Ecological Society of America, the only society of professional ecologists, all join us in urging passage of this bill.

In conclusion let me say that passage of the bill would be a significant step to preserve, restore, and maintain the Tinicum Marsh as the Tinicum National Environmental Center. The National Wildlife Refuge System administration of U.S. Department of the Interior will operate the center as a part of their system. The center will serve as a refuge for wildlife, a stopping and feeding place for migratory waterfowl, and a place where people can observe nature and enjoy recreational activities. We will, thus, be preserving Pennsylvania's last remaining true tidal marshland with its rich ecological values for the future to also enjoy.

I have been notified by Mr. William Gifford at 3:07 p.m. today that the OMB has no objection to this bill and the report submitted on this bill originally by the Department of the Interior was highly favorable.

However, this favorable Department of the Interior report was not presented to the committee when the OMB originally objected.

I urge my colleagues to favorably consider this bill.

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

DEAR MR. CHAIRMAN: We respond to your request for comment on H.R. 7088, a bill "To provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes".

To assure the preservation of this natural tidal marsh at the city limits of Philadelphia, we recommend enactment of H.R. 7088 with the amendments suggested herein.

H.R. 7088 would direct the Secretary of the Interior to acquire by donation, purchase or exchange not to exceed 1,200 acres of the natural area known as Tinicum Marsh, in Delaware and Philadelphia Counties, Pennsylvania. The lands and interests in lands so acquired would be administered by the Secretary as the Tinicum Environmental Center for the purpose of preserving, restoring and developing its natural values. The Secretary would be authorized by section 4 to acquire administrative jurisdiction of Federal property within the Environmental Center, if such transfer is approved by the custodial agency, and by section 5 to enter into cooperative agreements with the Commonwealth of Pennsylvania or its political subdivisions, private organizations, and individuals. Section 6 would authorize the appropriation of $4 million to carry out the purposes of this legislation.

Local interests have long sought protection for those portions of the Tinicum Marsh which remain unspoiled by the rapid pace of urban development. From its natural state as a thriving component of the Delaware River estuary, Tinicum Marsh and its indigenous wildlife have been brought to the brink of total destruction. Land fill for commercial and residential development, waste disposal and highway construction have all contributed to its diminution. Despite these encroachments, however, the Tinicum Marsh constitutes an area of wildlife habitat imminently worthy of preservation. At its eastern end, the City of Philadelphia administers a 250-acre Tinicum Wildlife Preserve. One hundred-nineteen species of waterfowl and shorebirds, 177 species of land birds, and many small mammals, including mink, muskrat, river otter and fox, have been known to inhabit the Preserve. Although the Preserve attracts nearly 40,000 visitors a year, its recreation potential has not been well-developed.

The threat to ecological values of the marsh prompted establishment last year of the Tinicum Ad Hoc Committee, composed of representatives from our Bureau of Sport Fisheries and Wildlife, the Bureau of Outdoor Recreation, and the National Park Service, in addition to a spokesman for area conservationists. In its report of July 26, 1970, "Tinicum Marsh Preservation: A Proposal", the Committee urged immediate Federal action "to provide a sanctuary for wildlife, a center for environmental education and outdoor recreation for people". Because of its proximity to a metropolitan population of nearly 5 million, the Committee's report stated that:

"Tinicum's greatest asset is its potential for an urban wildlife habitat area of national significance—an enviromnental center where man could come to know better the natural world of which he is a part. It offers an opportunity for a new design which harmonizes the needs of wild creaturess and man, the hope of a fuller life for urban dwellers."

H.R. 7088 conforms to the Committee's recommendation that there be established a Federal environmental center at Tinicum Marsh. We propose that the Center be administered through the Bureau of Sport Fisheries and Wildlife as a unit of the National Wildlife Refuge System, and that there be constructed a visitor center and interpretative facility to provide a meaningful experience for some 400,000 visitors annually. Plans for wildlife-oriented recreation include a system of nature trails, bicycle, paths, and a canoe concession. Picnic-lunch facilities and benches would be located at appropriate places along the hiking trails. The interpretive center would afford to individual visitors and groups of students a unique opportunity for environmental education. In short, enactment of H.R. 7088 would protect the residual Tinicum Marsh from further encroachment, provide a natural ecological area for the enjoyment of urban dwellers and contribute to recreation in the Middle Atlantic region.

The amendments we suggest would authorize administration of the Tinicum Environmental Center as a unit of the National Wildlife Refuge System and provide specifically for establishment of a wildlife interpretive center. We estimate the current cost of acquiring privately held interests in land at $4 million, with an additional $1 million required for development, including construction of the interpretive center. The authorization contained in section 6. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

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

Mr. WILLIAMS. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I am happy to cosponsor this bill with the gentleman from Pennsylvania, that is H.R. 7088. I remember the Tinicum Marsh since its past heyday. It is one of the great resting places for the migratory fowl on the eastern flyway. Today it is one of our few remaining resting places for the migratory wildfowl in that area. We are now bounded on one side by a new highway, I–95. If we continue to take away from this marsh, from this marvelous sanctuary, there will be no place for the migratory fowl to come in and rest, and no place in the area for people to observe wildfowl.

In addition to that, this is one of the few large remaining reservoir basins for rainwater, because of the considerable drop in the altitude from the immediate inland sector to the river. The rainwaters will collect here.

We are at that point directly over the Brandywine and Raritan stratas, which replenishes most of the water in this area.

There is so much to be said for this bill that one could not say it at one time. I strongly support the issue. It is of great importance to us.

I congratulate the gentleman from Pennsylvania and the members of the committee for bringing this to the attention of the House. I urge your support.

Mr. WILLIAMS. I thank the gentleman. I concur thoroughly with his statements.

Mr. KEITH. Mr. Speaker, I have no further requests for time.

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

Mr. KEITH. I yield to the gentleman from Iowa.

Mr. GROSS. This, as I understand it, provides $4 million for the purchase of 1,200 acres of swamp?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the figure is $2,250,000.

Mr. KEITH. I believe the amount suggested is about double what is called for in the bill before us, which is $2,250,000, not $4 million.

Mr. GROSS. The language reads:

Hereby authorized $4 million to be appropriated to carry out the provisions of this Act.

I am reading from H.R. 7088, of the date of April 1, 1971.

Mr. DINGELL. The gentleman is reading from the wrong bill.

H.R. 7088, as reported by the committee, on page 4, section 6, line 16, reads as follows:

There are hereby authorized to be appropriated $2,250,000 to carry out the provisions of this Act.

The committee very carefully went into the cost and held it to the bare minimum.

Mr. GROSS. That still makes the swamp cost about $1,500 an acre.

Mr. DINGELL. I would be glad to point out to my good friend from Iowa that this swamp will produce more protein per acre than the best Iowa corn land. It is a good buy.

Mr. GROSS. More protein for what?

Mr. DINGELL. Food for human beings. It happens to be right in the middle of Philadelphia, where it can be enjoyed by the people.

Mr. GROSS. What do they grow in a swamp in New Jersey?

Mr. DINGELL. Almost every one of our marine fish species is dependent upon the coastal and tidal marshes. That is a most important asset.

Mr. GROSS. But, if the gentleman will yield further, this means the Postal Service must have made a big mistake by going into that swamp near Secaucus, N.J., with a mammoth bulk-mail facility, because that will deprive the ducks of food.

Mr. DINGELL. The gentleman is correct on that point. As a matter of fact, I understand they will not be able to operate that facility now.

Mr. GROSS. Is there anything else that is proposed to be purchased through this method, and is this swamp also full of methane gas?

Mr. DINGELL. If the gentleman from Iowa will introduce legislation of this kind, with regard to this particular matter he is discussing, I can assure the gentleman we will consider it.

Mr. GROSS. That is not the question.

Mr. DINGELL. I cannot give the gentleman an answer to new legislation which will be considered at some time in the future.

The committee tried to set aside a very important natural resource for future generations. Everybody in the area is for it, and I certainly hope my friend from Iowa, who is a fair-minded man, would join the entire Pennsylvania delegation in support of this bill.

Mr. GROSS. Well, New Jersey seems to be involved in this, too, you know.

Mr. KEITH. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker and Members of the House, I rise in support of this legislation.

I might say to my colleague from Iowa who raised a question of cost that if you permit this to continue to be filled, it will not be worth $1,500 an acre. Certain of the land that has been filled has been sold for $20,000 an acre, and the people who bought it thought they were getting a bargain, very frankly, because of the nature of it, we are fortunate in being able to get this tract of land at the price for which they have taken an option on it at the present time.

Mr. GROSS. Will the gentleman yield further?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. GROSS. I do not know how fortunate the Postal Service was in getting that site in New Jersey, because they have to pump the human effluent out of that huge bulk mailing center of more than 1 million square feet. They will have to pump that out over the roof because they cannot dispose of it through the bottom of the building.

Mr. SAYLOR. One of the nice things, I might say to my colleague from Iowa, is we are not going to build a bulk mail plant in this area and we will not be bothered with those problems here.

Mr. CONTE. Mr. Speaker, I rise to express my unqualified support of H.R. 7088, which would preserve the last, true tidal marshland in the State of Pennsylvania. In my years of service on the migratory bird conservation commission, I have become well acquainted with the necessity of preserving the Nation's remaining wetland areas to protect our migratory waterfowl. To accommodate their needs, we must act with dispatch to preserve sufficient acreage to provide essential breeding, feeding, resting, and wintering areas.

Establishment of the Tinicum National Environmental Center, as authorized under this bill, would help meet this need. Studies of the area have shown that it is a classic example of desirable property that must be protected from the further destructive aims of urban developers. Tens of thousands of migratory waterfowl use the Tinicum marshes to rest and feed. And, as the committee report indicates, at least 119 kinds of waterfowl and shore birds and 177 species of land birds have been sighted at Tinicum.

My long standing concern for the protection of this area has been reflected in questions I have raised during Transportation Appropriations Subcommittee hearings. Original plans for the construction of Interstate Highway I–95 in this area had it pointed like a knife through the preserve. However, I have since been informed that a satisfactory solution as to the design and location of the highway has been reached among the Department of the Interior, the State of Pennsylvania, and wildlife interests. I intend to keep close tabs on this situation.

Meanwhile passage of the legislation currently under consideration is vital if we are to preserve and reclaim these marshlands. The cooperation of the State and of private owners of the desired lands has been assured. Let us show our good faith by committing the Interior Department to this most important project.

Thank you, Mr. Speaker.

GENERAL LEAVE

Mr. DINGELL. 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.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 7088, 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 361, nays 8, not voting 62, as follows:

[Roll No. 28]

YEAS—361

Abbitt	Baker	Bolling
Abernethy	Baring	Bow
Abourezk	Barrett	Brademas
Abzug	Begich	Brasco
Adams	Belcher	Bray
Addabbo	Bennett	Brooks
Anderson, Calif.	Bergland	Broomfield
	Betts	Brotzman
Anderson, Ill.	Bevill	Brown, Ohio
Andrews	Biester	Broyhill, N.C.
Annunzio	Bingham	Broyhill, Va.
Archer	Blackburn	Buchanan
Arends	Boggs	Burke, Fla.
Aspin	Boland	Burke, Mass.
Burleson, Tex.	Hathaway	Peyser
Burlison, Mo.	Hays	Pickle
Burton	Hébert	Pike
Byrne, Pa.	Hechler, W. Va.	Pirnie
Byron	Heckler, Mass.	Podell
Caffery	Heinz	Poff
Camp	Henderson	Powell
Carey, N.Y.	Hicks, Mass.	Preyer, N.C.
Carney	Hicks, Wash.	Price, Ill.
Casey, Tex.	Hillis	Price, Tex.
Cederberg	Hogan	Pucinski
Celler	Holifield	Purcell
Chamberlain	Horton	Quillen
Chappell	Hosmer	Randall
Clancy	Howard	Rangel
Clark	Hull	Rees
Clausen, Don H.	Hungate	Reid
	Hunt	Reuss
Clawson, Del	Hutchinson	Rhodes
Cleveland	Ichord	Riegle
Collier	Jacobs	Roberts
Collins, Ill.	Jarman	Robinson, Va.
Collins, Tex.	Johnson, Calif.	Rodino
Conable	Johnson, Pa.	Roe
Conte	Jonas	Rogers
Conyers	Jones, Ala.	Roncalio
Cotter	Jones, N.C.	Rooney, N.Y.
Coughlin	Jones, Tenn.	Rooney, Pa.
Culver	Karth	Rosenthal
Curlin	Kastenmeier	Rostenkowski
Daniel, Va.	Kazen	Roush
Daniels, N.J.	Keating	Roybal
Danielson	Kee	Runnels
de la Garza	Keith	Ruth
Delaney	Kemp	Ryan
Dellenback	King	St Germain
Denholm	Kluczynski	Sandman
Dennis	Koch	Sarbanes
Dent	Kyl	Satterfield
Derwinski	Kyros	Saylor
Devine	Landrum	Scheuer
Dickinson	Latta	Schneebeli
Diggs	Leggett	Schwengel
Dingell	Lent	Scott
Donohue	Link	Sebelius
Dorn	Lloyd	Seiberling
Dow	Long, La.	Shipley
Dowdy	Long, Md.	Shoup
Drinan	Lujan	Shriver
Dulski	McClory	Sikes
Duncan	McClure	Sisk
du Pont	McCollister	Skubitz
Edwards, Ala.	McCormack	Slack
Edwards, Calif.	McCulloch	Smith, Calif.
Eilberg	McDade	Smith, Iowa
Erlenborn	McEwen	Smith, N.Y.
Esch	McFall	Snyder
Eshleman	McKay	Springer
Evins, Tenn.	McKevitt	Staggers
Fascell	McKinney	Stanton, James V.
Findley	McMillan	
Fish	Madden	Steed
Fisher	Mahon	Steele
Flood	Mailliard	Steiger, Ariz.
Flowers	Mallary	Steiger, Wis.
Flynt	Mann	Stephens
Foley	Martin	Stokes
Ford, Gerald R.	Mathias, Calif.	Stratton
Ford, William D.	Mathis, Ga.	Stuckey
	Matsunaga	Sullivan
Fountain	Mayne	Symington
Fraser	Mazzoli	Talcott
Frenzel	Meeds	Taylor
Frey	Metcalfe	Teague, Calif.
Fulton	Michel	Teague, Tex.
Fuqua	Mikva	Terry
Galifianakis	Miller, Calif.	Thompson, Ga.
Gallagher	Mills, Ark.	Thompson, N.J.
Garmatz	Minish	Thomson, Wis.
Gaydos	Mink	Thone
Gettys	Mitchell	Tiernan
Giaimo	Mizell	Udall
Goldwater	Mollohan	Ullman
Gonzalez	Monagan	Van Deerlin
Goodling	Montgomery	Vander Jagt
Grasso	Moorhead	Vanik
Gray	Morgan	Veysey
Green, Oreg.	Morse	Vigorito
Green, Pa.	Mosher	Waggonner
Griffin	Moss	Waldie
Griffiths	Murphy, N.Y.	Wampler
Grover	Myers	Ware
Gubser	Natcher	Whalen
Gude	Nedzi	Whalley
Hagan	Nelsen	White
Haley	Nichols	Whitten
Halpern	Nix	Wiggins
Hamilton	Obey	Williams
Hammer-schmidt	O'Hara	Wilson, Bob
	O'Neill	Wilson, Charles H.
Hanley	Passman	
Hanna	Patman	Winn
Hansen, Idaho	Patten	Wolff
Harrington	Pepper	Wright
Harvey	Perkins	Wydler
Hastings	Pettis	Wylie

Wyman	Young, Fla.	Zion
Yates	Young, Tex.	
Yatron	Zablocki	

NAYS—8

Colmer	Miller, Ohio	Scherle
Gross	Rarick	Schmitz
Hall	Rousselot	

NOT VOTING—62

Alexander	Dellums	Mills, Md.
Anderson, Tenn.	Downing	Minshall
Ashbrook	Dwyer	Murphy, Ill.
Ashley	Eckhardt	O'Konski
Aspinall	Edmondson	Pelly
Badillo	Edwards, La.	Poage
Bell	Evans, Colo.	Pryor, Ark.
Biaggi	Forsythe	Quie
Blanton	Frelinghuysen	Railsback
Blatnik	Gibbons	Robison, N.Y.
Brinkley	Hansen, Wash.	Roy
Brown, Mich.	Harsha	Ruppe
Byrnes, Wis.	Hawkins	Spence
Cabell	Helstoski	Stanton, J. William
Carter	Kuykendall	Stubblefield
Chisholm	Landgrebe	Whitehurst
Clay	Lennon	Widnall
Corman	McCloskey	Wyatt
Crane	McDonald, Mich.	Zwach
Davis, Ga.	Macdonald, Mass.	
Davis, S.C.		
Davis, Wis.	Melcher	

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. Stubblefield with Mr. Harsha.
Mr. Blanton with Mr. Mills of Maryland.
Mr. Aspinall with Mr. Crane.
Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.
Mr. Cabell with Mr. Ashbrook.
Mr. Davis of Georgia with Mr. Davis of Wisconsin.
Mr. Evans of Colorado with Mr. Bell.
Mr. Pryor of Arkansas with Mr. O'Konski.
Mr. Helstoski with Mrs. Dwyer.
Mr. Ashley with Mr. Minshall.
Mr. Alexander with Mr. Carter.
Mr. Biaggi with Mr. Forsythe.
Mr. Brinkley with Mr. Brown of Michigan.
Mr. Lennon with Mr. Landgrebe.
Mrs. Chisholm with Mr. Corman.
Mr. Eckhardt with Mr. Dellums.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Blatnik with Mr. Frelinghuysen.
Mrs. Hansen of Washington with Mr. Hawkins.
Mr. Murphy of Illinois with Mr. McDonald of Michigan.
Mr. Roy with Mr. Clay.
Mr. Gibbons with Mr. McCloskey.
Mr. Downing with Mr. Pelly.
Mr. Badillo with Mr. Robison of New York.
Mr. Melcher with Mr. Quie.
Mr. Davis of South Carolina with Mr. Ruppe.
Mr. Edmondson with Mr. Railsback.
Mr. Spence with Mr. Zwach.
Mr. J. William Stanton with Mr. Wyatt.
Mr. Widnall with Mr. Whitehurst.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MURPHY of Illinois. Mr. Speaker, I was necessarily detained in responding to the rollcall on H.R. 7088, to establish the Tinicum National Environmental Center, Pa., since I was conferring with members of the Illinois Hospital Association in my office. Had I been present for the vote, I would have voted aye. I ask that the permanent RECORD so reflect this vote.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. DINGELL. Mr. Speaker, I move to suspend the roles and pass the bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge, as amended.

The clerk read as follows:

H.R. 12143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation and enhancement of highly significant wildlife habitat in the area known as south San Francisco Bay in the State of California, for the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction, and to provide an opportunity for wildlife-oriented recreation and nature study within the open space so preserved, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to establish, as herein provided, a national wildlife refuge to be known as the San Francisco Bay National Wildlife Refuge (hereinafter referred to as the "refuge").

SEC. 2. There shall be included within the boundaries of the refuge those lands, marshes, tidal flats, salt ponds, submerged lands, and open waters in the south San Francisco Bay area generally depicted on the map entitled "Boundary May, Proposed San Francisco Bay National Wildlife Refuge", dated July 1971, and which comprise approximately twenty-one thousand six hundred and sixty-two acres within four distinct units to be known as Fremont (five thousand five hundred and twenty acres), Mowry Slough (seven thousand one hundred and seventy-five acres), Alviso (three thousand and eighty acres), and Greco Island (five thousand eight hundred and eighty-seven acres). Said boundary map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 3. (a) The Secretary shall establish the refuge by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the refuge, but the total area within the boundaries shall not exceed twenty-three thousand acres of lands, marshes, tidal flats, salt ponds, submerged lands, and open waters.

(b) Prior to the establishment of the refuge and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee); except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary may acquire lands and waters or interests therein within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange: *Provided, however,* That lands, waters, and interests therein owned by the State of California or any political subdivision thereof may be acquired only by donation.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the period beginning July 1, 1972, and ending June 30, 1977, not to exceed, however, $9,000,000 for the acquisition of lands and interests therein as authorized by section 4 of this Act, and not to exceed $11,300,000 for the carrying out of the other provisions of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 12143 is to preserve and enhance wildlife habitat for the protection of migratory waterfowl and other wildlife in the south San Francisco Bay area and to provide an opportunity for wildlife oriented recreation and native study.

The need for this legislation arises from the fact that during the past 25 years it is estimated that 67 percent of the estuarine wildlife habitat in the State of California has been destroyed by dredge and fill activity. What is even more alarming is the fact that 75 percent of the habitat in San Francisco Bay itself has been reduced by 75 percent because of dredge and fill activity.

Mr. Speaker, south San Francisco Bay constitutes an ecological system that supports a rich diversity of fish and wildlife. Its marsh, mudflats, open water and salt ponds afford natural habitat to large numbers of migratory waterfowl, shore and water birds, fish and aquatic animals, including a colony of harbor seals. Nearly 70 percent of the Pacific Flyway or shore birds at some time of the year depend upon the south bay tidal flats for food and related life requirements. In addition, a number of endangered species inhabit the bay area such as the California least tern, the California clapper rail, and the salt marsh harvest mouse.

Mr. Speaker, in achieving the purposes of the legislation, briefly explained, section 1 of the bill would authorize and direct the Secretary of the Interior to take the necessary steps to establish a national wildlife refuge in the south San Francisco Bay area to be known as the San Francisco Bay National Wildlife Refuge.

Section 2 of the bill would provide for inclusion in the refuge of approximately 21,662 acres of lands consisting of marshes, tidal flats, salt ponds, submerged lands, and open waters in the south San Francisco Bay area. The refuge would encompass four distinct units, briefly described as follows:

The Fremont Unit—consisting of 5,520 acres;

The Mowry Slough Unit—consisting of 7,175 acres;

The Alviso Unit—consisting of 3,080 acres; and

The Greco Island Unit—consisting of 5,887 acres.

Section 3 of the bill would require the Secretary of the Interior to officially establish the refuge by publication of a notice in the Federal Register whenever

he determined that the lands, waters and interests therein sufficient to constitute an efficiently administrable refuge have been acquired.

The Secretary would be given authority to make corrections in the boundaries of the refuge whenever he deemed it advisable, provided the total acreage in the refuge does not exceed 23,000 acres.

In addition, section 3 of the bill would require the Secretary to administer the refuge as a part of the National Wildlife Refuge System. However, in carrying out the purposes of this legislation, the Secretary would be authorized to utilize such additional statutory authority as may be available to him and as he may deem appropriate for the conservation and management of wildlife and natural resources, and the development of outdoor and interpretative education opportunities.

Section 4 of the bill would authorize the Secretary to acquire lands and waters or interests therein within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange: provided, however, that with respect to lands and waters and interests therein owned by the State of California or any political subdivision thereof, those lands could be acquired by donation only.

Section 5 of the bill would authorize to be appropriated such sums as may be necessary to carry out the provisions of the act for the 5-year life of the program—from July 1, 1972, to June 30, 1977—provided, that not to exceed $9 million would be authorized for acquisitions and not to exceed $11.3 million for carrying out the other provisions of the act.

Mr. Speaker, H.R. 12143, has the strong support of the Secretary of the Interior, all county and municipal governments concerned, all conservation and recreational organizations in the area, the State of California, and all witnesses testifying at the hearings. In fact, Mr. Speaker, I am not aware of anyone who is opposed to this legislation.

The Merchant Marine and Fisheries Committee ordered the bill reported unanimously, and I urge its prompt passage.

Mr. Speaker, I would like to pay particular tribute to our colleagues from California who worked so hard to bring this bill to fruition and consideration.

Also, Mr. Speaker, I would like to pay tribute to our good friend, the gentleman from California (Mr. EDWARDS), who is the principal sponsor of the bill, our friend and colleague (Mr. MAILLIARD), the gentleman from California (Mr. MCCLOSKEY), the gentleman from California (Mr. LEGGETT), and the other Members from California who have joined in the sponsoring of this bill.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, it is with pleasure that I rise to support H.R. 12143 establishing the San Francisco Bay National Wildlife Refuge.

Today we are entering upon a new program of wildlife management and wetlands conservation. The bill previously considered (H.R. 7088) establishing the Tinicum National Environmental Center, together with this legislation, mark our first effort to preserve viable wildlife habitat literally at the doorstep of major metropolitan areas, Philadelphia and San Francisco.

In the past, wildlife refuge acquisition has been concentrated in relatively remote areas which have felt little impact from our industrial society. This was essential in order to insure preservation of the thousands of acres of habitat needed to sustain our migratory waterfowl along the traditional flyways.

While the preservation of wetlands, particularly breeding grounds, in more remote areas will continue unabated, we are now seizing the opportunity to preserve unique habitat areas that have survived man's encroachment—the hard core that nature has kept alive in the midst of society and in spite of land filling, intense pollution and general neglect.

Tinicum Marsh, as described previously, and south San Francisco Bay are two such unique areas where people will have the chance to observe and enjoy the phenomena of nature without traveling hundreds of miles.

More than 4 million people live within an hour's drive of the south bay refuge area. Many people will visit the refuge for its varied educational and recreational values. A careful balance between these uses and protection of wildlife values must, of course, be struck. Wildlife-oriented activities will be emphasized to enable visitors to better understand and appreciate the contributions and relationships of wildlife and wild areas to man.

Only through understanding the complex chain of life which occurs in wetland habitat can one appreciate and respect such an area. Trained guides, information centers, and a variety of exhibits will acquaint visitors with the unique features of the refuge.

Only four miles of the 276-mile bay shoreline have been set aside for public parks. This limited access prevents most people from approaching and enjoying the wildlife values of the bay. Carefully planned access routes leading to vantage points at the edge of natural marshes and salt ponds will be provided. Footpaths will encourage hiking. Some marshes will feature floating or elevated walkways. In some sloughs and channels, self-guided boat tours will be developed. Throughout the refuge, facilities will promote the unhurried study and understanding of wildlife. In essence, the San Francisco National Bay Wildlife Refuge will provide a unique outdoor classroom for environmental education with programs designed for all age groups.

The value of this refuge to man cannot be measured in dollars. Yet there is a limit to the funds which can be devoted to the preservation of such areas. The cities and counties surrounding the proposed refuge have all taken the necessary steps to freeze further zoning changes and development within the refuge lands—a vital step to hold down land values and thus insure that the sums authorized for land acquisition will be sufficient. Unfortunately, we have seen in the past rising land values eat up appropriations for park and refuge acquisition at alarming rates. The communities of the south bay area are to be commended for their concerted efforts to make this refuge a reality.

Mr. Speaker, San Francisco Bay is a unique national asset which is worthy of preservation. We must act now while there is still enough of these wetlands remaining to make the effort meaningful.

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

Mr. MAILLIARD. I yield to my colleague from California.

Mr. GUBSER. I thank the gentleman for yielding and I rise in support of this legislation.

Mr. Speaker, it is with particular pleasure that I rise today in support of H.R. 12143. On September 23, 1968, I introduced the first bill—H.R. 19946 of the 90th Congress—providing for the establishment of a national wildlife refuge in the South San Francisco Bay area. I am indeed gratified by the support for this proposal which has been evidenced since that time by hundreds of persons both in and out of Congress.

Special credit for doing some of the ground work which has brought us to this stage in the legislative process goes to Dr. Arthur L. Ogilvie, recording secretary of the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee. We have also been ably assisted by Dr. H. Thomas Harvey, who is with San Jose State College. Dr. Harvey has been honored in the past by being named Conservationist of the Year.

I would like to pay special tribute to my colleague, the Honorable DON EDWARDS, who has coordinated this legislative effort. His leadership has been in a large measure responsible for bringing this legislation before the House.

By reviewing my file on this legislation, which now measures close to a foot in thickness, it is apparent that this is one of the most timely, thoroughly planned, and widely—and enthusiastically—supported proposals I have had the pleasure of sponsoring. This citizen support, from all levels, is tremendously encouraging. It has been responsible and constructive. In my view, prompt action on this bill is vital not only because the concept of the refuge is real and urgent and right, but because Congress as an institution must be responsive to the will of the people which, as I said before, has in this instance been positively expressed and conscientiously pursued.

I am sure everyone in this Chamber is thoroughly familiar with the details and history of this proposal, which would set aside approximately 21,000 acres of tidal flats, marshlands, and sloughs so that what is left of the once abundantly flourishing wildlife there may have some chance for survival. For the record, I am including at this time a summary of the major objectives of the proposal, which follows:

1. Preservation of tidelands vital to a large percentage of the Pacific Flyway canvasback

and scaup populations and major concentrations of shore birds;

2. Protection of a few small segments of tidal marsh inhabited by California clapper rails, salt marsh harvest mice and two subspecies of song sparrow, all depleted due to habitat loss;

3. Protection of one of the few remaining harbor seal hauling grounds still existing in San Francisco Bay;

4. Perpetuation and enhancement of nesting areas for avocets, black-necked stilts, Caspian terns, great blue and black-crowned night herons, snowy and common egrets and other water and marsh birds;

5. Provision of a unique, close to home wildlife area for the enjoyment of nature enthusiasts, including areas for photography, bird watching, hiking, ecological interpretation, hunting, fishing, and other nature-oriented activities;

6. Protection of the open Bay to help fight water pollution; and

7. Protection of the open Bay and salt ponds, to help fight air pollution and to insure the even climate of the Santa Clara Valley and the South San Francisco Bay is not changed for the worse.

Each of these objectives, alone, is important. Taken together, this is a situation where the whole is greater than the sum of its parts. To one who has known the San Francisco Bay area all his life, it is truly heartbreaking to watch the effects of the relentless onslaught of ever increasing numbers of human beings on what I believe is one of the most beautiful areas in the United States. The damage has been severe. We have seen baylands filled in for more living space and raw sewage dumped into the bay's sparkling waters. Animals and birds of all kinds find it harder and harder to survive. There is a point of no return in the ecological balance of a living thing like the bay, and we must act now before that point is reached, before it is simply too late.

I believe the importance of saving the bay is especially well expressed in an excerpt from the Bureau of Sport Fisheries and Wildlife's excellent report on the San Francisco Bay National Wildlife Refuge, which I would like to read at this time:

San Francisco Bay, a place of incomparable beauty, is a great living natural resource, a theater where wildlife, winds, clouds, rain, and sunshine play roles in a continuing drama unfolding before the changing backdrop of rising and falling tides.

To the four million Bay area residents and millions of visitors, the Bay is the principal feature, a focal point. It provides food and recreation, moderates the weather, and absorbs human and industrial wastes.

But the Bay is changing. Since the first explorers and settlers came, haphazard filling of its shores has shrunk the Bay from 680 to 400 square miles. If this continues, it could become an ugly sewage ditch.

Concerned citizens recognized this danger and, in 1962, organized the Save San Francisco Bay Association, culminating an establishment of the San Francisco Bay Conservation and Development Commission in 1965. The Commission made a detailed study of the Bay's characteristics, leading to preparation of plans for conserving the Bay's waters and controlling shoreline development.

This approach to preserving environmental quality in a major land and water complex is a landmark achievement in land use planning and regional consensus.

This effort must not fail. Seldom has America had the opportunity to implement a natural resource plan so directly concerning the lives of so many millions of people. Success in preserving the Bay as a healthy, life-enriching environment has implications far beyond the borders of California. Here may be an indication of man's ability to life in harmony with his environment, or destroy it and himself.

I have spoken many times before of the need to preserve our natural heritage so that future generations will have more than depleted, barren wasteland surrounding them, and I reiterate that belief now. Exposure to nature in its most free and beautiful state tends to bring out the best of human aspirations. Preserving the bay is one step we can take now to establish such a spiritual, as well as visual, legacy.

As far as I can tell, everyone, with the exception of the Leslie Salt Co., is for this proposal. Virtually every citizen group and affected governmental unit, including the California State Legislature, is backing it. I understand most of the zoning and coordination problems have been ironed out or will be within the foreseeable future. All the effort which has gone into this proposal must not culminate in failure, and I hope and pray that the House will approve this legislation promptly. In so doing, not only will a magnificent area be preserved from further desecration, but the legislative process will have worked in a meaningful way for the thousands of individuals who have dedicated their energies to this goal.

Mr. GARMATZ. Mr. Speaker, I rise and join my colleagues in urging the passage of H.R. 12143, a bill I cosponsored with 24 other Members of the House.

As has been aptly explained by the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation, JOHN DINGELL, H.R. 12143 basically is designed to authorize the Secretary of the Interior to establish a national wildlife refuge in the south San Francisco Bay area.

Mr. Speaker, it is urgent that this refuge be established as soon as possible, because the valuable lands to be included in this refuge are rapidly disappearing, due to the ever-increasing demands of commercial, industrial, and urban development.

Unless action is taken now to protect and preserve this last remaining wildlife habitat in South San Francisco Bay, a number of endangered species of fish and wildlife will become extinct, our migratory waterfowl program will be adversely affected, and millions of people will be deprived of valuable recreational and educational opportunities.

Mr. Speaker, I strongly urge the passage of H.R. 12143.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to my good friend and distinguished colleague from California, the chairman of the Committee on Science and Astronautics (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I think as the gentleman from California (Mr. MAILLIARD) has said, San Francisco Bay is a refuge if properly developed and preserved as such is within striking distance of 4 million people. It is a wonderful place to have.

Mr. Speaker, I want to see this accomplished, but I would like to point out to my friends from California and I would like to point out to the people of the bay area, particularly those peoplle who were so active and aggressive in trying to get this done, that if they will just clean up the pollution in San Francisco Bay, the species of fish and wildlife that are now jeopardized will be back there as they were heretofore.

Mr. Speaker, I think I can speak with some authority on this question because for some period of years I was the executive officer of the California Fish and Game Commission and knew that there were 3 million people dumping their sewage into San Francisco Bay. The biggest violator happens to be the city of San Francisco itself.

Mr. DINGELL. I thank my good friend from California and I yield to the sponsor of the bill, my friend and colleague, the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. I thank the chairman of the subcommittee for yielding.

Mr. Speaker, on behalf of not only the people of northern California, but the entire West, we are so very much indebted for the work that has been done by the Committee on Merchant Marine and Fisheries in bringing this bill to the floor after many years of hard work.

Mr. Speaker, it is with great pride that I participate today in the culmination of the effort of so many outstanding groups and people of the California bay area to support and pass legislation establishing the San Francisco Bay National Wildlife Refuge.

In recapping a little of the history and the saga of this idea and project I am going to borrow liberally from the words of Dr. Arthur Ogilivie, who is the recording secretary but really the father of the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee.

The embryonic wildlife refuge idea really took hold when the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee was formed early in 1968 with representatives from Federal, State, county, and local agencies, and bay area conservation groups.

This committee after studying the problems and resources of the south bay, recommended the establishment of a national wildlife refuge as an important step in preserving the open space and recreational values in the natural environment of the bay. After extensive study three major areas were identified as particularly rich in habitat values and in wildlife population. These areas lie within each of three south bay counties: San Mateo, Alameda, and Santa Clara.

Studies were undertaken and in 1969 the Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior endorsed the refuge complex. In fact, to this date, the Department of the Interior has maintained that this will be their "Wildlife Refuge Showcase."

I will not recap or document the legislative history of this bill but do want to extend a word of appreciation and gratitude for myself and on behalf of the citizens of the bay area to the chairman of the Merchant Marine and Fisheries Committee, my colleague from Maryland, (Mr. GARMATZ) and a special word of appreciation to that great conservationist from the State of Michigan and very able legislator and chairman of the Subcommittee on Fish and Wildlife, JOHN DINGELL. Their work and cooperation on this bill are deeply appreciated.

The Bureau of Sport Fisheries and Wildlife and the Bureau of Outdoor Recreation should be commended for their planning, their interbureau cooperation, and their understanding. Assistant Secretary Nathaniel Reed has shown outstanding leadership and given sensible direction to the activities of the U.S. Department of the Interior. His visualization of this refuge as the keystone of a plan to protect San Francisco Bay is accurate and timely.

There has been a tremendous ground swell of support in the bay area for the concept of a San Francisco Bay National Wildlife Refuge and this bill proposing it. Hundreds and hundreds of letters have been received by my office and the Baylands Committee from schoolchildren, college students, Girl and Boy Scouts and private citizens.

Resolutions supporting the refuge have been adopted by the following bay area government entities and agencies:

Bay Conservation and Development Commission.
Alameda County Board of Supervisors.
Santa Clara County Board of Supervisors.
San Mateo County Board of Supervisors.
East Bay Regional Park District.
Alameda Creek, Coyote Hills Aquatic Park Joint Agency.
Santa Clara County Planning Policy Committee.
Alameda County Planning Commission.
Santa Clara County Planning Commission.
San Mateo County Park and Recreation Commission.
Albany City Council.
Hayward City Planning Commission.
Hayward City Council.
Alameda County Parks Advisory Committee.
Fremont City Recreation Commission.
Fremont City Council.
Milpitas City Council.
San Jose City Goals Committee.
San Jose City Parks and Recreation Commission.
San Jose City Council.
Palo Alto City Council.
Menlo Park City Council.
San Mateo City Council.
Union City City Council.
Santa Clara City Council.
Redwood City City Council.
Alviso Economic Development Services.
State of California, Assembly Resolution.

While it would be impossible to list all of the individuals who have contributed to the success of the refuge, special mention must be made of the three gentlemen who journeyed here to Washington and testified before Chairman DINGELL and his Fish and Wildlife Subcommittee. Dr. Arthur Ogilvie the father of the wildlife refuge who has devoted his untiring efforts and initiative in a constant pursuit of this goal. Dr. H. Thomas Harvey and Christian Nelson whose testimony added immeasurably to our success.

Last but by no means least, the efforts of those organizations concerned with our environment and with ecology in general must be taken note of. These organizations who work actively year round to preserve for all of us the precious heritage of nature. Organizations such as:

The Audubon Society.
California Associated Sportsmen.
California Bowman Association.
California Farmer-Consumer Association.
California Retired Teachers Association.
California Wildlife Federation.
Committee for a Green Foothills.
Committee for Governmental Responsibility.
Consumers Co-op of Palo Alto, Mountain View and Sunnyvale.
IMPACT of Southern Alameda County and Northern Santa Clara County.
League of Woman Voters of Fremont.
National Wildlife Federation.
Garden Clubs of California.
San Jose Rod and Gun Club.
San Jose State College Conservation Forum.
Santa Clara County Central Labor Council.
Save San Francisco Bay.
Sierra Club.
Nature Conservancy.
American Association of University Women.
Izaak Walton League.

These lists while seemingly endless I know are by no means complete. But I wished at least to acknowledge and thank as many of those who have helped as possible.

The San Francisco Bay National Wildlife Refuge will show that San Francisco Bay is not just a habitat for birds and fish but is part of man's habitat as well. While man should not be able to establish residence on the bay, he should be able to visit it often and there to find a place to renew his relaitonship with nature and its wildness.

This refuge will provide a living school where the young can learn for themselves, discover the recreational, scientific, and cultural benefits to be derived and hopefully help them to understand man's place in the total community of living things.

While human values can never be measured in dollars alone, this refuge will provide tangible human benefit in the form of pollution reduction. It can and will make us humans more aware of our surroundings and our need for a quality environment, including the preservation of wildlife and wild places.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 12143, a bill to establish the San Francisco Bay National Wildlife Refuge.

South San Francisco Bay, within 1 hour's drive of the bay area's 4.5 million people, is a haven for wildlife, and a peaceful retreat for man.

In this unique area, rare and endangered species have found a home, and sizable populations of migratory waterfowl reside during the winter. Approximately 33,000 of the Pacific flyway's canvasback population winter on San Francisco Bay. Estimates of over 50,000 scamp have been recorded in the south bay. The blue and black crowned night herons and snowy egrets are provided refuge in the bay.

Two endangered species, the California clapper rail, and the salt marsh harvest mouse, live in the marshes of the San Francisco Bay. A third endangered species, the California least tern, feeds and nests throughout the area.

The refuge created by this bill would protect a harbor seal resting and nursery area for an estimated 400 animals.

The bill, H.R. 12143, would provide a place for man to escape the confinement of the city, and enjoy the open spaces of the refuge where he could fish, study nature, and photograph the fauna and flora.

My only regret on this legislation is that it should have passed 10 to 20 years ago. The sooner we get this bill passed establishing a refuge area, the quicker we will be able to get united support in saving what remains of the bay.

I am pleased to be a coauthor of this bill, and I urge my colleagues to support H.R. 12143 so that the dream of a National Wildlife Refuge in the south San Francisco Bay will become a reality.

Mr. CONTE. Mr. Speaker, as a member of the Migratory Bird Conservation Commission which oversees many of the Government's wildlife refuge programs, I wish to express my support of H.R. 12143 and urge its prompt adoption by the House.

The legislation we are considering would authorize the Secretary of the Interior to establish a wildlife refuge in the southern part of San Francisco Bay. Anyone familiar with that area will readily concede the need for such action. As the committee report indicates, the total area of San Francisco Bay in 1850 was almost 700 square miles. Today, following years of extensive diking and filling, it measures only 435 square miles. Moreover the wildlife habitat in the bay has been reduced by a shocking 75 percent. The relentless march of urban development must not be permitted to trample the remaining wildlife areas in this region. The south bay tidal flats provide food and related life requirements for nearly 70 percent of the Pacific flyway's shore birds at some period during each year.

The absence of a comprehensive land-use policy and the need to protect this habitat from further human onslaught both call for establishment of a national wildlife refuge. The refuge would preserve the natural resources of the south baylands, conserve remaining open space, and provide for wildlife-oriented recreation and environmental education opportunities. As an ardent conservationist, I lend my wholehearted support for passage of this legislation.

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to take this opportunity to express

briefly my strong support for H.R. 12143, the bill to establish the San Francisco Bay National Wildlife Refuge.

The creation of this new refuge is an important and necessary step both in terms of the fish and wildlife of the bay and also the vast majority of birds who travel along the Pacific flyway.

The refuge will halt any further encroachment on these important wetlands, preserve additional and vital open space areas in the bay area and provide unique recreational and educational activities.

As a stanch supporter of this legislation, I urge its favorable consideration today.

Mr. DELLUMS. Mr. Speaker, it is hard to fully express the feelings a person goes through as he sees the destruction of a precious natural resource.

Growing up in the San Francisco area, I saw what was happening to the bay. Slowly, but surely, it was dying. Even in the east bay area—Oakland, where I lived—it was obvious.

The bay still is sick. This bill is not the ultimate panacea. Yet, this important legislation ranks as one of the most crucial measures before us this year.

We are not only creating a wildlife refuge. Indeed, we are aiding all forms of life in the bay area. It is that important.

I am proud to be a sponsor of this legislation, and I congratulate my colleague from San Jose (Mr. EDWARDS) for his efforts in making this bill a reality.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 12143, 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.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 12143.

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

There was no objection.

BALD EAGLE PROTECTION ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12186) to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668), is amended—

(1) by inserting "(a)" immediately before "Whoever",

(2) by inserting "knowingly, or with negligent disregard for the consequences of his act", immediately before "take";

(3) by striking out "shall be fined not more than $500 or imprisoned not more six months, or both: *Provided,*" and inserting in lieu thereof the following: "or whoever violates any permit or regulation issued pursuant to this Act, shall be fined not more than $5,000 or imprisoned not more than one year or both: *Provided,* That in the case of a second or subsequent conviction for a violation of this section committed after the date of the enactment of this proviso, such person shall be fined not more than $10,000 or imprisoned not more than two years, or both: *Provided further,* That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further,* That one-half of any such fine, but not to exceed $2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further,*"; and

(4) by adding at the end thereof the following new subsections:

"(b) Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this Act, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this Act, may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

"(c) The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this Act or of any permit or regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section."

SEC. 2. Section 2 of the Act of June 8, 1940 (16 U.S.C. 668a), is amended by striking out the period at the end thereof and inserting the following: ": *Provided further,* That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking, possession, and transportation of golden eagles or eggs or nests thereof for the purpose of falconry."

SEC. 3. Section 3 of the Act of June 8, 1940 (16 U.S.C. 668b) is amended to read as follows:

"SEC. 3. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this Act may, without warrant, arrest any person committing in his presence or views a violation of this Act or of any permit or regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and may, with a search warrant, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this Act, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this Act. Any judge of any court established under the laws of the United States, and any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All bald or golden eagles, or parts, nests, or eggs thereof, taken, possessed, sold, purchased, bartered, offered for sale, purchase, or barter, transported, exported, or imported contrary to the provisions of this Act, or of any permit or regulation issued hereunder, and all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid in the taking, possessing, selling, purchasing, bartering, offering for sale, purchase, or barter, transporting, exporting, or importing of any bird, or part, nest, or egg thereof, in violation of this Act or of any permit or regulation issued hereunder shall be forfeited to the United States.

"(c) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act: *Provided,* That all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this Act, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

SEC. 4. Section 4 of such Act of June 8, 1940 (16 U.S.C. 668c), is amended by inserting "poison" immediately after "shoot at," and by striking out "otherwise willfully".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 12186 is to extend additional protection to bald and golden eagles.

As I am sure many of the Members will remember, there appeared an article in the August 3, 1971, issue of the Washington Post which described in detail one of the most detestable outrageous slaughters of birdlife ever to occur in the history of mankind. I refer to the article which concerned the gunning down in flight of approximately 500 bald and golden eagles from helicopters over ranches in Wyoming and Colorado.

Mr. Speaker, I would like to read just a few brief excerpts from that article which I think clearly spells out the need for this legislation and which prompted

me and 23 other Members of the House to introduce the legislation we have under consideration at this time.

The article reads as follows:

A helicopter pilot told a Senate Subcommittee that nearly 500 rare bald and golden eagles were gunned down in flights last winter over ranches in Wyoming and Colorado.

James O. Vogan, the pilot of the helicopter, testified that he ferried sharpshooters on the flights but never shot any of the eagles himself. Sheep ranchers paid $80 a day, or from $10 to $25 an eagle, but some of the hunters were not paid and shot the eagles just for the sport, according to the testimony.

The ranchers ostensibly paid to have the eagles killed to protect livestock.

The eagles were shot while roosting or in flight with 12-gage shotguns. The helicopter would retrieve the carcasses.

The 48-year-old pilot said:

We had a regular haystack of these eagles when we first started bringing them in. At one time last November, more than 65 dead eagles were piled up at the Bolton Ranch in Wyoming and that Wyoming game and fish wardens saw them there but did nothing. After that, he was instructed to stack the dead eagles in a sheep-shearing shed and later the carcasses were buried.

The article also told of the 23 deaths of eagles by thallium poisoning near Casper, Wyo., in June of last year.

Mr. Speaker, the legislation we are considering today, H.R. 12186, will, I am convinced, put an end to these detestable acts, both as to the killing of eagles by poisoning and shooting.

Briefly explained, section 1 of the bill would amend the Bald Eagle Protection Act to make it unlawful for anyone to knowingly, or with negligent disregard for the consequences of his act, to take, possess, sell, barter, offer to sell, purchase or barter, transport, export or import at any time and in any manner any bald or golden eagle alive or dead or any part, nest, or egg thereof.

Mr. Speaker, this particular language would have the effect of lessening the amount of knowledge that would be required to be proven in order to convict an offender under the act since under present law an offender can be convicted only if he willfully commits one of the acts I just enumerated.

Also section 1 of the bill would rewrite the penalty provision of present law, which makes violators of the act subject to a $500 fine, or 6 months imprisonment, or both—to increase such penalties as follows: First time offenders would be subject to a $5,000 fine or 1-year imprisonment, or both; and second time offenders would be subject to a $10,000 fine or 2 years imprisonment, or both.

In order to assist in the enforcement of this provision, one-half of any criminal fine levied, but not to exceed $2,500, would be paid to any person giving information leading to a conviction. In addition, section 1 of the bill would authorize the Secretary of the Interior to assess a civil penalty of up to $5,000 against any person who, without permission to do so, takes a golden or bald eagle in violation of the act.

Finally, section 1 of the bill would authorize the head of any Federal agency who has issued a lease, license, permit or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation under this act to have such instrument immediately cancelled.

Section 2 of the bill would authorize the Secretary of the Interior to permit the taking of golden eagles, under such regulations as he may prescribe, to be used for falconry purposes.

Section 3 of the bill would in effect broaden existing law with respect to the enforcement provisions of the act. In addition to existing law, the Secretary of the Interior would be authorized to enter into cooperative agreements with State fish and wildlife agencies in order to delegate some of the enforcement authority to State law personnel. Also, any vehicles, aircraft, traps, nets, guns and other instrumentalities used in committing the violation would be forfeited along with the eagles, nests, or eggs thereof illegally taken. Finally, all powers, rights and duties conferred or imposed by the customs law upon the Secretary of Treasury with respect to the seizure, forfeiture and condemnation of a vessel would, for the purpose of this act, be exercised by the Secretary of the Interior or by such persons as he may designate.

Section 4 of the bill would amend the act to make it unlawful for anyone to poison golden or bald eagles.

Mr. Speaker, in closing, I might point out that all witnesses testifying at the hearings were strongly in favor of this legislation; the Committee on Merchant Marine and Fisheries received favorable departmental reports on the legislation and the bill, as reported, incorporates all of the departmental suggested amendments; and the bill was unanimously ordered reported by the Committee on Merchant Marine and Fisheries.

Mr. Speaker, I urge its prompt passage.

Mr. GARMATZ. Mr. Speaker, I rise to join my colleagues in urging the passage of H.R. 12186, a bill I cosponsored with 23 other Members of the House.

As has been so aptly explained by Congressman DINGELL, the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation, this bill will hopefully put an end to the inhumane killing of eagles from aircraft or by poisoning.

The slaughter of approximately 500 bald and golden eagles in the States of Wyoming and Colorado last year was a deliberate defiance of Federal and State laws—and it was one of the most outrageous acts against wildlife ever committed by so-called civilized mankind.

I sincerely feel that the stiffer penalties embodied in this legislation will tend to discourage any repetition of such callous and wanton destruction of these beautiful birds.

Mr. Speaker, I urge the prompt passage of H.R. 12186.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. Speaker, I rise in strong support of H.R. 12186, a bill designed to strengthen the penalties imposed for violations of the Bald Eagle Protection Act. I wish to associate myself with the explanatory remarks made by our distinguished colleague (Mr. DINGELL), the chairman of the Subcommittee on Fisheries and Wildlife Conservation, Merchant Marine and Fisheries.

The bald eagle, America's national bird and symbol, is already in serious trouble and in danger of extinction from hard pesticides, a rapidly diminishing habitat, and harmful actions of man. The total bald eagle population in the entire United States may be no more than 6–11,000 northern bald eagles. The entire North American population estimate for golden eagles is no more than 8–12,000 birds.

Under the existing Bald Eagle Protection Act, shooting or otherwise molesting bald eagles has been illegal since 1940, with golden eagles now protected under the same law. Violations of that act are subject to a $500 fine and/or 6 months imprisonment, or both.

The effectiveness of the existing act in halting or deterring the wanton destruction of these fine birds of prey is extremely weak. Past experience of the Department of the Interior and the U.S. attorney's office indicates that the existing provisions of the law are not a sufficient deterrent to prevent killing or poisoning of these birds. In addition, numerous State courts continue to treat these prosecution cases under the Bald Eagle Protection Act as petty offenses, and are reluctant to convict offenders. The national furor which occurred recently as a result of the wholesale slaughter of both golden and bald eagles by airborne bounty hunters and use of poisoned antelope carcasses in the Midwest amply illustrates the need for further protection, increased penalties, and a reduction in the kind of proof required in a prosecution in order to more amply provide legal safeguards for eagle protection and conservation.

Basically, this bill would lessen the knowledge required to be proven in order to convict an offender for violation of the act, would increase the maximum criminal penalties from $500 fine/6 months' imprisonment to $5,000/1-year imprisonment, or both, for first offenders; $10,000 fine or 2 years' imprisonment or both for second offenders. To assist Federal and State law enforcement officials in implementing the provisions of the act, one-half of the total criminal fine, not to exceed $2,500, would be paid to those who supplied information leading to prosecution and conviction.

Other provisions would be added to the law by this bill in order to give the Secretary of Interior authority to, first, assess civil penalties for violation of the act, subsequent regulations and the permits issued thereunder; second, cancel grazing licenses on Federal lands issued to any person convicted under the act; and, third, obtain the forfeiture of the instrumentalities—such as vehicles, aircraft, traps, nets, guns, and so forth—used in committing the violation. In addition, the provisions of the act would be extended so as to make it a violation of the act to poison a golden or bald eagle.

Recent events have made it abundantly clear that much sterner measures are necessary to provide an adequate deterrent to would-be violators of the existing act. These increased penalties, together with a requirement of less specific criminal intent, should serve to deter future violations and to make more effective the prosecution of alleged violators. Mr. Speaker, unless some definitive action, such as this bill pending before the House now, is taken, this country will be faced, within a short period of time, with the possible extinction of our national symbol—the bald eagle—due to the actions of some Americans who have a wanton and negligent disregard for the preservation of one of the most important birds in our Nation's history. I urge speedy passage of this measure today and its enactment into law during this Congress.

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

Mr. KEITH. I yield to the gentleman.

Mr. LUJAN. Mr. Speaker, if I may have the attention of the gentleman from Michigan (Mr. DINGELL) I would like to ask him a question.

Does this amendment mean that if a sheep rancher saw an eagle swooping down on one of his lambs and the eagle was ready to take it and kill it, that if he shot that eagle in order to protect that lamb that he would be subject to a $5,000 fine or a year in prison?

Mr. DINGELL. The answer to that is—yes.

Mr. LUJAN. Would that mean that we would be encouraging that sheep rancher's neighbor by giving the neighbor $2,500 to snitch on him and reporting that?

Mr. DINGELL. The answer to that question is also—yes.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 10450, a bill designed to provide additional protection to bald and golden eagles.

The revelations that nearly 50 bald and golden eagles were killed last year in Wyoming and Colorado brought vivid proof that the current penalties under the Bald Eagle Protection Act are inadequate. In addition to the bounty hunters who hunt from helicopters, the eagle has fallen prey to those who wantonly spread poisons to kill "predators."

Obviously, stern measures are necessary to provide an adequate protection. The golden eagle population in the conterminous 48 States was an estimated 702 in 1971; the bald eagle population was an estimated 2,519.

The bill before us today, H.R. 10450, would increase the penalties for harming these great birds.

The current fine for taking or poisoning a bald or golden eagle is for not more than $500 and/or imprisonment for not more than 6 months. This has not served to deter those who attempt to eliminate the eagle.

This bill, H.R. 10450, would increase the penalty from $500 or 6 months imprisonment, or both, to $5,000 or 1 year imprisonment or both for the first violation of the act. Upon conviction of a second violation, a person could be fined up to $10,000 and/or imprisonment up to 2 years.

In addition, H.R. 10450 extends the Bald Eagle Protection Act to make it abundantly clear that poisoning an eagle is a violation of the law.

In the past, a person who spread poisoned bait that was eventually consumed by an eagle, could not be prosecuted because killing an eagle was not his intent.

The bill, H.R. 10450, will cover those people who bait and who know, or should know, that eagles frequent the area, and thus are likely to consume the poison bait.

Mr. Speaker, a rancher in Wyoming who was responsible for the death of at least 26 eagles was fined $674. In fact, he was not even in violation of Federal law.

The bill before us today is designed to remedy the problem by increasing penalties and by making it a criminal offense to poison an eagle. I urge my colleagues to support this measure with an "aye" vote.

Mr. LLOYD. Mr. Speaker, this is a case of extremism—of indignation run out of hand.

There is already a stiff penalty against killing eagles, which is $500 and 6 months in jail. This bill raises the penalty to $5,000 and 1 year in jail.

In a day when we are trying to get people out of jail, here we are putting them in jail for an offense which is certainly obnoxious and against the public interest in a very deep and genuine way, but which certainly does not warrant the extreme penalty inflicted here.

The Interior Department and law enforcement officials should use existing law to impose the stiff but reasonable penalties which already apply.

Mr. CONTE. Mr. Speaker, as an ardent and an outspoken protector of our natural resources, I eagerly welcome this opportunity to express my support of H.R. 12186, the Bald Eagle Protection Act.

H.R. 12186 is the strongest action that has been proposed in our fight to prevent the American, or bald eagle from becoming extinct. As a natural resource, the eagle is priceless. Here is a creature that is a symbol of our Nation, pictured on our currency and official Government seals. Yet in recent years it has become the target of unexplainable abuse. There are only an estimated 5,000 to 11,000 bald eagles remaining, and extinction of these wild creatures is a very real threat.

There have been increasing numbers of violations of the present Eagle Protection Act, and it is time that stronger legislation be passed to serve as a deterrent to such activities. This bill would greatly increase the fines and terms of imprisonment that would be levied on violators. All types of violations would be covered. And negligence would not serve as an excuse. These provisions are vitally needed to strengthen the current act and provide added protection for the bald eagle.

Present law allows eagles to be disposed of if they are causing havoc among livestock. But outrageous incidents such as the reported mass killing of 500 eagles are senseless and inexcusable. Who benefits from these actions? Not the eagle, not nature, and not us.

H.R. 12186 would provide needed help to insure that the bald eagle remains a vital part of the wild kingdom. There is a poster in my office that says, "Ecology: A Wild Idea." It shows an eagle with one of its young perched in a nest. The beauty of the picture and what it represents is a vivid manifestation of the necessity for passage of this legislation. National Wildlife Week is fast approaching and I would hope that final congressional action will be completed by that time.

Thank you, Mr. Speaker.

Mr. BROOMFIELD. Mr. Speaker, in 1782, the Continental Congress adopted the bald eagle as our national symbol. Today, we know that these regal birds are fighting against almost insurmountable odds in order to survive.

Their numbers have been reduced to an estimated 6,000 in this country. Realizing this fact, it is sadly ironic to consider that as this Nation approaches its bicentennial anniversary, the bald eagle, so long its symbol, may soon become extinct.

The loss of any animal is tragic in itself, for once lost they can never be replaced. Man can never duplicate the simple and majestic beauty of nature's kingdom. But, as our national symbol, the extinction of the bald eagle would serve as an especially sad commentary upon our civilization and way of life.

Yet, Federal protection for these magnificent birds is hardly new. It was in 1940 that Congress first moved to protect their numbers from hunting. However, the record shows that success has not measured up to our good intentions.

Indeed, the past 30 years have in all probability, been even more difficult for our living national symbol. The poisoning of our atmosphere, waterways, and the increasing use of pesticides and herbicides have taken their toll on all of our wildlife. Unfortunately, the bald eagle has been no exception.

Furthermore, only last fall, the country was both shocked and saddened to learn that some individuals have taken to shooting these birds contrary to law from planes and helicopters. In testimony before Congress, one witness admitted to seeing over 500 of these extremely rare birds shot from planes which he piloted.

It was that information which motivated and moreover justified the creation of this legislation. I applaud the speedy action of the Committee on Merchant Marine and Fisheries in compiling this measure. By raising the penalties for the wanton killing of these animals and by easing the requirements for conviction, perhaps we can translate protection into reality for the few bald eagles that remain.

Mr. Speaker, protection of the bald eagle is important not only because it is our national symbol but also because they are an irreplaceable, unique member of our animal kingdom. The bald eagle has become more than America's national symbol, its preservation has become America's hope for the protection of all our wild animals from extinction and the fight to preserve the quality of our environment.

Mr. RONCALO. Mr. Speaker, I am aware that many of my colleagues and particularly my friend (Mr. DINGELL)

chairman of the Subcommittee of Fisheries and Wildlife of the Merchant Marine and Fisheries Committee, have introduced legislation in the hope that the diminishing numbers of the bald eagle, who number less than 2,000, may be preserved, and that the useless, wanton killing of eagles during the past year can be stopped.

I have supported strict enforcement of the law in punishing those who were guilty of this senseless killing, and I previously supported legislation which would make it a felony to kill eagles for no reason. I am a cosponsor of legislation which would ban the use of certain poisons in predator control.

But, Mr. Speaker, I cannot in good conscience support H.R. 12186. To me it represents a basic contradiction to the right any man has for the protection of his property from predators. This bill, which would make a 2-year prison sentence mandatory for the killing of a bald eagle, even if the rancher confronts the eagle in the actual act of swooping down on a lamb, seems unfair and harsh and opens the door for mischievous prosecution. I believe present statutory law, both State and Federal, can adequately protect our diminishing eagle population and other rare species without a bill which carries penalties to the lengths proposed in this bill.

I recognize that my position will be overwhelmed by the votes of my colleagues, but I submit that in Wyoming there has been an excess of heat on the subject and little enough done to see the livestock men's side of this matter.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the bill under consideration.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL), that the House suspend the rules and pass the bill, H.R. 12186, as amended.

The question was taken.

Mr. RONCALIO. 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 352, nays 7, not voting 72, as follows:

[Roll No. 29]

YEAS—352

Abbitt	Aspin	Boggs
Abernethy	Baker	Boland
Abourezk	Baring	Bolling
Abzug	Barrett	Brademas
Adams	Begich	Brasco
Addabbo	Belcher	Bray
Anderson, Calif.	Bennett	Brooks
	Bergland	Broomfield
Anderson, Ill.	Betts	Brotzman
Andrews	Bevill	Brown, Ohio
Annunzio	Biester	Broyhill, N.C.
Archer	Bingham	Broyhill, Va.
Arends	Blackburn	Buchanan
Burke, Fla.	Hansen, Idaho	Pickle
Burke, Mass.	Harrington	Pike
Burlison, Mo.	Harvey	Pirnie
Burton	Hastings	Podell
Byrne, Pa.	Hathaway	Poff
Byron	Hays	Powell
Caffery	Hechler, W. Va.	Preyer, N.C.
Camp	Heckler, Mass.	Price, Ill.
Carey, N.Y.	Heinz	Price, Tex.
Carney	Henderson	Pucinski
Casey, Tex.	Hicks, Mass.	Quillen
Cederberg	Hicks, Wash.	Randall
Celler	Hillis	Rangel
Chamberlain	Hogan	Rarick
Chappell	Holifield	Rees
Clancy	Horton	Reid
Clausen, Don H.	Hosmer	Reuss
	Howard	Rhodes
Clawson, Del	Hull	Riegle
Cleveland	Hungate	Roberts
Collier	Hunt	Robinson, Va.
Collins, Ill.	Hutchinson	Rodino
Collins, Tex.	Ichord	Roe
Colmer	Jacobs	Rogers
Conable	Jarman	Rooney, Pa.
Conte	Johnson, Calif.	Rosenthal
Conyers	Johnson, Pa.	Rostenkowski
Cotter	Jonas	Roush
Coughlin	Jones, Ala.	Rousselot
Culver	Jones, N.C.	Roybal
Curlin	Jones, Tenn.	Runnels
Daniel, Va.	Karth	Ruth
Daniels, N.J.	Kastenmeier	Ryan
Danielson	Kazen	St Germain
Davis, Ga.	Keating	Sandman
de la Garza	Kee	Sarbanes
Delaney	Kemp	Satterfield
Dellenback	King	Saylor
Denholm	Kluczynski	Scherle
Dennis	Koch	Scheuer
Dent	Kyl	Schmitz
Derwinski	Kyros	Schneebeli
Devine	Landrum	Schwengel
Dickinson	Latta	Scott
Diggs	Leggett	Sebelius
Dingell	Lent	Seiberling
Donohue	Link	Shipley
Dorn	Long, La.	Shoup
Dow	Long, Md.	Shriver
Dowdy	McClory	Sikes
Drinan	McClure	Sisk
Dulski	McCollister	Skubitz
Duncan	McCormack	Slack
du Pont	McDade	Smith, Iowa
Edwards, Ala.	McEwen	Smith, N.Y.
Edwards, Calif.	McFall	Snyder
Eilberg	McKevitt	Springer
Erlenborn	McKinney	Staggers
Esch	McMillan	Stanton, James V.
Eshleman	Madden	
Fascell	Mahon	Steed
Findley	Mailliard	Steele
Fish	Mallary	Steiger, Ariz.
Flood	Mann	Steiger, Wis.
Flowers	Martin	Stephens
Flynt	Mathias, Calif.	Stokes
Foley	Mathis, Ga.	Stratton
Ford, Gerald R.	Matsunaga	Stuckey
Ford, William D.	Mayne	Sullivan
	Mazzoli	Symington
Fountain	Meeds	Talcott
Fraser	Metcalfe	Taylor
Frelinghuysen	Michel	Teague, Calif.
Frenzel	Mikva	Teague, Tex.
Frey	Miller, Ohio	Terry
Fulton	Mills, Ark.	Thompson, Ga.
Fuqua	Minish	Thomson, Wis.
Galifianakis	Mink	Thone
Gallagher	Mitchell	Tiernan
Gaydos	Mizell	Udall
Gettys	Mollohan	Ullman
Giaimo	Monagan	Van Deerlin
Goldwater	Montgomery	Vander Jagt
Gonzalez	Moorhead	Vanik
Goodling	Morgan	Veysey
Grasso	Mosher	Vigorito
Gray	Moss	Waggonner
Green, Oreg.	Murphy, Ill.	Waldie
Green, Pa.	Murphy, N.Y.	Wampler
Griffin	Myers	Ware
Griffiths	Natcher	Whalen
Gross	Nedzi	Whalley
Grover	Nelsen	White
Gubser	Nichols	Whitehurst
Gude	Nix	Wiggins
Hagan	Obey	Williams
Haley	O'Hara	Wilson, Bob
Hall	O'Neill	Wilson, Charles H.
Halpern	Passman	
Hamilton	Patten	Winn
Hammer-schmidt	Pepper	Wolff
	Perkins	Wright
Hanley	Pettis	Wydler
Hanna	Peyser	Wylie
Wyman	Young, Fla.	Zion
Yates	Young, Tex.	
Yatron	Zablocki	

NAYS—7

Burleson, Tex.	Lujan	Roncalio
Fisher	McKay	
Lloyd	Purcell	

NOT VOTING—72

Alexander	Dwyer	Mills, Md.
Anderson, Tenn.	Eckhardt	Minshall
	Edmondson	Morse
Ashbrook	Edwards, La.	O'Konski
Ashley	Evans, Colo.	Patman
Aspinall	Evins, Tenn.	Pelly
Badillo	Forsythe	Poage
Bell	Garmatz	Pryor, Ark.
Biaggi	Gibbons	Quie
Blanton	Hansen, Wash.	Railsback
Blatnik	Harsha	Robison, N.Y.
Bow	Hawkins	Rooney, N.Y.
Brinkley	Hébert	Roy
Brown, Mich.	Helstoski	Ruppe
Byrnes, Wis.	Keith	Smith, Calif.
Cabell	Kuykendall	Spence
Carter	Landgrebe	Stanton, J. William
Chisholm	Lennon	
Clark	McCloskey	Stubblefield
Clay	McCulloch	Thompson, N.J.
Corman	McDonald, Mich.	Whitten
Crane		Widnall
Davis, S.C.	Macdonald, Mass.	Wyatt
Davis, Wis.		Zwach
Dellums	Melcher	
Downing	Miller, Calif.	

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. Garmatz with Mr. Harsha.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Stubblefield with Mr. O'Konski.

Mr. Blanton with Mr. Forsythe.

Mr. Aspinall with Mr. Bow.

Mr. Cabell with Mr. Ashbrook.

Mr. Evans of Colorado with Mr. Bell.

Mr. Pryor of Arkansas with Mr. Davis of Wisconsin.

Mr. Helstoski with Mr. Minshall.

Mr. Ashley with Mr. Badillo.

Mr. Alexander with Mr. Mills of Maryland.

Mr. Blatnik with Mr. Brown of Michigan.

Mr. Lennon with Mr. Crane.

Mr. Anderson of Tennessee with Mr. Kuykendall.

Mr. Dellums with Mr. Eckhardt.

Mr. Roy with Mr. Clay.

Mr. Corman with Mrs. Chisholm.

Mrs. Hansen of Washington with Mr. McDonald of Michigan.

Mr. Gibbons with Mr. Landgrebe.

Mr. Hawkins with Mr. Biaggi.

Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.

Mr. Davis of South Carolina with Mr. Carter.

Mr. Hébert with Mr. Railsback.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Melcher with Mr. McCloskey.

Mr. Edmondson with Mr. Quie.

Mr. Downing with Mr. Pelly.

Mr. Miller of California with Mr. Ruppe.

Mr. Evins of Tennessee with J. William Stanton.

Mr. Clark with Mr. Morse.

Mr. Brinkley with Mr. Smith of California.

Mr. Patman with Mr. Spence.

Mr. Whitten with Mr. Widnall.

Mr. Wyatt with Mr. Zwach.

Mr. FISHER changed his vote from "yea" to "nay."

Mr. BLACKBURN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TUNA FISHERIES DEVELOPMENT PROGRAM

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12207) to authorize a program for the development of tuna and other latent fisheries resources in the central and western Pacific Ocean, as amended.

The Clerk read as follows:

H.R. 12207

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 "Central and Western Pacific Fisheries Development Act".

SEC. 2. The Secretary of Commerce (hereafter referred to in this Act as the "Secretary") is authorized to carry out, directly or by contract, a three-year program for the development of the tuna and other latent fisheries resources of the Central and Western Pacific Ocean. The program shall include, but not be limited to, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

SEC. 3. In carrying out the purposes of this Act, the Secretary shall consult, and may otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

SEC. 4. The Secretary shall submit to the President and the Congress, not later than June 30, 1975, a complete report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

SEC. 5. The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this Act. Any contract entered into pursuant to section 2 of this Act shall be subject to such terms and conditions as the Secretary deems necessary and appropriate to protect the interests of the United States.

SEC. 6. As used in this Act, the term "Central and Western Pacific Ocean" means that area of the Pacific Ocean between latitudes 30 degrees north to 30 degrees south and from longitudes 120 degrees east to 140 degrees west.

SEC. 7. There is authorized to be appropriated for the period beginning July 1, 1972, and ending June 30, 1975, the sum of $3,000,000 to carry out the purposes of this Act. Sums appropriated pursuant to this section shall remain available until expended.

The SPEAKER. Is a second demanded?

Mr. DELLENBACK. 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 Michigan (Mr. DINGELL) is recognized.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks on the bill, H.R. 12207.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

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

Mr. Speaker, the purpose of H.R. 12207 is to assist in the development of tuna and other latent fisheries resources in the central and western Pacific Ocean.

The need for this legislation arises from the fact that the tuna fishing industry appears to be the only important private enterprise that can be developed that will give the islanders of the central and western Pacific a sound viable industry. With the exception of a single bottomfishing operation, the present commercial fishing industry in American Samoa consists solely of foreign longline vessels which supply the two local canneries with large deep-swimming tunas. The untapped resource with the greatest potential around the Island of American Samoa appears to be the skipjack tuna.

Guam has no readily available raw material which can be used to develop an industry. On the other hand, the island is surrounded by thousands of miles of ocean that potentially could yield much valuable raw material. The only developable raw material presently available in substantial quantity in this area is the skipjack tuna which presently is being harvested by the Japanese.

The economic structure of the Trust Territory of the Pacific Islands is similar to that of Guam. By far the greatest immediate potential source of economic growth appears to lie in the sea and its resources of which the skipjack tuna resource holds the greatest promise.

Mr. Speaker, the only hope of utilizing the skipjack tuna resource is to develop a purse seine technique—similar to that used by U.S. fishermen off Latin America shores—that will work in the clear tropical waters of the Pacific Islands where the mixed layer is much deeper and the school behavior much more erratic.

Mr. Speaker, in carrying out the purposes of the legislation, briefly explained, section 1 of the bill would cite this act as the "Central and Western Pacific Fisheries Development Act."

Section 2 of the bill would authorize the Secretary of Commerce to carry out, either directly or by contract, a 3-year program for the development of the tuna and other latent fisheries resources of the central and western Pacific Ocean. Included in the program would be exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development, and an economic evaluation of the potential for tuna and other fisheries in those areas.

Section 3 of the bill would require the Secretary, in carrying out the act, to consult, and otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, and in addition, educational institutions and the commercial fishing industry.

Section 4 of the bill would require the Secretary to submit to the President and the Congress—not later than June 30, 1975—a complete report on the results of the study together with any recommendations he may deem appropriate.

Section 5 of the act would direct the Secretary to prescribe such regulations as he may deem necessary in carrying out the act. In case he should decide to contract out any part or all of the program authorized to be carried out under the act, then he would be required to take the necessary steps to see that the interests of the U.S. Government are fully protected.

Section 6 of the bill would describe that part of the central and western Pacific Ocean to be covered by the act. Included in this area would be primarily the islands of the Trust Territory of the Pacific Islands, the islands of American Samoa, and Guam, and the islands of Hawaii.

Section 7 of the bill would authorize to be appropriated $3 million to carry out the 3-year program, which would begin July 1, 1972, and end June 30, 1975.

Mr. Speaker, all witnesses testifying at the hearings were in strong support of the legislation; the Committee on Merchant Marine and Fisheries received favorable departmental reports on the legislation; and the committee was unanimous in ordering the bill reported to the House.

Mr. Speaker, I urge the prompt passage of H.R. 12207.

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

Mr. DINGELL. Yes, I yield to my friend from Iowa.

Mr. GROSS. Is this bill for the benefit of Hawaii or for the benefit of the outlying islands?

Mr. DINGELL. The principal benefit of the bill, in the expectation of this Member and the committee, will be to the outlying islands—Samoa, Guam, and the Trust Territories.

Mr. GROSS. I cannot see that they are going to get very much from this expenditure of $3 million by way of actually harvesting tuna.

Mr. DINGELL. If the gentleman will permit me, I would like to point out to my good friend that the function is not to set up a program for catching, but merely to have the exploration and the development work done, and the research which will make it possible for the islanders and the people of the area to develop a fishery. We are going to try to find out if there is a commercially exploitable fishery in the area and find the kind of gear necessary to catch tuna and other fish in this particular area, and lay the basis for processing, and so forth in the area, and to do the other things that are necessary to bring commercial fishing to the area.

Mr. GROSS. Then the gentleman means to say there has been no previous research?

Mr. DINGELL. There has been research, I would say to my friend, but I am satisfied that it has not been sufficient to generate the kind of information that is necessary to create the kind of fishing industry we would like to see in the area, if it is possible to do so.

Mr. GROSS. Will loans for the construction of fishing craft be available to these people, or is this leading to a much larger expenditure for the construction of fishing vessels?

Mr. DINGELL. I will say to my good friend that there is no money in the bill for the purpose of lending for the construction of fishing vessels. If it

turns out that the Department, as a result of the study, recommends that kind of activity, they have to come back to Congress. The committee will then have to scrutinize the request and ascertain whether or not that in fact ought to be done.

Mr. GROSS. In other words, one subsidy at a time; is that correct? We can expect this to come on; or is there legislation already on the books to supply the fishing vessels?

Mr. DINGELL. If a subsidy becomes justified in the opinion of the Department of Commerce under the legislation, then they will have to report back to Congress and suggest that legislation be enacted, and I am sure we will be before the Congress and the gentleman will have an opportunity to make such comment as he deems necessary if the committee finds it appropriate.

Mr. GROSS. If and when they start to harvest tuna in that area, will the tuna be sold to Japan or tc some other foreign country?

Mr. DINGELL. I cannot tell the gentleman where the tuna would be sold. I can tell the gentleman that right at this very minute, because of a quirk in our law, the Japanese are enabled to land tuna which are caught in that particular area in Guam and Samoa and some of the American Territories in the Pacific for processing, which is then sold in the United States. If tuna is going to be landed for processing in that area, I would like to see that it be American tuna for sale in the United States or, better yet, to Japan in order to get foreign exchange.

Mr. GROSS. I am sure the gentleman is aware that tuna is an expensive item to the American consumer.

Mr. DINGELL. I am, indeed.

Mr. GROSS. If we are going to put this kind of money into the program, I would hope there would be some return to the taxpayers of this country who are putting up the money by way of perhaps less costly tuna coming to this country. I would not like to see the tuna sold to some foreign country.

Mr. DINGELL. I certainly would like that, too. I thank my good friend for his comments.

Mr. GARMATZ. Mr. Speaker, I rise and join my colleagues in support of my Tuna Fisheries Research bill, H.R. 12207.

The purpose of my bill is to assist in the development of the tuna and other latent fisheries resources of the central and western Pacific Ocean.

In accomplishing this purpose, my bill would authorize the Secretary of Commerce—either directly or by contract—to carry out a $3 million research program over the 3-year life of the program. The research program would cover, among other things, exploration for and stock assessment of tuna and other fish; improvement of harvesting techniques; gear development; and an economic evaluation of the potential for tuna and other fisheries in the central and western Pacific.

The beneficiaries of this program would be the residents of American Samoa, Guam, Hawaii, and the Trust Territory of the Pacific.

Testimony produced at my committee hearings indicated that all of these islands had one thing in common—there was no readily raw material which could be used to develop an industry. The only developable raw material presently available in substantial quantity in this area is the skipjack tuna resource that the Japanese are now harvesting in great numbers. It appears that the only hope of survival for these islanders is to develop a purse seine technique that will work in the clear tropical waters of the Pacific Islands as it has worked so well for our American fishermen in the South and East Pacific.

Mr. Speaker, this is the main purpose of my bill, and I urge the other Members of the House to join me in urging its early passage.

Mr. KEITH. Mr. Speaker, I rise to support H.R. 12207, the Central and Western Pacific Fisheries Development Act.

The Trust Territory administered by the United States under United Nations trusteeship encompasses 3 million square miles of ocean dotted with 2,000 islands. The islands of America Samoa, the island of Guam, and the Trust Territory are inhabited by some 230,000 people of whom 102,000 Guamanians are American citizens.

The economy of these islands varies is extremely poor. There is little industry and virtually no raw materials on the land to sustain a viable economy. Yet we know that there is a potential source of wealth in the tropical waters surrounding these islands. The Japanese have begun to tap this resource and now supply the only canneries in the area—two situated in American Samoa.

The United States has pioneered modern tuna-seining techniques which have made possible the large tuna fleet based in southern California. These techniques were developed for the waters of the eastern Pacific Ocean off Central and South America. More recently our ships have successfully fished off the west coast of Africa. But we have not yet developed gear and techniques which will work efficiently in the clear, warm waters of the western Pacific. Nor do we fully understand the migrations of tuna in the western Pacific. Basic fishery research coupled with gear development is essential if the tuna resource of this vast area is to be harvested.

The development of a viable fishing industry would be of inestimable value to the economy of these islands in terms of employment and capital investment.

At the same time, the United States must be mindful of the fact that the tuna resources of the Eastern Pacific—our traditional fishing grounds—are not unlimited. In addition, we are approaching the 1973 Law of the Sea Conference which hopefully will see the adoption of a new international fisheries regime, recognizing the right of coastal States to adopt resource conservation measures beyond narrow territorial belts. Hopefully, our relations with the countries of Latin America bordering the Pacific Ocean will be improved, and a new climate of understanding will emerge from that conference which will enable us to continue fishing these productive waters. Nevertheless, we must begin now to develop alternate sources of supply of this valuable food fish. To remain so dependent upon the waters off Latin America is foolhardy, to say the least.

This legislation, therefore, serves two important functions—the development of the economy of the Pacific islands and the exploitation of tuna resources of value to the entire Nation—resources which will not be the subject of international disputes.

Finally, Mr. Speaker, it should be stressed that the funds authorized for this program are to be utilized exclusively in this effort to develop the latent fishery resources of the Central and Western Pacific and not simply to augment ongoing programs. We expect a new direct effort. We also expect that the Secretary of Commerce will recognize the initiative of the Pacific Islands Development Commission and will cooperate to the maximum possible extent with the Commission in this undertaking.

Mr. Speaker, I urge my colleague to support the passage of this important legislation.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 12207, legislation to establish a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean.

I believe this is one of the most beneficial measures, in terms of cost as compared to potential benefits, that I have had the pleasure of sponsoring during my service in Congress. The bill is designed primarily to benefit our U.S. territories in the Pacific, Guam, and American Samoa, as well as the islands of Micronesia for which we are responsible under a United Nations trust, and the State of Hawaii.

This legislation has been proposed for several years, and there has been no opposition of which I am aware, as to its objectives. It would permit the development, through research and testing, of new techniques for harvesting tuna and possibly other fisheries resources in the waters surrounding the areas I mentioned. Presently, the fish are there in abundance but we lack the means of catching them. This is a terrible waste of valuable resources in our territorial and trust areas where there are precious few opportunities ror seif-sustaining production.

Our commercial fisheries have been unable to invest the rather large amounts of capital on the equipment and tne long voyages which will be required to develop and test new techniques for catching the tuna we know are there. They have, however, indicated a willingness to make a sizable contribution to this effort, as have the State of Hawaii and the territorial governments.

The potential reward is clear. A report issued last year, titled "An American Fisheries Opportunity in the Central and Western Pacific," indicated that some 880,000 tons of skipjack tuna may be available in the Pacific. The report said:

At $250 per ton, this would be worth about $200 million to the fisherman, $500 million to the processor, and some $800 million at the retail level. Even if only half of this resource

is developed in the next decade, it would be a significant contribution.

The bill before you authorizes a Federal expenditure of only $3 million over the next 3 fiscal years for such purposes as improvement of harvesting techniques, gear development, biological resource monitoring, and an economic evaluation of the potential for tuna and other fisheries in such area.

As the original sponsor of H.R. 4380, on which this bill is based, it is my intent that any fisheries resources developed under this program would fully meet our Nation's obligation to protect the environment and avoid the depletion of world fisheries. We envision a careful scientific study to determine the size of the tuna fishery and the amount that can be taken each year without reducing the size of the basic stock.

We should note that the methods now used for taking large deep-swimming tuna cannot suffice for the taking of smaller skipjack tuna. The program calls for conducting high seas purse seine operations in the Hawaii and Samoa area with medium and small seiners and bait boats in the trust territory and Guam area.

Unless the United States begins now to develop these resources, soon the opportunity will be lost. Already other nations, led by the Japanese, are exploring these fisheries with their advanced fishing boats. I was advised only last month by the Governor of Guam, the Honorable John M. Haydon, of reports which show—

> The tremendous increase in Japanese activity in the skipjack fishery and—the urgency for action on legislation to provide entry of American tuna vessels into the Western, Central, and South Pacific to develop the skipjack fishery.

This legislation is supported by the Department of State, which pointed out in its report to the committee that—

> The Trusteeship Council of the United Nations, which oversees our administration of the Trust Territory of the Pacific Islands, has long urged that steps be taken to improve the fisheries industry in the Territory. To the extent that the proposed legislation achieved that end, our efforts would undoubtedly be warmly received by the Council and by the people of Micronesia, whose continuing good will we desire.

A leading role in the development of this legislation has been taken by the Pacific Islands Development Commission, which is comprised of the chief executives of Guam, American Samoa, the trust territory, and Hawaii. Their joint initiative underlines the strong support for this tuna fisheries program throughout our Pacific areas.

The program would be administered by the Commerce Department, which would consult with the Commission and other interested parties to develop this resource. The Commerce Department presently has fisheries development authority, under the Farrington Act, but this act does not name the trust territory as one of the areas which can be included. H.R. 12207, the Commerce Department noted, "would fill in this void."

I realize that this measure involves a new expenditure by our Government, of approximately $1 million a year for 3 years, but I feel that few better investments could be made. There is a growing world market for tuna and other nations are moving to fill it. Unless we pass this measure, the United States will lose this important phase of its effort to remain one of the world's leading fishing nations. We should not permit this to happen when we have a welcome opportunity to lead the way through adoption of H.R. 12207.

I urge the adoption of this legislation.

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of H.R. 12207, with Mr. GARMATZ and Mrs. MINK, I rise in support of the bill. This legislation would provide for the development of tuna and other fisheries resources in the Central and Western Pacific.

I take this opportunity to commend and thank the chief sponsor of this bill, the distinguished chairman of the Merchant Marine and Fisheries Committee, the gentleman from Maryland (Mr. GARMATZ), without whose cooperation this measure would not now be on the floor. I wish also to commend and thank the distinguished chairman of the Fisheries and Wildlife Conservation Subcommittee, the gentleman from Michigan (Mr. DINGELL), who virtually exhausted every power and means at his disposal to conduct timely hearings on the bills which were before his subcommittee and finally to report out a clean bill satisfactory to all interested parties. Without the continuing and most generous assistance of my good friend from Michigan (Mr. DINGELL) we would not be considering this measure today.

Mr. Speaker, H.R. 12207 provides for a 3-year, $3 million program to be administered by the U.S. Department of Commerce for the exploration of ways to develop the tuna and other latent fisheries resources of the Central and Western Pacific. The U.S. tuna industry itself has pledged $212,500 toward this program in its first year, and contributions are expected from the governments of the State of Hawaii, Guam, the Trust Territory of the Pacific, and American Samoa. Senate hearings on similar legislation have already been held.

Mr. Speaker, H.R. 12207 is designed to deal with three distinct problems: A looming shortage of tuna to meet fast-growing demand, the relative decline of the U.S. tuna industry, and a serious need for economic development in America's Pacific territories.

Because of the immense and growing popularity of tuna as a food, a high likelihood of serious future shortages now looms. The projected increase of the total world consumption of tuna is indeed staggering. From 1.7 million tons in 1970, consumption demand is expected to exceed three times that amount—some 5.5 million tons—by 1990. The actual supply, however, will probably fall far short of the projected demand.

It is a highly disturbing fact that in the face of this rapidly increasing demand for tuna, the U.S. tuna fleet—the most modern in the world— is providing a decreasing proportion of the supply. In 1961, domestic catch accounted for about 44 percent of all the tuna consumed in America. By 1969, that percentage had declined to about 38 percent. During that period, consumption of tuna caught by foreign vessels increased by some 83 million pounds, while American vessels increased their catch by only 17 million pounds. This happened despite the fact that the U.S. tuna fleet is far ranging and able to compete, without subsidy, with any fishing fleet in the world.

The U.S. tuna resources suffered further adverse effects in 1966, when a voluntary quota system was established in order to conserve the yellowfin tuna resource in the eastern tropical waters of the Pacific. Since the quota system was instituted, the open season for the regulated yellowfin tuna has been reduced from a period of 8½ months to less than 3½ months. Estimates of the resultant loss in catch have gone as high as 50,000 tons, which, at the average price of $250 per ton, means a loss of some $12.5 million per year.

Clearly, something has to be done, and done quickly, if we are to save our modern tuna purse seining fleet, valued at more than $200 million, and give continued employment to the thousands of Americans whose livelihood depends on the Pacific tuna industry.

H.R. 12207 offers what I believe is a viable alternative. It would provide for the development of new fishing grounds and new fishing methods outside the regulatory area, particularly in the Central, Western, and South Pacific. Instead of the yellowfin, which in 1970 was the largest volume species canned in the United States, the proposed new fishing grounds are the home of the skipjack tuna, which has a dramatic potential. Exact estimates of the amount of tuna resources in the Central and Western Pacific are not available; indeed, one of the purposes of H.R. 12207 will be to develop such data. However, most estimates indicate that a minimum of 800,000 tons of skipjack tuna are available from the Pacific. At $250 per ton, that much tuna would be worth $200 million to the fisherman, $500 million to the processor, and some $800 million at the retail level. Even if only half of this resource were developed in the next decade, the tremendous potential for economic contribution is evident.

This is particularly important, Mr. Speaker, to the developing economies of American territories in the Pacific. There is a clear need for development of private industry in these areas, to cope with growing populations and present low-income levels. The potential impact of the tuna industry is perhaps best illustrated by looking at the economy of American Samoa, where two tuna canneries are already in operation. One-half of the total employment in the private sector in American Samoa is directly connected with the tuna canneries; most of the other half is involved in supporting businesses and services. Of American Samoa's $27 million worth of exports in 1967, all but $79,000 were from the tuna industry. Similar benefits can be easily

envisioned for Guam and the Pacific Trust Territory, once the skipjack tuna resource is adequately developed.

In summary, Mr. Speaker, H.R. 12207 will help meet the demand for more tuna; begin to reverse the decline of the American tuna industry; provide a badly needed spur to the economic development of America's Pacific territories; and mean a profitable investment for the American taxpayer.

I urge my colleagues to help in the attainment of these desirable goals by approving H.R. 12207.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 12207, 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.

EXTENSION OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12741) to extend the Federal Water Pollution Control Act through June 30, 1972.

The Clerk read as follows:

H.R. 12741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5(n) of the Federal Water Pollution Control Act (33 U.S.C. 1155(n)) is amended by striking out "$7,000,000 for the period ending October 31, 1971," and inserting in lieu thereof "$52,000,000 for the fiscal year ending June 30, 1972.".

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act (33 U.S.C. 1157(a)) is amended by striking out "and for the four-month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000.".

SEC. 3. The second sentence of section 8(d) of the Federal Water Pollution Control Act (33 U.S.C. 1158(d)) is amended by striking out "$650,000,000 for the four-month period ending October 31, 1971." and inserting in lieu thereof "$2,000,000,000 for the fiscal year ending June 30, 1972.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, since June 30, 1971, the programs under the Federal Water Pollution Control Act have been carried out under the authority of two temporary resolutions. The latest extension expired on October 31, 1971. It had been expected that this would allow sufficient time for the Committee on Public Works to complete its hearings and recommend new legislation to extend and revise the water pollution control program. The committee on December 15, after completing the most extensive and constructive hearings ever held on this program, ordered reported H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972. However, it is not anticipated that this will be enacted into law in the immediate future.

Section 1 of H.R. 12741 extends section 5(n) of the Federal Water Pollution Control Act and provides an additional authorization of $45 million for the period ending June 30, 1972, for research, investigations, training and information programs.

Section 2 provides an additional $11 million for section 7(a) of the Federal Water Pollution Control Act for the period ending June 30, 1972. This will permit the States to continue the planning of their programs in an orderly fashion.

Section 3 increases the authorization for the basic grant program for waste treatment facilities under section 8(d) to $2 billion, or an increase of $1.350 billion.

Mr. Speaker, although H.R. 12741 authorizes a total of $1.406 billion, it should be noted that the enactment of this legislation will not require the appropriation of any additional moneys. Public Law 92-73 approved last August included the necessary moneys for this program subject to later authorizations. This bill is the authorization to utilize the funds previously appropriated.

Mr. Speaker, I wish to express my appreciation to the gentlemen from Ohio (Mr. HARSHA) and New York (Mr. GROVER) for their splendid assistance in expediting this needed bill so as to prevent further delays in continuing this extremely important program.

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

Mr. JONES of Alabama. I yield to the gentleman from Missouri.

Mr. HALL. I say to the gentleman, is it not true that this bill increases the authorization for the water pollution program by $1,406 million.

Mr. JONES of Alabama. The answer is "Yes."

Mr. HALL. If the gentleman will yield further, we are again in the position of authorizing legislation after the fact for an appropriation that has already been committed, but in a sense this does, in continuing the authorization, add on additional billions of dollars to the previously authorized act. Is that not true?

Mr. JONES of Alabama. I would say to the gentleman that the appropriations have already been made in Public Law 92-73. The bill merely authorizes the use of these previous appropriations.

Mr. HALL. Can the gentleman explain the last sentence in his report wherein it says:

Section 3 increases the authorization for the basic grant program for waste treatment facilities under section 8(d) to $2 billion, or an increase of $1.350 billion.

Does not the money here add any increased authorization?

Mr. JONES of Alabama. The gentleman is correct.

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

Mr. JONES of Alabama. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, H.R. 12741 would extend the Federal Water Pollution Control Act until June 30, 1972. In my view, this extension is needed to enable us to work out some very serious problems created by the administration in connection with the pending water pollution legislation, particularly the Senate-passed bill S. 2770.

Last week, the administration sent to several Members of Congress, including myself, a farreaching amendment to the Federal Water Pollution Control Act which is designed to limit severely the scope of the National Environmental Policy Act of 1969. The amendment would do two things:

First, with respect to Federal license or permit applications covering activities "which may result in any discharge into navigable waters," a section 102 environmental impact statement would be required, but the permitting or licensing agency would not be required to examine any problem of water quality. The chief objective of this amendment is to render moot one of the principal conclusions of the court in *Calvert Cliffs* v. *Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1971).

Second, environmental impact statements will not be required in the case of "specified environmentally protective regulatory actions"—whatever that means—taken by EPA or any other Federal agency identified by regulations issued by the Council on Environmental Quality. Under this amendment, the CEQ, not Congress, would decide which agencies and agency actions require environmental impact statements, and which do not. The chief objective of this amendment is to render moot the conclusions of the court in *Kalur* v. *Resor*, 3 ERC 1458 (Dec. 22, 1971).

These are amendments to the National Environmental Policy Act. That law emanated from the Merchant Marine and Fisheries Committee, and not the Public Works Committee. EPA and CEQ know that. I do not look kindly to the administration proposing to another House Committee amendments to NEPA that would bypass our committee.

The matters to be considered here are fundamental. The objective of NEPA and the environmental impact statements is to require that all Federal agencies review and put down on paper the environmental effects of a proposed action before the agencies decide whether or not to take or permit that action. At this juncture, the public and other Federal and State agencies have an opportunity to review this paper and to learn of the agency's judgments and reasons which support a proposed action. Only a few weeks ago, the Corps of Engineers—to its great credit—abandoned a proposal in Florida on the environmental grounds after preparing an environmental impact statement.

In my view, this approach to the decisionmaking process is sound. I see no reason why EPA—like the corps or any other agency—should be exempt from this requirement of NEPA. Even environmentally oriented agencies make

decisions that are not always environmentally sound or are subject to pressure that cause them to strike a balance weighted toward approving a permit which, absent that pressure, they might not approve. The recent newspaper articles revealing that the CEQ had abandoned a proposed executive order on clear-cutting after protests by timbercutters show that such pressures are quite effective.

Environmentally concerned citizens have successfully fought in the courts to require Federal agencies to consider the environmental impact of their decisions through these statements. These NEPA amendments of the administration seek to wipe out many of those successes. I strongly oppose those amendments.

The House Subcommittee on Fisheries and Wildlife will soon be holding extensive hearings on the implementation of NEPA. These hearings will include a comprehensive review by the General Accounting Office of NEPA and its implementation. We will be looking into the concerns which the administration cites as the reasons for these amendments. We will want concrete facts, not just conjecture, that a real problem exists. I recall that early last year, the administration and industry were crying the blues over the prospects of 40,000 to 100,000 Refuse Act permit applications, only to learn that a more realistic number was 20,000.

I urge environmentalists to review these proposed administration amendments and those that would repeal the Refuse Act of 1899 and tell the administration, and the Congress, about your concerns.

I also call to the attention of all environmentalists a provision in section 511(b) of the Senate-passed bill (S. 2770) which would amend the Fish and Wildlife Coordination Act. This statute now requires that, before the Corps of Engineers or any other Federal agency issues any Federal permit or license which would modify a waterway, the agency must obtain the views and recommendations of the Bureau of Sport Fisheries and Wildlife, NOAA, and the State fish and game agencies. This amendment would eliminate that requirement as to Refuse Act permits and as to discharge permits issued by EPA.

I oppose that amendment. The Fish and Wildlife Coordination Act has proven to be a most valuable means for protecting environmental issues and requiring Federal permitting and licensing agencies to take actions that would protect our fisheries and wildlife resources.

It will be a black day for environmentalists if the Refuse Act is repealed, the National Environmental Policy Act weakened, and the Fish and Wildlife Coordination Act gutted, all in the name of water pollution control.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the pending bill.

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

There was no objection.

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

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Has this money been budgeted?

Mr. JONES of Alabama. Yes. All the amounts have been budgeted, I will say to the gentleman from Iowa.

Mr. GROSS. Does the gentleman have any idea as to where it is proposed to get this kind of money?

Mr. JONES of Alabama. I am sorry; I fail to understand the gentleman.

Mr. GROSS. Where is it proposed to get this kind of money, this kind of an increase, up to $2 billion? Where is it proposed to get the money? Does the gentleman have any good idea as to where it is coming from—off a printing press, or where?

Mr. JONES of Alabama. I guess it is off the same press that has been printing it since the beginning of the Republic. I do not know of any new source. It has already been appropriated. We sat here and voted for it.

Mr. GROSS. As sure as death and taxes, it is not in the U.S. Treasury, is it?

Mr. JONES of Alabama. I will say to the gentleman from Iowa, I believe that one of the most important things we can do for our country is to preserve the waters of the great land. The Appropriations Committee has already made the necessary appropriations. All we are trying to do is to legislate the authorization for their proper expenditure.

Mr. GROSS. Is there some reason why those doing the polluting cannot take care of it?

Mr. JONES of Alabama. The Public Works Committee recently ordered reprinted H.R. 11896, the Federal Waters Pollution Control Amendments of 1972. In this bill which we will shortly bring to the floor we make some very specific recommendations as to the responsibilities for paying the cost of water pollution by those who create the situation.

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

Mr. Speaker, I urge support of H.R. 12741 as an essential continuation of the Nation's water pollution control program during the period which the House Public Works Committee continues its drafting of H.R. 11896 and the preparing of the bill report.

The House Committee on Public Works has spent many weeks in hearings, committee deliberations, and staff preparations in order to complete work on H.R. 11896. The Committee on Public Works on December 15, 1971, ordered H.R. 11896 to be reported. At the present time the staff is incorporating the amendments to H.R. 11896 which were passed by the committee during executive sessions held in December. There were a number of amendments which required a detailed and thorough study of their effect on other sections of the bill. Because of the length and complexity of this bill, the Committee on Public Works has taken the position that sufficient time will be made available to complete the committee report in the detail and with the thoroughness that is required for a bill as complex and with as broad a spectrum as H.R. 11896. The committee fully intends that the bill and the report will not be allowed to suffer from a lack of the necessary time to complete this task in the manner our Nation's water pollution control program deserves. Thus, the time needed to complete this large task plus the time which will be required for conference on the differences with the other body makes it necessary that we again extend the funding authorizations under the existing law, as we said previously we would have to do.

While it can be argued that to not have an extension would put added pressure on the committee to complete the bill and report it at an earlier date, to do so would be foolhardy. We must give this bill the time it deserves.

Mr. Speaker, I have two comments on the report of the Committee on Public Works accompanying H.R. 12741.

First, in the second paragraph of page 2 of the report, we state:

> Grants at this increased level will be applicable to construction during the fiscal year ending June 30, 1972.

By this we mean that such—at least up to 70 percent—grants will be applicable to funds obligated from the $2 billion authorized and appropriated for the fiscal year ending June 30, 1972.

Second, this bill does not change the authority of the Administrator of the Environmental Protection Agency to make grants from the $2 billion authorized for the fiscal year ending June 30, 1972, for reimbursement of prefinancing of the Federal share of treatment works construction costs in any fiscal year ending on or before June 30, 1971. Portions of the $2 billion for grants for the construction of treatment works for the fiscal year ending June 30, 1972, may be used for outstanding prior-year reimbursables.

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

Mr. GROVER. I yield to the gentleman from New York (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I should like to ask the gentleman a question with respect to the report. I refer to page 2 of the report, where it is stated:

> Neither reimbursement nor advanced financing are authorized by this bill and there is no provision in the law for the States or municipalities to recover their expenditures if, because of the increased Federal grant levels, the allotment to the individual State is insufficient to recover the grant levels at the increased rates.

I wonder if the gentleman might clarify the meaning of that language?

Mr. GROVER. If I may respond, the bill does not change the authority of the administrator of EPA to make grants from the $2 billion authorized for the fiscal year ending June 30, 1972, for reimbursement or prefinancing of the Federal share of treatment works and construction costs in any year ending before June 30, 1971.

Mr. TERRY. Then is it the intent of Congress that no State or municipality can prefinance the Federal share of the cost of any project approved after July 1,

1971, for which they would be eligible for reimbursement?

Mr. GROVER. I think there is a caution in there, and that is that the funds authorized in this bill do not permit it. However, we do hope to incorporate in the legislation we are working on now prefinancing conditions and language which I think will be satisfactory to all of those who are prefinancing. However, there just does not seem to be enough money to go around, so we are very cautious with this.

As I thought I indicated earlier in my comments, it would be very difficult for the other body in its present mood to accept the prefinancing regulation language in this bill.

Mr. JONES of Alabama. The gentleman is, of course, aware that probably one of the most complicated issues which the Committee on Public Works had to deal with in the Federal Water Pollution Control Act Amendments of 1972 was the matter of reimbursement to States for advanced construction. The gentleman has been quite diligent and active in raising this point before the committee on numerous occasions.

Gov. Nelson Rockefeller testified convincingly on this subject on two occasions during our many months of hearings. As a result of our hearings, we have in our bill, which is waiting for the completion of the committee report, provisions for generously reimbursing those communities and States which went forward by prefinancing their own treatment plants. We have also included generous provisions permitting reimbursement for prefinancing in the future. The Senate has also included provisions for repayment in its bill which it has passed.

However, we had to draw the line somewhere. There has in fact been no prefinancing since July 1971. This is February. I would hope that the Federal Water Pollution Control Act Amendments of 1972 would be approved in the next few months. A further extension of the existing prefinancing or reimbursement procedures in H.R. 12741 might seriously hamper the implementation of the new policy requirements of the pending legislation. Accordingly, I suggest that the provisions of the Federal Water Pollution Control Act Amendments of 1972, which we anticipate bringing to the House shortly, will resolve the problems which have been raised before the committee and I am sure will be most satisfactory to the gentleman.

Mr. GROVER. I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Speaker, I would like to inquire concerning the question of the intent of this measure. I am going to address myself to either the gentleman from New York (Mr. GROVER) or the gentleman from Alabama (Mr. JONES), and my question is this:

Several of the States are now faced with a problem. Following this colloquy, I will insert letters from New Hampshire testifying to the problem. The Senate has passed a bill that increases the Federal share from the current level, from 30 to 55 percent, to a level of 60 to 70 percent. The House committee reported a bill which increases the level of Federal participation by an even greater amount; that is, up to 75 percent.

The question facing many States and municipalities at this time in history is that if they proceed with the current financing, will they get the old or the new rate? The Senate and the House bills go back 1 year and give that retroactive feature, but in this measure which we are authorizing now, the question is raised the State or municipality will be able to obtain the larger Federal participation.

It is my understanding it is the intent of the Congress that it will be at the new and increased rate of participation. I want to make this crystal clear, because otherwise a great many projects will come to a grinding halt in this country and in New Hampshire.

Mr. GROVER. The gentleman from New Hampshire has raised a good point.

When the pending amendments to the Federal Water Pollution Control Act are enacted, it is anticipated that the maximum grant for treatment works construction for this fiscal year, which ends June 30, 1972, will be between 70 and 75 percent because these higher levels are reflected in S. 2770 as passed by the other body and H.R. 11896 which was ordered to be reported by the House Committee on Public Works. They compare with the 30 to 55 percent level in existing law. States upon passage of H.R. 12741 may go ahead with new projects at the 30 to 55 percent level. However, they must clearly recognize that such new construction will be eligible for the higher grant levels from the 1972 authorizations when the pending legislation is enacted.

Thus, they must use care to make sure they do not exceed their allotment of the $2 billion for this fiscal year. In fact, the States, if they chose, could proceed with a prefinancing of the 70 percent Federal grant level with the high probability of enactment of the higher grant levels.

Again, however, a word of warning. The States must exercise extreme care to not exceed their allocation of grant funds for fiscal year 1972, so as to be able to increase the Federal share of the costs of all projects for which grants have been made from 1972 authorizations.

Mr. CLEVELAND. Then, let me say this: Precisely then the gentleman is assuring me that if New Hampshire acts under this authorization we can expect to do it under the rate of 70 percent participation or the 75 percent participation rate, whichever one is finally enacted into law sometime later this year, assuming if course such rates are enacted.

Mr. GROVER. Assuming it is enacted into law with the present language we are contemplating in the House bill, I think it will do so.

Mr. CLEVELAND. Can you be any more positive?

Mr. GROVER. I am pretty positive.

Mr. JONES of Alabama. Will the gentleman yield to me?

Mr. CLEVELAND. I yield to the gentleman.

Mr. JONES of Alabama. I concur in the answer of the gentleman from New York.

Mr. CLEVELAND. Mr. Speaker, the letters I referred to earlier are as follows:

CONCORD, N.H.,
January 21, 1972.

Hon. JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR JIM: The purpose of this letter is to bring your attention to the fact that the pollution control construction program in New Hampshire is rapidly coming to a grinding halt because of continued lack of action by the Congress with regard to funding for the pollution control program.

We are aware that both the House and Senate bills which would amend the Federal Water Pollution Control Act promise substantial increases in the level of Federal participation as well as authorizations for the associated funds. However, we cannot, in good conscience, in the face of the present inaction of Congress, encourage communities to proceed with construction of needed projects. Obviously, if the participation formula is changed from fifty percent to seventy or seventy-five percent, (as provided for in the legislative proposals) financial losses are in prospect, not only for communities, I might add, but also for the State Government, itself, which is heavily engaged in our State aid program.

Since many other states are in similar position, it seems to me that the Congress should move expeditiously in the matter or at the very least immediately incorporate an appropriate provision in the legislation which would assure states and communities that they will not be penalized by reason of having proceeded in good faith, pending final action on these bills.

Sincerely,

WALTER PETERSON,
Governor.

WATER SUPPLY AND POLLUTION
CONTROL COMMISSION,
Concord, N.H., January 21, 1972.

Hon. JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR JIM: This will confirm my discussion with you of earlier today concerning the status of program grant funds allocated to New Hampshire under the Federal Water Pollution Control Act.

As you know, while the legislation extending the Federal pollution control program has been pending, funds were appropriated for both construction and program grants by means of a continuing resolution. Under this system, this agency has received a total of $25,960 as of October, 1971, when the last payment was made. The regular allocation for New Hampshire for Fiscal 1971 amounted to $64,300, and a like sum would certainly be minimum for Fiscal 1972. In any event, expenditures to date amount to $34,049; thus, we are in the position of prefinancing not only construction grant money but also program grant funds. Four members of the staff are employed by reason of Federal contributions; hence, there is an obvious degree of urgency involved.

Undoubtedly, many other states are similarly being deprived of the Federal assistance to which they are entitled. In this sense, if you are successful in securing favorable action on our behalf, it will provide parallel relief for administrators in other states who are equally concerned that this matter be resolved.

Enclosed is a copy of my recent communication to Mr. John A. S. McGlennon, Regional Administrator of EPA in Boston, on this same subject. I am sure he would be interested in being aware of our appeal to

you for assistance, and a copy of this letter is being forwarded to him.

Kind personal regards,

Sincerely,

WILLIAM A. HEALY,
Executive Director.

JANUARY 18, 1972.

Mr. JOHN A. S. MCGLENNON,
Regional Administrator, Enviornmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass.

DEAR MR. MCGLENNON: The purpose of this letter is to request your assistance in obtaining program grant funds in accordance with the payment schedules normally adhered to by your office. At this writing, our records indicate that only $25,960 has been received by the State of New Hampshire to date for fiscal 1972, and that last payment occurred in October, 1971.

We are aware that full appropriations have not yet been authorized by the Congress because of still pending amendments to the Federal Water Pollution Control Act. Nevertheless, program funds are utilized here to employ personnel and the absence of regular payments threatens the security of these positions.

We would urge your assistance in obtaining additional funding or, failing this, a letter of assurance that the State of New Hampshire will be reimbursed for any funds which it may have to advance for the period until Federal program funds are made available.

Very truly yours,

WILLIAM A. HEALY,
Executive Director.

(Mr. CLEVELAND asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GROVER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I would like to comment at this time that I very much support this bill.

I think the gentleman from New Hampshire raised a question, and I am glad to have the assurance that this does mean money under this act would be available at the rate of either 70 or 75 percent.

I would like to point out to the House that in my own State of New York the Congress really committed itself as far as the State of New York is concerned, anyway, to making up nearly $1.3 billion that our State prefinanced on the assumption that the Congress was going to make this money available for programs.

Now, this move right now in the House, as I understand it, will produce approximately $109 million for the State of New York.

New York State 2 weeks ago canceled 167 programs dealing with water pollution and water pollution abatement because of insufficient funds and because the prefinancing was not available any longer under Federal programs.

So, No. 1, it is my hope that this bill will pass and, second, it is my hope that the bill that is going to be acted on in the House will contain the provisions of retroactive pay to the State of New York and many other States that are prefinancing in order that they can go ahead with their programs.

Mr. REUSS. Mr. Speaker, while I favor the early enactment of an effective water pollution bill such as S. 2770 which passed the Senate last fall, I am anxious that this program continue while the pending legislation is being considered. I therefore think that an extension of the program as proposed today in H.R. 12741 is sound.

A few days ago, the administration pushed the panic button and circulated in Congress two amendments to the water pollution control legislation now pending in Congress. One of these would emasculate the National Environmental Policy Act. The other would repeal the Refuse Act of 1899 as an antipollution tool.

I oppose both of these amendments of the administration. I urge all environmentally concerned citizens to do so.

I note, too, that the Senate-passed bill does not repeal the Refuse Act, particularly its provisions regarding citizen participation.

This 1899 law, for 2 years now, has been the backbone of the Federal antiwater-pollution program. Under this law, the Government has initiated over 100 enforcement actions against polluters. In many instances, the moving force behind the Government's action has been the citizen. The citizen has provided information that has caused the Government to file a criminal or civil suit against the polluter.

Take, for example, the Armco case. Last December, Attorney General Mitchell announced a suit against Armco Steel Co.'s Sheffield, Tex., plant for violating the 1899 Refuse Act. The Justice Department charged then that the "effluent wastes being deposited in the waters of the Houston ship channel" daily by Armco without a corps permit "are highly toxic and constitute an immediate health hazard to all life—which might come into substantial contact with such waters—and cause irreparable injury to the ecological balance" of the channel and the Gulf of Mexico. The wastes are described as cyanide, phenols, sulfides, chlorides, manganese, and ammonia.

The Justice Department took this action when Mr. Don Berthelsen, a resident of southwest Houston, filed a complaint with the U.S. attorney. Last August, the Houston Post said that Mr. Berthelsen filed the complaint against Armco because "they seemed to be our most gross polluter and their management attitude was most flippant about the problem." At that time, Mr. Berthelsen said he "was fairly proud of the response of the Government." He said it "gives you faith that if you just will make an effort, the thing is likely to work."

We have also seen examples where criminal actions have been filed and the citizen is entitled to one-half the fine. Only yesterday the New York Times reported that the Hudson River Fishermen's Association would receive $25,000 for supplying evidence of pollution by the Anaconda Copper Co. which led to its conviction of violating the Refuse Act.

But the administration's new proposal would effectively repeal the Refuse Act and preclude forever any further citizen participation of this nature.

The Nixon administration has adopted the position of the National Association of Manufacturers, which last September urged the House of Representatives to amend the Refuse Act so as to limit it to consideration of navigation only. This in effect repeals the Refuse Act. Ships can navigate through a sea of crud, but this does not make pollution desirable.

Mr. Nixon would take away an effective and simple tool for citizen participation and substitute a complex and cumbersome law which will result in less effective pollution control. Not even an empty shell would be left of the 1899 law.

The administration has said that citizen participation in the environmental movement is a healthy thing. But here we have a law which enables the citizen to act environmentally and to see the fruits of his efforts and, rather than retain it and urge its use, the administration seeks to repeal it. This law lets the citizen discover polluters and gather evidence against them at little or no cost to him. He does not need a lawyer to file a lawsuit for him. He does not need expert witnesses. He needs only to ferret out the polluter, tell the appropriate U.S. attorney, and wait for him to act civilly or criminally.

The Refuse Act has given the citizen this role. The Federal Water Pollution Control Act has not. Nor will the pending legislation. Oh yes, it will provide for civil suits—a much needed provision—but those cost money. The average citizen who is environmentally concerned cannot afford the costs or time associated with such suits.

I urge that the administration drop its efforts to repeal the Refuse Act. The administration should reject the arguments of the NAM and think of the citizens of this Nation who deplore the condition of our waterways. The Refuse Act and the Federal Water Pollution Control Act have operated successfully in tandem for 2 years. Let them continue to work together for many more years until our waterways once again are of good quality.

I also join in the remarks of my colleague from Michigan, Congressman DINGELL, opposing the administration's proposed amendments to weaken the National Environmental Policy Act and the Fish and Wildlife Coordination Act.

Mr. KEMP. Mr. Speaker, I rise in support of the continuing resolution. Last Monday, January 31, I introduced H.R. 12751, a bill to extend the Federal Water Pollution Control Act until June 30, 1972. This legislation, which was referred to the Committee on Public Works, was cosponsored by my distinguished colleague (Mr. DULSKI).

Since October 31, 1971, the Environmental Protection Agency has been without authorization for important areas of the Federal Water Pollution Control Act. Authority had been extended since the expiration date of June 30, 1971, by Public Law 92–50 and Public Law 92–137.

Last Thursday, February 3, our colleagues in the Senate considered and passed a bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972. This legislation would provide funds to assure the payment of salaries and expenses, $9 million, and

$15 million to meet contract obligations until the end of this fiscal year.

Mr. Speaker, I am delighted that the Senate has acted promptly on this important matter, but I very much regret that they did not include in their bill provisions contained in proposed House legislation which would provide for vital environmental programs.

The bill reported to the House today by the Committee on Public Works would not only accomplish the aims of the Senate-passed legislation, but would also provide an additional authorization of $45 million for the period ending June 30, 1972, for research, investigations, training, and information programs. I am disappointed that we cannot specifically earmark funds at this time for the crash program to help restore the Great Lakes and for reimbursement. However, it is my understanding that the increase to $2 billion in the grant program from $1.3 billion does include moneys for the Great Lakes and particularly Lake Erie.

Mr. Speaker, the costs of not instituting a program to abate pollution on the Great Lakes would incur damages which far exceed the expenses of such a program.

The pollution of the Great Lakes, and particularly Lake Erie, have been an environmental focal point for more than a decade. No other body of water has been given more attention by the media. As early as 1960 the then Secretary of the Interior declared that Lake Erie had the highest priority with respect to cleanup over any other river or lake in the Nation. Numerous elected and appointed officials, as well as most of the leading aquatic scientists in the world, have stated that the rejuvenation of Lake Erie will be the model and incentive for the saving of our Nation's water resources.

To curtail this effort would be a serious blow to the morale of our country as well as a serious blow to Canadian-United States relations. The Canadian federal, provincial, and local governments have kept their pledges made at meetings of the International Joint Commission and other conferences. The percentage of their economy which has been and will continue to be expended on water pollution is more than triple even the most costly of the proposed U.S. plans. Most of the Canadians' efforts as well as the nearly one-half billion dollars of previous abatement efforts by the public and private sector of our economy will be for naught if we do not implement the proposed clean-up program.

It is imperative that we keep in mind two essential facts. First, we have the technology and manpower to abate the pollution. The only factor blocking our path is the lack of funding. Secondly, the actual cost of not abating the pollution or postponing our efforts far exceeds the cost of clean-up. I would like to give some examples of the latter.

The cost of municipal sewage plant construction has more than doubled during the past 5 years. Even with inflation under restraint, it will cost considerably more 2 years from now if we put off construction. At least one of the Lakes—Lake Erie—is on the brink of an ecological cliff. A joint 1970 study by the Governments of Canada and the United States—Project Hypo—has shown that unless the wastes being added to the lake, particularly from cities and towns, is substantially reduced in the next 5 years, Lake Erie may go beyond the point where it can be changed from a liability to an asset. These scientists found that a larger section of the lake bottom was becoming devoid of oxygen for a longer period of time each summer. This was due to the death and decay of algae, whose overpopulation had been caused by municipal wastes. When the oxygen level at bottom reached zero, the nutrients that had accumulated on the bottom for more than a hundred years were released. Swept up into the water, these nutrients induced the growth of more algae. This perpetuated the vicious cycle. Conditions are now being approached that the amount of nutrients released may be sufficient to perpetuate a year-round algae bloom. If this occurs, even if we cease all pollution of the lake, it will remain a festering pot of foul smelling slime.

Under oxygen-less conditions, other undesirable processes occur. Mercury and other heavy metals are released in the water. The mercury that was added to Lake Erie and the Niagara and Detroit Rivers probably would have caused little problem if it were not for the low dissolved oxygen in the bottom of these waters.

Mr. Speaker, the mercury pollution damage to the Lake Erie fishing industry, which was the most profitable of all the Great Lakes for both the United States and Canada, will exceed $60 million. The costs on the sports fishing industry probably will exceed $100 million.

The impact of pollution on recreation should not be ignored, particularly from an economic point of view. Despite the fact that more boats are owned by people residing in the Great Lakes Basin than any other area of the country, the percentage of those people who sail on the Great Lakes is less than 25 percent. Instead, they trailer their boats to other areas, particularly Canada. One survey, conducted by the Great Lakes Laboratory of the State University College at Buffalo, demonstrated that the money spent by Americans who crossed into Canada via three bridges on the Niagara Frontier for summer boating vacations in Canada, far exceeded the amount spent by Americans in Europe during a comparable number of months. When asked why they had not taken a similar vacation on the Great Lakes, the overwhelming reply was that they did not like the pollution.

The closing of beaches along Lakes Michigan, Erie, and Ontario has not only resulted in the loss of revenue for local governments but it has induced further spending for the construction and maintenance of municipal and private pools. Likewise, the closing of motels and other tourist oriented businesses along the Great Lakes in Wisconsin, Michigan, Ohio, Pennsylvania, and New York has dealt serious economic blows to these areas. If the problem is not checked, even more losses can be expected.

It is clearly evident that when all the costs are examined, it is far less expensive to abate pollution of the Great Lakes now, rather than postpone our efforts.

Mr. Speaker, I have received assurances that reimbursement provisions will be in the omnibus bill which will be brought to the floor in March, where I will continue the fight for New York and our Great Lakes at that time.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 12741, the bill to extend the Federal Water Pollution Control Act through next June 30.

The need for this resolution is obvious. Action is long overdue. The House has sought to deal with this matter before, but our earlier action now is outdated.

It is indeed strange how this crisis should arise when we are dealing with a subject which everyone seems to feel is urgent. Yet, we find the program now in such a bind that the Agency does not even have the money needed to pay salaries, let alone act on the hundreds of pending pollution control applications.

In speaking critically, I want to make it very plain that I have no complaint either against this body or, in particular, against the distinguished gentleman from Minnesota (Mr. BLATNIK), chairman, and the members of his Committee on Public Works. All have tried hard to break the deadlock.

The problem, it seems to me, lies with foot-dragging downtown. They claim to want a pollution control program, but they are nit-picking it to death.

OWN BILL WENT FURTHER

A week ago, I cosponsored, with Congressman KEMP of New York, a resolution which is similar in part to the pending bill. My resolution went one step further and authorized payments to States which have prefinanced water pollution control work.

The omission of the reimbursement feature from the pending resolution hits New York State in an extremely tender spot—its treasury. New York already has prefinanced eligible Federal projects to the tune of more than $1 billion.

With no Federal funds in sight, the State has ordered an end to prefinancing until the Federal payments catch up. As a result, the State has put 157 sewer projects on the back burner, including some 29 in my own western end of the State.

This is a deplorable backward step in our all-out effort to deal with water pollution.

INTERNATIONAL ASPECTS

What is more, it has international implications since it means the United States is going to move even slower in dealing with pollution on the Great Lakes and the connecting channels.

Our colleague from Minnesota (Mr. BLATNIK) is fully aware of the situation as it applies to the Great Lakes since he is chairman of the Conference of Great Lakes Congressmen.

Mr. Speaker, I support the pending resolution as a step in the right direction. I am quite aware that the Committee on Public Works has ordered reported a basic pollution control bill and floor action is expected to be scheduled by mid-March.

I regret very much the stumbling blocks that have been put in the way of

final action on the basic legislation. I am even more distressed, if that is possible, by the difficulties we have encountered in trying, at least, to keep the old program in force until the new one is enacted.

Mr. Speaker, I urge full support of the pending bill.

Mr. Speaker, as part of my remarks I include a pertinent recent editorial from the Buffalo (N.Y.) Evening News:

FEDERAL SEWAGE AID IS VITAL

A memorandum from the State Department of Environmental Conservation, laying down tougher guidelines for new building developments that would add to existing water pollution in Erie County, underscores the severity of the sewage treatment problems now facing the county.

The state agency stops short of requiring or encouraging a countywide moratorium on construction. But that could obviously come to pass if sewage overloading and stream pollution in the county continue to worsen. In that event, the adverse economic as well as environmental consequences for the county would be obvious.

Although some communities, as the state agency notes, are well along in planning new sewage facilities, too many others have been dragging their feet. Hence, the new state memorandum makes it more vital than ever that this county and all localities do everything possible to accelerate measures aimed at abating stream pollution.

However, the most pressing need of the moment is for Congress to appropriate adequate funds to finance the federal share of water pollution control projects. It was the inexcusable failure of Congress to deliver on promised federal aid that largely caused the state to suspend plans for 157 sewer projects, including 29 in Western New York. The U.S. already owes New York State more than $1 billion which the state prefinanced as the federal share for pollution-abatement projects.

Because of the resulting breakdown of the state's pure waters program, the immediate outlook for stepping up the attack on water pollution in Erie County, as elsewhere, is discouraging indeed. This, in turn, has grave international implications since the United States has pledged a joint cleanup of boundary waters with Canada.

Our representatives in Congress thus have a clear and urgent incentive to press for the fastest action to provide the needed pollution-abatement funds.

Mr. Speaker, I urge full support of the pending bill.

Mr. KEE. Mr. Speaker, I rise in support of H.R. 12741, the extension of the Federal Water Pollution Control Act. The Public Works Committee will shortly bring to the floor H.R. 11846, probably the most important environmental legislation ever to be considered by the Congress. This will be a $27 billion program to combat water pollution and to make our waters safe for the American people.

In the meantime, however, the existing program has expired. H.R. 12741 will extend the water pollution control program to June 30, 1972, and permit the Congress to continue its careful and diligent work on H.R. 11846 which will follow shortly.

Passage of H.R. 12741 would permit EPA to carry on its research, training, and information programs. At the same time, the States will be able to continue their own planning programs without undue delay. Furthermore, EPA will be able to move forward with the waste treatment construction program.

I urge the passage of H.R. 12741.

Mr. CONTE. Mr. Speaker, I support H.R. 12741 which would extend provisions of the Federal Water Pollution Control Act through June 30 of this year. We are all aware that new water pollution control legislation has been passed by the Senate and that the House Committee on Public Works has reported out its own bill.

Because of the many sweeping changes in Federal policy such legislation would effectuate and because of the many uncertainties that have been raised in the minds of the public about these new proposals, it is unlikely that final legislative action on them will occur in the immediate future. Hence the need to insure the interim continuation of the present program.

Few would argue with the necessity of further support for the waste treatment facilities construction program authorized under this legislation. Authority to meet existing contract obligations and for the payment of salaries and expenses is likewise required.

To continue the fight to reclaim and preserve the purity of our Nation's waterways, I urge adoption of this legislation.

Thank you, Mr. Speaker.

Mr. GROVER. Mr. Speaker, I have no further requests for time.

Mr. JONES of Alabama. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. JONES) that the House suspend the rules and pass the bill H.R. 12741.

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 340, nays 7, not voting 84, as follows:

[Roll No. 30]

YEAS—340

Abbitt	Burlison, Mo.	Dellenback
Abourezk	Burton	Denholm
Abzug	Byrne, Pa.	Dennis
Addabbo	Byron	Dent
Anderson, Calif.	Caffery	Derwinski
	Camp	Devine
Andrews	Carey, N.Y.	Dickinson
Annunzio	Carney	Dingell
Archer	Casey, Tex.	Donohue
Arends	Cederberg	Dorn
Aspin	Celler	Dow
Baring	Chamberlain	Drinan
Barrett	Chappell	Dulski
Begich	Clancy	Duncan
Belcher	Clark	du Pont
Bennett	Clausen, Don H.	Edwards, Ala.
Bergland		Edwards, Calif.
Bevill	Clawson, Del	Eilberg
Biester	Cleveland	Erlenborn
Bingham	Collier	Esch
Blackburn	Collins, Tex.	Eshleman
Boggs	Colmer	Fascell
Boland	Conable	Findley
Bolling	Conte	Fish
Brademas	Conyers	Fisher
Brasco	Cotter	Flood
Bray	Coughlin	Flowers
Brooks	Culver	Foley
Broomfield	Curlin	Ford, Gerald R.
Brown, Ohio	Daniel, Va.	Ford, William D.
Broyhill, N.C.	Daniels, N.J.	
Broyhill, Va.	Danielson	Fountain
Buchanan	Davis, Ga.	Fraser
Burke, Fla.	Davis, S.C.	Frelinghuysen
Burke, Mass.	de la Garza	Frenzel
Burleson, Tex.	Delaney	Frey
Fulton	McEwen	Runnels
Fuqua	McFall	Ruth
Galifianakis	McKay	Ryan
Gallagher	McKevitt	St Germain
Gaydos	McKinney	Sandman
Gettys	McMillan	Sarbanes
Giaimo	Madden	Satterfield
Goldwater	Mahon	Saylor
Gonzalez	Mallary	Scherle
Goodling	Mann	Scheuer
Grasso	Martin	Schneebeli
Gray	Mathias, Calif.	Schwengel
Green, Oreg.	Mathis, Ga.	Scott
Green, Pa.	Matsunaga	Sebelius
Griffin	Mayne	Seiberling
Griffiths	Mazzoli	Shipley
Grover	Meeds	Shoup
Gubser	Metcalfe	Shriver
Gude	Michel	Sikes
Hagan	Mikva	Skubitz
Halpern	Miller, Ohio	Slack
Hamilton	Mills, Ark.	Smith, Iowa
Hammer-schmidt	Minish	Smith, N.Y.
	Mink	Snyder
Hanley	Minshall	Springer
Hanna	Mitchell	Staggers
Hansen, Idaho	Mizell	Stanton, James V.
Harrington	Mollohan	
Harvey	Monagan	Steed
Hastings	Montgomery	Steele
Hathaway	Moorhead	Steiger, Ariz.
Hays	Morgan	Steiger, Wis.
Hechler, W. Va.	Morse	Stokes
Heinz	Mosher	Stratton
Henderson	Murphy, Ill.	Stuckey
Hicks, Mass.	Murphy, N.Y.	Sullivan
Hicks, Wash.	Myers	Symington
Hillis	Natcher	Talcott
Hogan	Nedzi	Taylor
Holifield	Nelsen	Teague, Calif.
Horton	Nichols	Teague, Tex.
Hosmer	Nix	Terry
Howard	Obey	Thompson, Ga.
Hull	O'Hara	Thomson, Wis.
Hungate	O'Neill	Thone
Hunt	Passman	Tiernan
Hutchinson	Patten	Udall
Ichord	Perkins	Van Deerlin
Jacobs	Pettis	Vander Jagt
Jarman	Peyser	Vanik
Johnson, Calif.	Pickle	Veysey
Johnson, Pa.	Pike	Vigorito
Jonas	Pirnie	Waggonner
Jones, Ala.	Podell	Waldie
Jones, N.C.	Poff	Wampler
Jones, Tenn.	Powell	Ware
Karth	Preyer, N.C.	Whalen
Kastenmeier	Price, Ill.	Whalley
Kazen	Price, Tex.	White
Keating	Pucinski	Whitehurst
Kee	Purcell	Whitten
Keith	Quillen	Wiggins
Kemp	Randall	Williams
King	Rangel	Wilson, Bob
Koch	Rees	Wilson, Charles H.
Kyl	Reuss	
Kyros	Rhodes	Winn
Latta	Riegle	Wolff
Leggett	Roberts	Wright
Lent	Robinson, Va.	Wydler
Link	Rodino	Wylie
Lloyd	Roe	Wyman
Long, La.	Rogers	Yates
Long, Md.	Roncalio	Yatron
Lujan	Rooney, Pa.	Young, Fla.
McClory	Rosenthal	Young, Tex.
McClure	Rostenkowski	Zablocki
McCollister	Roush	Zion
McCormack	Rousselot	
McDade	Roybal	

NAYS—7

Abernethy	Haley	Schmitz
Flynt	Hall	
Gross	Rarick	

NOT VOTING—84

Adams	Carter	Harsha
Alexander	Chisholm	Hawkins
Anderson, Ill.	Clay	Hébert
Anderson, Tenn.	Collins, Ill.	Heckler, Mass.
	Corman	Helstoski
Ashbrook	Crane	Kluczynski
Ashley	Davis, Wis.	Kuykendall
Aspinall	Dellums	Landgrebe
Badillo	Diggs	Landrum
Baker	Dowdy	Lennon
Bell	Downing	McCloskey
Betts	Dwyer	McCulloch
Biaggi	Eckhardt	McDonald, Mich.
Blanton	Edmondson	
Blatnik	Edwards, La.	Macdonald, Mass.
Bow	Evans, Colo.	
Brinkley	Evins, Tenn.	Mailliard
Brotzman	Forsythe	Melcher
Brown, Mich.	Garmatz	Miller, Calif.
Byrnes, Wis.	Gibbons	
Cabell	Hansen, Wash.	

Mills, Md.	Railsback	Stanton,
Moss	Reid	J. William
O'Konski	Robison, N.Y.	Stephens
Patman	Rooney, N.Y.	Stubblefield
Pelly	Roy	Thompson, N.J.
Pepper	Ruppe	Ullman
Poage	Sisk	Widnall
Pryor, Ark.	Smith, Calif.	Wyatt
Quie	Spence	Zwach

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

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Harsha.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Stubblefield with Mr. O'Konski.
Mr. Blanton with Mr. Forsythe.
Mr. Aspinall with Mr. Bow.
Mr. Cabell with Mr. Ashbrook.
Mr. Evans of Colorado with Mr. Bell.
Mr. Pryor of Arkansas with Mr. Davis of Wisconsin.
Mr. Helstoski with Mr. Mailliard.
Mr. Ashley with Mr. Badillo.
Mr. Alexander with Mr. Mills of Maryland.
Mr. Blatnik with Mr. Brown of Michigan.
Mr. Lennon with Mr. Crane.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Dellums with Mr. Eckhardt.
Mr. Roy with Mr. Clay.
Mrs. Chisholm with Mr. Corman.
Mrs. Hansen of Washington with Mr. McDonald of Michigan.
Mr. Gibbons with Mr. Landgrebe.
Mr. Hawkins with Mr. Biaggi.
Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.
Mr. Kluczynski with Mr. Carter.
Mr. Hébert with Mr. Railsback.
Mr. Rooney of New York with Mr. Robison of New York.
Mr. Melcher with Mr. McCloskey.
Mr. Edmondson with Mr. Quie.
Mr. Downing with Mr. Pelly.
Mr. Brinkley with Mr. Ruppe.
Mr. Adams with Mr. J. William Stanton.
Mr. Sisk with Mr. Smith of California.
Mr. Stephens with Mr. Baker.
Mr. Ullman with Mr. Anderson of Illinois.
Mr. Miller of California with Mr. Betts.
Mr. Moss with Mr. Brotzman.
Mr. Evins of Tennessee with Mr. Zwach.
Mr. Collins of Illinois with Mr. Pepper.
Mr. Patman with Mr. Landrum.
Mr. Dowdy with Mr. Spence.
Mr. Diggs with Mr. Reid.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is further amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $9,000,000 for the period commencing November 1, 1971, and ending June 30, 1972, for the purpose of salaries and related expenses incurred during that period under this section, in addition to funds made available under Public Law 92-50 and Public Law 92-137."

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by striking "and for the four month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000."

AMENDMENT OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Alabama: Strike out all after the enacting clause of S. 3122 and insert in lieu thereof the provisions of H.R. 12741, 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:

To extend the Federal Water Pollution Control Act through June 30, 1972.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12741) was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill H.R. 12741, previously considered.

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

There was no objection.

RESIGNATION FROM COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following resignation from the Committee on Government Operations:

WASHINGTON, D.C.,
February 7, 1972.

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

DEAR MR. SPEAKER: Please accept my resignation from the House Government Operations Committee effective this date.

Sincerely,

WALTER E. POWELL,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted. There was no objection.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 806) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 806

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Agriculture: LeMar Baker of Tennessee;

Committee on Armed Services: Walter E. Powell of Ohio;

Committee on Government Operations: Richard W. Mallary of Vermont.

Committee on Post Office and Civil Service: Richard W. Mallary of Vermont.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO DESIGNATE FEBRUARY 20 A NATIONAL DAY OF PRAYER FOR THE CAUSE OF WORLD PEACE

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

Mr. ARENDS. Mr. Speaker, I am introducing in the House a companion resolution to that being introduced today in the Senate by ROBERT DOLE, of Kansas, asking that Sunday, February 20, be designated a national day of prayer for the cause of world peace.

In 1969, this Nation sent three men on a journey to the moon. Their vehicle bore the inscription, "We come in peace for all mankind."

On Monday, February 21, one man—the President of the United States—will begin a journey as historical and as hopeful as the first moon landing. He also goes in peace for all mankind.

I know that we all support the purposes for which he embarks on this long and arduous journey. I know that we are united in our hopes for his success. I know that we all wish him Godspeed.

But if this effort is to be crowned with success, it must find favor in the eyes of God. So as we unite in hope, let us unite as a people in prayer.

A national day of prayer will enable us, as one people, to reaffirm our faith—"In God We Trust"—and our determination to achieve peace in the world.

H. CON. RES. 524

Whereas the American people share with all the peoples in the world an earnest desire for peace and the relaxation of tensions among nations; and

Whereas it is the policy of the United States to engage in negotiations rather than confrontations with other nations; and

Whereas on February 21, 1972, the President of the United States will begin an historic visit in the Peoples Republic of China to confer with that nation's leaders with the purpose of seeking more normal relations between the two countries and exchanging views on questions of mutual concern; and

Whereas the people of the United States hold the highest and most fervent hopes for the success of the President's mission;

Now, therefore be it

Resolved, That it is the sense of Congress

(1) That Monday, February 21, 1972, be commemorated as a day of united support for the President's efforts in pursuit of the relaxation of international tensions and an enduring and just peace;

(2) That the leaders of all nations and men of good will throughout the world be urged to devote all possible efforts to promote the cause of peace and international harmony as set forth in the preamble to the Charter of the United Nations;

(3) That the President designate Sunday, February 20, 1972, as a Nationa Day of Prayer for the cause of world peace; and

(4) That copies of this resolution be sent

to the Governors of the several States and be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

INSENSITIVITY OF ADMINISTRATION TOWARD VETERANS' HOSPITALS

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

Mr. DANIELSON. Mr. Speaker, the insensitivity of the administration toward the need for veterans' cemeteries was demonstrated last Tuesday when the land surrounding the earthquake-destroyed San Fernando Veterans' Hospital was given to Los Angeles County for use as a park.

Veterans have been making a concerted effort to try and get this property dedicated as a national cemetery without success. Many of us have introduced bills proposing a national cemetery somewhere in Los Angeles County—an area with probably more veterans concentrated within a few miles than anywhere else in the Nation.

The special ceremonies were attended by White House aide Robert H. Finch, and the administration's lack of knowledge of the cemetery situation was displayed when he was accosted by one veteran with the statement that:

Veterans who die in this state are being shipped to New Mexico and Oregon.

Mr. Finch replied:

They don't have to go to New Mexico or anywhere else. They've got Sawtelle.

Sawtelle, Mr. Speaker, is part of the VA Hospital Center. The cemetery is very nearly filled and is available only to those who pass away while housed in the domiciliary facilities. It is not part of the national cemetery system. Burial space for veterans has not been available for nearly 4 years.

I ask unanimous consent to include with my remarks the article from the Los Angeles Times of Wednesday, February 2, 1972, describing the ceremony.

VA HOSPITAL LAND GIVEN TO COUNTY—VETERANS DEMAND SITE FOR CEMETERY BUT ACREAGE WILL BE A PARK

(By Roy Haynes)

The earthquake-damaged San Fernando Veterans Hospital property was turned over to Los Angeles County Tuesday to be used as a park despite protests of veterans.

The special ceremonies were attended by Robert H. Finch, presidential aide.

The action was part of President Nixon's year-old program to relinquish control of land no longer needed by the federal government and give it to state and local governments for recreational use.

The 92 acres of grounds surrounding the former convalescent facility already had been made into a park for the use of the veteran patients.

After the earthquake last year the buildings were condemned and the federal government decided the location was not suitable for rebuilding the hospital.

Veteran groups have urged that the property be used for a cemetery but residents of the Sylmar area have requested it be made into a park.

Finch told about 50 persons attending the ceremony that the federal government now controls one-third of the nation's land and one-half of the land in the West.

Whenever possible, he said, the President would like to work out agreements with local governments whereby some of this property can be returned to the people.

"Public recreation is a very high priority indeed," he said.

As he started to speak, four women, wearing the hats of a veterans auxiliary group, held up signs which read "We need cemeteries, not parks."

One protester, who identified himself as John Sutorius, said 25,000 veterans had signed petitions requesting that a cemetery be built and accused Finch of ignoring their needs so he could play politics.

"Veterans who die in this state are being shipped to New Mexico and Oregon," Sutorius yelled at Finch as he stepped down from the bandstand.

"They don't have to go to New Mexico or anywhere else. They've got Sawtelle," Finch told him. He added there is presently a $1 million appropriation pending in Congress for the expansion of the West Los Angeles cemetery.

Supervisor Warren Dorn in accepting the certificate of transfer from Finch said any time the federal government decided to build a cemetery on the site the county would be happy to return the deed to the federal government free.

City Councilman Louis R. Nowell joined in the protest with a press release from his office Tuesday afternoon stating, "They refuse to make any consideration by a large group of veterans seeking a cemetery which is so vitally needed.

"The federal government apparently cares not about these veterans, instead they want to make the property into a park."

SHAPE UP OR SHIP OUT

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

Mr. LATTA. Mr. Speaker, on February 5, 1972, the Toledo Blade carried an editorial entitled "Shape Up or Ship Out" which I am sure will be of interest to all the Members. For this reason, I ask that it be inserted at this point in the RECORD. The editorial follows:

SHAPE UP OR SHIP OUT

Few labor disputes have resisted civilized settlement in the United States as have those between the dock workers and ship owners, especially on the west coast. It may be in the nature and roughness of the work and the men it attracts to the union hiring halls along these coastal ports. In any event, it is necessary labor affecting hundreds of thousands of other workers for good or ill depending upon the reliability of those who move the mountains of cargo to and from our shores.

The renewed strike by west coast longshoremen when they had gained all but the most technical of contract concessions would, we believe, cause many a union man elsewhere in the country to throw up his hands in impatience. Their 100-day strike last summer before Taft-Hartley was invoked lost jobs for thousands and millions of dollars to farmers and businesses with no direct ties to the dock workers.

This is not to say that a tie-up of import-export commerce is paralyzing the whole economy, as other presidents from Mr. Truman through Mr. Johnson have implied and President Nixon has repeated while invoking the national emergency provisions of the Taft-Hartley Act. Few would dispute, however, that these incessant work stoppages that have become chronic practice on the docks have inflicted costly losses and created endless uncertainties for our trading partners as well.

The Government's traditional position is that it should not tamper with the freedom of collective bargaining between labor and management. But that process has broken down (if it ever prevailed) on the docks. In the past 12 years, longshoremen have averaged 20 strikes annually; they have made a sham of collective bargaining and the country has been punished beyond all reasonableness.

The AFL–CIO and other organized labor groups have pledged to fight President Nixon's renewed strike bills and any other legislative proposals to curb strikes because they see the potential for arbitrary settlement extending to their contract negotiations. But what the country is confronted with is gross irresponsibility by a strategically located organized work force that imposes its will with crippling impact.

When the President, his executive powers exhausted, told Congress that the dock strike has "thrust a spike into our progress toward economic recovery," he was not indulging in political rhetoric. A law to force settlement when all voluntary procedures have failed finally is mandatory, no matter what the reluctance to intervene legally. Work on the docks attracts a special breed of public-be-damned attitudes. The only remedy is to answer it with legal means and the backbone to invoke it. That puts it squarely up to Congress for a test of its own backbone.

SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

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

Mr. GUDE. Mr. Speaker, our House District Committee will open hearings on self-government for the District of Columbia tomorrow—appropriately, in February, a month we associate closely with Lincoln the emancipator.

It is also appropriate that in this month a measure providing full voting representation in Congress to the citizens of the city has also been reported by the House Judiciary Committee.

These steps in a month that means freedom to so many, are appropriate because, although we seldom speak of it, the basic question underlying discussions of self-government and voting representation in recent years has been racial. The unspoken question has been—and continues to be—whether a Nation with a white majority will have the grace and the fairness to grant these rights to its Capital City when that city has a black majority.

Of course, there are other questions too. One is: Under self-government, how do we arrange for and assure continued Federal financial support for the city, whose economic integrity has been undermined by the tax-free status of its unique concentration of Federal, foreign and other related properties? Another is: Under self-government, how do we assure that local regulations and policies will not impede the work of the Federal Government here?

Unfortunately, we find some in Congress who would worsen these two problems in their eagerness not to face the basic issue. They, in a parody of self-government, would submerge the city's

black majority in the State of Maryland and, in effect, eliminate the District of Columbia.

But neither financial support nor protection of the Federal Government's legitimate needs are insurmountable problems for those of us with the basic resolve to enfranchise this city, whether its majority is white or black.

And neither of these additional problems attach to voting representation in Congress.

Therefore as a supporter of both voting representation in Congress and greater self-government here, I hope that this Nation and this Congress will again be stirred by the principles of democracy that are the strength of this Nation.

A Congress that has preached democracy to others—throughout this Nation and throughout the world—will be remiss if it cannot find the will to practice democracy in its own backyard, the District of Columbia.

INTERNATIONAL PIRACY—THE WAVE OF THE FUTURE?

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

Mr. ANDERSON of California. Mr. Speaker, the bureaucratic bumbling by the State Department has seriously jeopardized the traditional right of freedom of the seas.

Dating back to our birth as a Nation, we recognized the international law which allows a country to claim jurisdiction over only that part of the sea which extends 3 miles from shore; later this was extended to 12 miles from shore.

In recent years, Ecuador has violated this law by claiming jurisdiction over the sea extending 200 miles from her shores. This has led to the repeated illegal seizure of our fishing vessels which have ventured into the 200-mile zone. Due to Ecuador's success in collecting ransom, and due to the State Department's inaction, other nations have extended their sovereignty to 200 miles offshore.

What has the State Department done to prevent this? What has the State Department done to keep the seas open? What has the State Department done to protect our vessels which are fishing on the high seas?

By doing nothing, the State Department has encouraged Ecuadorian piracy to prosper, and has encouraged other nations to become pirates.

After a meeting with Ecuadorian officials, the State Department bureaucrats stated that they may recommend that U.S. fisherman bow to piracy and, instead of having their vessels illegally seized, pay tribute to Ecuador for the right to fish on the high seas.

The results of this State Department blundering are twofold.

First, our fishermen have stopped looking to the U.S. Government to protect the freedom of the seas, and have begun to purchase licenses to fish in international waters.

Second, other nations have taken note of the State Department's position and have, themselves, established jurisdiction over 200 miles offshore.

The effects of the State Department's policy of sanctioning piracy may have repercussions affecting not only the fishing industry, but the entire U.S. maritime industry.

If Colombia establishes a 200-mile limit, then our entry into the Panama Canal would be subject to the demands of Colombia.

If Cuba established a 200-mile limit, our vessels in south Florida may not be allowed to venture out of port without a license purchased from the Castro regime.

Next year, when the nations of the world meet at the International Law of the Sea Conference, our official position will undoubtedly endorse the establishment of the 12-mile limit for nations bordering on the ocean.

But, Mr. Speaker, other nations are not dumb. They have heard our officials say, "Watch what we do, not what we say."

They have followed this advice and watched what we have done. When they meet with us in 1973 to settle the 200-mile controversy, they will remember that while we protest loudly, our actions have been nonexistent.

The nations of the world know that we speak loudly, but do not even carry a twig when it comes to protecting the traditional right of freedom of the sea.

PRISONER WORK-RELEASE PROGRAMS

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

Mr. FREY. Mr. Speaker, many of us, I am sure, are familiar with the debate in criminal law concerning the dominant purpose or purposes of punishment. The classic confrontation, of course, has been the "recriminatory school" on the one hand, and the "rehabilitation school" on the other.

Nowhere has this debate been more reflected than in the operation of the prisoner work-release programs. The Congress has on one hand authorized the creation of a Federal work-release program to rehabilitate Federal prisoners; and, on the other prohibited the employment of work releases on Federal contracts under Walsh-Healey "convict labor clauses."

The Federal work-release program which was enacted by the Congress in 1965 permits the Attorney General to allow a Federal prisoner "whom there is reasonable cause to believe will honor his trust" to "work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner" provided that "representatives of the local unions are consulted;" "such paid employment will not result in the displacement of employed workers or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for service;" and "the rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality." (18 U.S.C. 4082(a)(2).)

Many States have enacted similar prisoner work-release programs.

However, the standard Walsh-Healey "convict labor clause" included in most Federal contracts prohibits the use of either Federal or State convict labor on such contracts. Specifically, the Walsh-Healey Act prohibits the use of convict labor to be "employed by the contractor in the manufacturing or production or furnishing of any of the materials, supplies, articles, or equipment" included in any contract exceeding $10,000. (41 U.S.C. 35.)

Other Federal statutes prohibit the use of convict labor on projects for airport development (49 U.S.C. 1722), equipment or supply contracts with the Postal Service (39 U.S.C. 2201), highway construction projects (23 U.S.C. 114), and naval vessel construction projects (10 U.S.C. 7299). In addition, no Federal agency, department, et cetera, may "place any order for material, supplies, equipment, work, or services to be furnished or performed by convict labor." (31 U.S.C. 686B.)

Furthermore, a section of the criminal code makes it a criminal offense for "an officer, employee, or agent of the United States or any department or agency to contract with any person or corporation, or to permit any warden, agent, or official of any penal or correctional institution to hire out the labor of any prisoner confined for the violation of any laws of the United States."

Since many of the potential employment opportunities for work releasees are on federally funded projects, these various laws prohibiting the use of either Federal or State prisoners on Federal contracts has seriously affected both Federal and State work-release programs. Moreover, how can the Federal Government expect private employers not on Federal contracts to employ work releasees, when they refuse to do so?

Some individual agencies have recognized this incongruity and have interpreted the "convict labor clause" as not being applicable to Federal or State prisoners on work release; that is, the Department of Labor and the Federal Highway Administration.

However, each Federal agency has acted independently in interpreting the "convict labor clause" as it relates to the hiring of work releasees on projects they fund.

In order for the work-release program to function effectively, therefore, both Federal and State prisoners should be exempted from "convict labor clauses." The legislation I am introducing today will accomplish that purpose and also abolish the criminal penalty for entering into convict labor contracts involving prisoner work-release program.

With substantially increased employment opportunities available, many highly motivated, qualified, trusted prisoners will be given the opportunity to develop new skills and accrue savings that will make their later adjustment to society upon release considerably easier and less costly to society.

I invite my colleagues to cosponsor this legislation which I will reintroduce at a later date. The text of the bill follows:

H.R. 12955

A bill to clarify the intent of Congress to exclude prisoners in work release programs from the provisions of Federal law forbidding the use of convict labor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no law of the United States forbidding the use of convict labor by any agency or entity of the United States or under any contract made with such agency or entity shall be construed to prevent the employment of Federal prisoners under section 408(c)(2) of title 18, United States Code (respecting work release of Federal prisoners), or of State prisoners participating in generally similar work release programs, and no officer, employee or agent of the United States shall be penalized under section 436 of title 18, United States Code (respecting convict labor contracts), on the grounds that such employment is the labor of any prisoners under such section.

LEGISLATION PROPOSED TO STRENGTHEN BATTLE AGAINST LEAD POISONING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced legislation to prevent further cases of death and crippling from lead-releasing ceramic dishes and pottery commonly used across the country. I am pleased to announce that Senator RICHARD SCHWEIKER, the ranking minority member of the Senate Health Subcommittee, is introducing an identical measure in the other body.

Mr. Speaker, as NBC's Chronolog program pointed out recently, lead poisoning is no longer exclusively a ghetto problem—something the average citizen need not worry about.

Lead is present in many forms throughout our environment. Our air is contaminated by lead from antiknock additives in gasoline. Our food is grown in soil which contains lead. Our homes are covered in many instances with highly toxic lead-based paint. But a more subtle source of lead poisoning has remained anonymous to the American public despite its tragic effects. Ceramic dinnerware, if not properly manufactured, can prove to be a deadly purveyor of lead poisoning.

A number of fatalities and cases of mental retardation have been directly attributed to ingestion of foods from dinnerware containing lead. A child in the Rochester, N.Y. area of my district, suffered serious illness from a lead-releasing pitcher in which fruit juice he drank every morning for 3 months had been stored. The Food and Drug Administration has said it knows of at least five deaths caused by lead-leaching—releasing—pottery, including the death of a 17-month-old infant in Philadelphia.

The hazard arises from the glaze used to seal the surface and enhance the esthetic beauty of dishes. Some glazes contain heavy metals, including lead and cadmium. If the glaze is not properly applied or fired, lead and cadmium can be released when attacked by mild acids in many foods and beverages, such as fruit juices, milk, salad dressings, soft drinks, or coffee, which are stored or served over an extended period of time in such dinnerware.

Lead is particularly dangerous because it is a cumulative poison. Small doses of lead can be excreted from the body, but larger doses are stored in the body and can lead to chronic lead poisoning.

Another complication is that the early symptoms of lead poisoning are vague—irritability, loss of appetite, abdominal pain, and lethargy are common signs. But these symptoms often go undiagnosed at the same time the disease is progressing rapidly. Because their tolerance level is lower, young children are especially susceptible to lead poisoning. Lead attacks their brain cells, causing them to swell. If not treated in time, the result is permanent mental retardation or death.

Mr. Speaker, the dangers of lead in dinnerware were brought to my attention by a vigorous community committee on lead poisoning in the Rochester, N.Y., area, composed of representatives of the Consumer Association of New York, the Monroe County Health Department, and the University of Rochester. Our study revealed that current law does not sufficiently safeguard the public from lead in pottery.

The Food and Drug Administration currently tests imports of dinnerware and since 1970 has detained more than 500 shipments. However, FDA does not have specific statutory authority to regulate the amount of lead contained in U.S.-produced ceramic dinnerware. FDA now relies mainly on tests of dinnerware already on the market and available to consumers.

The bill I have introduced today will attack the problem of lead in dinnerware in several ways:

First, it will prohibit the manufacturer or importation of dinnerware which releases lead exceeding the current FDA lead guideline of seven parts per million—PPM. Manufacturers would have 120 days to transform their production techniques to comply with the 7 ppm level. Any dinnerware produced before the deadline but sold after the 120 days must bear a permanent, conspicuous warning label.

Second, the bill calls for a restudy of the current 7 p.p.m. guideline to insure that it is as low as it should be. Many toxicologists view 7 p.p.m. as too high and FDA itself has stated that 7 p.p.m. is being used only on an interim basis. The Swedish Government has already lowered the permissible level to 3 p.p.m.

Third, the bill will require that each article of dinnerware bear a label showing the name and place of business of the manufacturer and importer, enabling the origin of all dinnerware to be easily traced.

Fourth, the bill sets similar requirements for cadmium, an even more toxic metal than lead. Manufacturers and importers would be required to adhere to a cadmium-releasing level of 0.5 p.p.m.

Fifth, the bill calls for an extensive educational program by FDA to alert consumers to the hazards involved with dinnerware.

Mr. Speaker, the steps I have outlined will insure the safety of all dinnerware offered for sale to the American public in the future. However, there are precautions that should be taken with dishes already in the home. Since there is no way other than laboratory testing to determine the safety of dinnerware, consumers should not store acidic foods or beverages in ceramic containers for prolonged periods of time, even overnight. If in doubt, housewives should use plastic or glass substitutes.

Mr. Speaker, I am extremely pleased that Congressman BILL RYAN, who has led our fight against lead poisoning caused by house paint, has asked to be the first House cosponsor of my bill. With his crucial support and that of Senator SCHWEIKER, who will be the prime sponsor of this bill in the Senate, I am hopeful that we will see action on this legislation prior to adjournment.

At this point, Mr. Speaker, I would like to include the complete text of the bill I have introduced:

H.R. 12958

A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

SECTION 1. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding after section 409 (21 U.S.C. 348) the following new section:

"REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

"SEC. 410. (a) The Secretary shall establish the maximum quantity of lead and the maximum quantity of cadmium (and the manner of testing therefor) which may be released from dinnerware, and he shall publish such quantities and test procedures in the Federal Register within 180 days after the effective date of this section. Such maximum quantities shall be based on the best available scientific data and shall insure the safety of the public by reducing its exposure to lead and cadmium. The maximum quantities of lead and cadmium (and the manner of testing therefor), established by the Secretary under this subsection shall take effect on the 90th day after publication thereof in the Federal Register.

"(b) Until such maximum quantities of lead and cadmium (and the manner of testing therefor) take effect under subsection (a), the interim maximum quantities and manner of testing therefor shall be:

"(1) An article of dinnerware, upon being subjected to the test described in paragraph (2), may release a maximum of 7 parts per million of lead and a maximum of .5 parts per million of cadmium, calculated in the manner described in paragraph (2)(C).

"(2) Dinnerware shall be tested for release of lead or cadmium in the following manner:

"(A) The dinnerware shall be washed with a dilute alkaline detergent solution and rinsed with distilled water.

"(B) After being washed and rinsed, the dinnerware shall be filled to capacity with a 4 percent solution of acetic acid having a temperature of 68 degrees Fahrenheit and allowed to stand for a period of 18 hours at a temperature of 68 degrees Fahrenheit.

"(C) After the expiration of the 18 hour period referred to in subparagraph (B), the quantity of lead or cadmium present in the

solution shall be determined by atomic absorption technique and expressed as the quantity of metallic lead or cadmium present in the total volume of the solution in terms of parts per million.

"(c) The Secretary may amend such maximum quantities (and the manner of testing therefor) where necessary or appropriate for the safety of the public. Such amendments shall take effect on the 90th day after publication thereof in the Federal Register.

"(d) The manufacturer (or importer) shall affix to each article of dinnerware he manufactures (or imports) a label, in accordance with regulations established by the Secretary, which shows the name and principal place of business of the manufacturer, or, if it is manufactured outside of the United States, the name and principal place of business of the manufacturer and of the importer."

CONFORMING AMENDMENTS

SEC. 2. (a) Section 201 of such Act (relating to definitions) (21 U.S.C. 321) is amended by adding after paragraph (x) the following:

"(y) The term 'dinnerware' means any dishware, composed in whole or in part of glazed ceramics or enamels, which is for use or which may be used in storing, preparing, or serving any food, or beverage."

(b) Section 301 of such Act (relating to prohibited Acts) (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The introduction or delivery for introduction into interstate commerce by the manufacturer (or importer) in the course of his business of any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d)."

(c) Paragraph (1) of section 304(a) of such Act (relating to seizure) (21 U.S.C. 334(a)) is amended by inserting after "cosmetic that is adulterated or misbranded" the following: ", or any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d),".

(d) Section 703 of such Act (relating to records of interstate shipment) (21 U.S.C. 373) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware", and by striking out "or cosmetic" each place where it occurs, and inserting in lieu thereof "cosmetic, or dinnerware".

(e) Clause (1) of the first sentence of section 704(a) of such Act (relating to inspection) (21 U.S.C. 374(a)) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware".

(f) The first sentence of section 704(b) of such Act (relating to written reports of inspection to owners) (21 U.S.C. 374(b)) is amended by inserting after "indicate that" "any dinnerware in such establishment releases lead or cadmium in excess of the quantities permitted under section 410 or is not labeled in accordance with the requirements of section 410(d), or that".

(g) Section 705(b) of such Act (relating to publicity) (21 U.S.C. 375(b)) is amended by striking out "or cosmetics" after "food, drugs, devices," and inserting in lieu thereof "cosmetics, or dinnerware".

(h) The first sentence of section 801(a) of such Act (relating to samples of imports) (21 U.S.C. 381(a)) is amended by striking out "and cosmetics" after "samples of food, drugs, devices," and inserting in lieu thereof "cosmetics, and dinnerware".

(i) Clause (3) of the third sentence (relating to refusal of admission of imports) of section 801(a) of such Act (21 U.S.C. 331(a)) is amended to read as follows: "(3) such article is adulterated, misbranded, in violation of section 505 of this Act, releases lead or cadmium in excess of the quantities permitted under section 410, or is not labeled in accordance with the requirements of section 410(d),".

(j) The second sentence of section 801(b) of such Act (relating to disposition of refused articles) (21 U.S.C. 381(b)) is amended by striking out "or cosmetic," after "other than a food, drug, device," and inserting in lieu thereof "cosmetic, or article of dinnerware,".

EFFECTIVE DATE

SEC. 3. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 201(y) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of this Act), and the amendments of the Federal Food, Drug, and Cosmetic Act made by sections 2(d) through 2(j) of this Act shall take effect on the date of the enactment of this Act.

(b) In the case of dinnerware manufactured or imported on or after the 120th day after the date of the enactment of this Act, section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the 120th day after the date of the enactment of this Act.

(c) In the case of dinnerware manufactured or imported before the 120th day after the date of the enactment of this Act, and introduced or delivered for introduction into interstate commerce on or after the 120th day after the date of the enactment of this Act, which releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the 120th day after the date of the enactment of this Act, unless each article of such dinnerware—

(1) bears a permanent, conspicuous, and easily legible warning label,

(2) such label states that the article releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), and

(3) such label lists the uses of such article to avoid so as to prevent the release of lead or cadmium into food or beverages.

If such dinnerware is labeled in accordance with paragraphs (1) through (3), then such sections shall not take effect with regard to such dinnerware.

EDUCATIONAL PROGRAM

SEC. 4. The Food and Drug Administration shall undertake a significant educational program to alert the public to the dangers of lead and cadmium released from dinnerware, and to inform them of the provisions of this Act.

Mr. RYAN. Mr. Speaker, I want to take this opportunity to commend our esteemed colleague from New York (Mr. HORTON) for his contribution to the fight to eradicate the menace of childhood lead poisoning. I support his legislation regulating the use of lead in dishes.

Each year thousands of small children throughout the Nation fall victim to lead-based-paint poisoning. Their affliction is marked by mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavioral disorders, kidney diseases, and even death. The actual number of children poisoned is unknown, for there are still far too few screening programs to identify and treat those afflicted with this deadly disease. But even so, the Department of Health, Education, and Welfare has estimated that some 400,000 children between the ages of 1 and 6 fall victim to childhood lead poisoning each year.

The prime cause of this dread illness is the ingestion of lead-tainted paint and plaster chips which have fallen from the walls and ceilings of dilapidated dwellings. But although lead-based paint is the main cause of lead poisoning, it is not the sole one.

Another—all too often overlooked—source is the lead-containing glaze used to seal the surface and enhance the beauty of ceramic dishware. If this glaze is not fired at sufficiently high temperatures, the lead therein can be released when placed in contact with acidic foods and beverages. Just last month some 100,000 soup bowls distributed across the Nation as part of a sales promotion campaign by the Campbell Soup Co. were found to present a significant lead poisoning hazard.

The striking fact is that this disease—regardless of its source—is totally preventable. We know how to identify it; we know how to treat it; we know how to avert its recurrence. All that is needed is the will to do so. Congressman HORTON is to be commended for his concern with the health of our children and his efforts to alert the public to this danger. The bill, which he has introduced today and which I am pleased to cosponsor, should help by regulating the use of lead and cadmium in dinnerware.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD in connection with the special order I have today at the conclusion of legislative business.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation. American ingenuity has provided the world with a number of time-saving inventions. The invention of the commercial adding machine is credited to American William Burroughs in 1885.

THE FEDERAL PAROLE BOARD

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the structure and procedures of the Federal Parole Board in the United States today are

shrouded in confusion and secrecy. The Board's methods are unpublished, its discretionary power is unchecked and unstructured, its decisions are absolute and unreviewed, and its effectiveness has never been thoroughly evaluated.

In 1945, the Central Parole Board, composed of eight members, was made an independent agency in the Department of Justice. It is both an administrative and policymaking body having jurisdiction over all persons convicted of committing a Federal crime.

This body, with a small group of examiners, is called upon to make some 20,000 decisions on parole applications annually. In addition, it issues warrants for parole violators, administers parole for deportation, conducts revocation hearings, and issues rules and regulations for the supervision, discharge from supervision, or recommitment of parole prisoners. Only five members can concentrate on adult cases, since three members of the Board are assigned to juvenile criminals under the Federal Youth Corrections Act.

The avowed purpose of the Parole Board is rehabilitation. The Board is intended to give the Government an opportunity to take into account the changed attitudes and behavior of a prisoner during the course of his incarceration. Unfortunately, the Parole Board turns out to be merely an omnipotent disciplinary force which takes upon itself the right to define good and evil.

It seems reasonable that, given its awesome power, the Parole Board should clearly state what standards of behavior are expected of prisoners, and the basis for granting or denying parole.

No such written procedural guidelines exist. The only published records indicate that decisions are made in such a manner as to, "one, protect the public; two, conform to the law; and three, provide fair treatment to the offenders."

With these guidelines in mind, Mr. Speaker, why is it that those who are paroled earliest are those guilty of "crimes of force," including assault, kidnaping, and robbery? The average inmate in this category, according to the latest figures, served only 33.8 percent of his sentence—less than any other Federal offender. Those in jail because they refused to take part in the Vietnam war served the highest percentage of their sentences.

The main reason for the Board's failure to publish guidelines, and for its insistence that it has no general policies, seems to be self-protection. With no rules, the Board cannot be accused of violating any, and the absence of written procedures provides an effective defense against accusations of bias or malice. This convenient lack of written regulations also enables the Board to decide cases in a completely arbitrary manner.

During the actual parole hearings no brief is permitted to be presented by either the prisoner or the institution. Only the prisoner's files, which in many cases are inconsistent or inaccurate, are reviewed. In addition, no legal counsel may advise or represent the prisoner.

When a decision is reached by the Board members, there is no argument, rationale, or justification presented. No research division exists to review the Board's decision, and recourse to the courts is practically impossible.

Why have such arbitrary Parole Board operations been tolerated for so long? The primary reason is probably administrative, judicial, and legislative apathy, coupled with a lack of public awareness of Parole Board procedures.

The Parole Board will not change until the public becomes aware that the Board is its servant, the prisoner its trust, and that every man is entitled to justice.

LEGISLATING AN END TO THE WEST COAST DOCK STRIKE: A REFINED PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, the continuation of the west coast dock strike is a matter of grave concern to us all, but particularly to those in Congress who, as I, bear the responsibility of representing the people of the State of Hawaii, whose lifeline has been severed by this tieup.

I was heartened, therefore, by the appearances Friday before committees of both Houses of Congress, of representatives of the Pacific Maritime Association—PMA, and the International Longshoremen's and Warehousemen's Union—ILWU. During those hearings, it appeared that Mr. Bridges of the ILWU, and Mr. Flynn of the PMA, were very close to total agreement. In fact, it was disclosed that virtually all of the major issues separating the parties had been resolved. Each side indicated some willingness to submit the remaining issues to binding arbitration.

Perhaps Mr. Flynn and Mr. Bridges are at this very moment shaking hands across a table in San Francisco, sealing a final agreement to end the strike. But if they are not—and I have not been informed that such is the case—the Congress must exercise its responsibility and act quickly to settle this crippling dispute immediately and finally.

As many Members know, 2 weeks ago I introduced an emergency resolution to accomplish that purpose. Its thrust was to get the ships moving again immediately, while bargaining continued for 30 days. In view of the publicly disclosed closeness to settlement, I believe that this extension of bargaining time would permit the PMA and the ILWU to come to a voluntary agreement. If, however, they were not able to agree, my resolution provides for the invoking of the "final offer selection" process advocated by the administration in its permanent legislation to deal with transportation strikes.

Today I am introducing a revised resolution, which clarifies my intent that the final offer selection device be applied only to those issues which remain in dispute at the time. In the current strike, agreement has been reached on the major issues: Wages, guaranteed minimum income, and the disposition of the $1 per ton royalty on container cargo not loaded by ILWU members. In view of this substantial agreement, I believe that the resolution I am introducing today, providing that the final offer selector panel would decide only those issues which remain unresolved, offers the best solution. It provides latitude for the parties to come to a voluntary agreement, while insuring that the shipping so desperately needed by much of America begins moving at once. It builds on the substantial progress made in recent days from the ongoing negotiations between the parties. It draws the parties closer together on those issues still in disagreement. Most importantly, it provides for a definite and complete end to the dock strike itself.

Mr. Speaker, my resolution combines two of the three features that the President asked for in submitting his request for permanent legislation for settling transportation strikes. Yet he and his representatives have eschewed both of these features—an additional cooling-off period and final offer selection—while opting for immediate compulsory arbitration, the single most distasteful departure from the free-bargaining process in the views of both management and labor. Secretary of Labor Hodgson, speaking for the administration, has often expressed his preference for the final offer selection method over compulsory arbitration.

Why this sudden change in the administration's position? In his latest dock strike message to Congress, President Nixon rejected another cooling-off period, because it would increase "the uncertainties in foreign markets"; the final offer selection process, he argued, was unsatisfactory "because the parties have already been bargaining under different ground rules for many months." But it should be clear, Mr. Speaker, that my resolution, by coupling these two processes, eliminates the objections against both.

Under my proposal there would be an additional 30-day cooling-off period, but there would be no uncertainty connected with it. If the parties were unable to agree voluntarily during that period, the automatic invoking of final offer selection as to the unresolved issues would provide a definite settlement, without possibility of a resumption of the strike.

Similarly, the parties would have a full month to negotiate before the "ground rules" called for the use of final offer selection. Bargainers would have ample opportunity to adjust their respective strategies, if that was felt to be necessary.

In short, Mr. Speaker, the objections to more cooling-off time and to final offer selection, whatever their validity when considered separately, are completely without substance when the two processes are combined in a single legislative proposal such as mine.

Mr. Speaker, I hope that the parties reach a voluntary agreement, but that has not yet occurred. I regret that any legislation is needed, but such a need is evident. And it is incumbent upon the Congress to legislate wisely, even when we must legislate in haste. My resolution, I submit, assures a complete and final settlement, yet disturbs the free collective bargaining process only so much as necessary to achieve that final settlement.

For the information and convenience of my colleagues, I include at this point the text of my revised resolution:

H.J. RES. 1054

Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees

Whereas there is a dispute between employers (or associations by which such employers are represented in collective-bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called "employers"), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called "Longshoremen's Union"); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in the United States versus International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring, and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring, and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That immediately upon the enactment of this resolution the Attorney General shall petition any district court of the United States having jurisdiction of the parties to enjoin the continuation of any strike or lockout arising out of a dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union. The Court shall have jurisdiction to issue such an injunction, and to make such other orders as may be appropriate, if it determines such strike or lockout meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relations Act, 1947. Such injunction may be issued for a period not to exceed thirty days. Upon the settlement of such dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 2. If no settlement is reached prior to the twenty-fifth day after the issuance of an injunction obtained pursuant to section 1 of this resolution, the Attorney General shall petition the district court involved to extend the injunction then in effect for an additional thirty days following its original expiration date. Upon settlement of the dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 3. (a)(1) If no settlement has been reached by the thirty-first day following the issuance of the original injunction, the Secretary of Labor shall direct each party to submit to him within three days a final offer as to all unresolved issues and a full and complete statement covering all issues upon which agreement has been reached.

(2) If any of the parties refuses to submit a final offer, as described in subsection (a) (i) of this section, the last offer, if any, as to each unresolved issue made by such party during previous bargaining shall be deemed that party's final offer.

(3) Any offer submitted by a party pursuant to this section, together with those issues with respect to which agreement has been reached by the parties, must constitute a complete collective-bargaining agreement and resolve all the issues involved in the dispute, and must propose a contract period of not less than eighteen months' duration.

(b) The Secretary, upon receipt of such final offers from both parties, shall transmit them, one to the other, at the same time, and parties shall bargain collectively for a period of five consecutive days after they receive the other party's final offer as to unresolved issues. The Secretary may act as mediator during the period of the final offer selection proceedings.

(c) If no settlement has been reached before the end of the period described in subsection (b) of this section, the Secretary shall appoint a special panel of three impartial members to act as the final offer selector.

(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

(e) If a settlement is reached by the parties to the dispute at any time prior to the panel's selection of a final offer as prescribed below, the panel shall adjourn its proceedings and report to the Secretary within five days the fact that a settlement has been reached and the terms of such settlement.

(f) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

(g) From the time of appointment by the Secretary until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

(h) Beginning with the direction of the Secretary to submit final offers as to unresolved issues and until the panel makes its selection and the final agreement is signed, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed thirty days.

(i) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining as to the unresolved issues in this dispute, including offers of settlement not contained in the final offers. The panel shall, however, in order to ascertain the completeness of the final offers submitted for selection, determine which of the issues have been agreed upon by the parties, and are therefore outside the scope of such final offers.

(j) The panel shall, upon concurrence of two or more of its members, select what it deems to be the most reasonable of the final offers submitted by the parties. The panel may, in reaching its decision, take into account the following factors:

(1) past collective-bargaining contracts between the parties including the bargaining that led up to such contracts;

(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

(3) comparison of wages, hours, and conditions of employment as reflected in industries in general, and in the same or similar industry;

(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

(5) the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment.

(k) The final offer selected by the panel, together with its findings as to issues on which agreement had been reached by the parties, shall be transmitted immediately to the Secretary, who shall issue an order requiring the parties to accept and sign as the final contract between them the selected offer as to the unresolved issues, together with the agreement previously reached on all other issues. The Secretary shall immediately transmit a copy of such order, together with the final contract to each of the parties.

(l) The determination by the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 1 of this resolution.

(m) If any of the parties refuse to sign the final agreement as selected by the panel within twenty-four hours after the issuance of the Secretary's order, the Attorney General shall immediately petition the district court which issued the injunction pursuant to section 1 of this resolution, to enjoin the further refusal by the party or parties to sign the agreement as provided in the Secretary's order. The court shall have jurisdiction to issue such an injunction, if it determines that the strike or lockout still meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relation Act of 1947.

(n) The following rules of procedures shall be applicable to the panel's functions under this subsection:

(1) NOTICE OF HEARING.—Upon appointment by the Secretary, the panel shall promptly notify and inform the parties of the time, place, and nature of the hearings, and the matters to be covered therein.

(2) HEARING TO BE PUBLIC.—The panel shall hold public meetings, unless it determines private hearings are necessary in the interest of national security, or unless the parties agree to present their positions in writing. The record made at such hearings shall include all documents, statements, exhibits and briefs which may be submitted, together with the stenographic record. The panel shall have authority for the conduct of an orderly public hearing. The panel may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

(3) PARTICIPATION BY THE PANEL IN THE HEARING.—The panel, or any member thereof, may, on its own initiative at such hearing, call witnesses and introduce documentary evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

(4) PARTICIPATION BY THE PARTIES IN HEARING.—The parties or their representatives shall be given reasonable opportunity (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues; (D) to ask questions of the opposing party or witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness on the issues in the case; and (E) to present to the panel oral or written argument on the issues.

(5) STENOGRAPHIC RECORDS.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

(6) RULES OF EVIDENCE.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

(7) REQUESTS FOR THE PRODUCTION OF EVIDENCE.—The panel shall have the power to subpena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

Sec. 4. (a) The panel established under section 3 of this resolution may act by majority vote.

(b) A vacancy on the panel shall not impair the right of the remaining members to exercise all of the powers of the panel. In case of a vacancy due to death or resignation, the Secretary may appoint a successor to fill such vacancy.

(c) Members of the panel shall receive compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the panel as prescribed by this resolution, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Federal Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(d) For the purposes of carrying out its functions under this resolution the panel is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently, while so employed.

SEC. 5 DEFINITIONS.—(a) The term "Secretary" when used in this resolution refers to the Secretary of Labor.

(b) The term "parties" wherever used in this resolution shall mean the parties who were under the jurisdiction of the United States District Court, Northern District of California, in United States versus International Longshoremen's and Warehousemen's Union, et al., docket numbered C–17–1935–WTS, October 6, 1971, who have not settled their dispute prior to the enactment of this resolution.

SEC. 6. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 7. SEPARABILITY.—If any provision of this resolution, or the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, but shall remain valid and in full force.

SEC. 8. EFFECTIVE DATE.—This resolution shall take effect immediately upon its enactment and the legality of any action authorized herein and taken thereafter shall be governed by the Act regardless of when such action is initiated.

OBSERVATIONS ON PRESIDENT'S PEACE PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, the President's new peace proposals were dramatically revealed on nationwide television, disclosing a series of secret negotiations in Paris between Henry Kissinger, the President's national security adviser, and North Vietnam's chief negotiators.

THE PROPOSAL

The President's proposal includes a total cease-fire throughout Indochina, the withdrawal of all United States and allied forces from Vietnam within 6 months of North Vietnam's acceptance of the proposal and a political solution which includes three elements: a new presidential election in South Vietnam; an agreement by President Thieu to resign his office 1 month before the new election; and the creation of an independent body representing all political forces in South Vietnam, including the National Liberation Front, to organize and run the election.

Under the proposal, North Vietnam and South Vietnam would agree to release all prisoners of war captured throughout Indochina, with the exchange of prisoners carried out in tandem with the troop withdrawals.

This new proposal, now placed before the Paris Conference for discussion, is the first new proposal for a general settlement submitted to the Conference by the United States since October 8, 1969.

THE REACTION

Although North Vietnam's statement did not formally reject the proposals, it did denounce them and made plain that the new proposals are unacceptable.

Most observers believe the North Vietnamese will not accept the President's proposal because of their deep suspicions of the electoral process and their belief that the existing South Vietnamese Government would influence the outcome despite any safeguards the allies offered to assure an independent election.

Although it is doubtful that the President has succeeded in shoving Vietnam into the background as a campaign issue, he probably made some political points with his new proposal. The disclosure makes the Nixon record on negotiations clearer and better. The plan, at least for Americans, is fair and just, with free elections, international supervision. Thieu stepping down, and a cease-fire. As expected, the Republican leadership in Congress strongly endorsed the President's position and even some of the aspiring Democratic Presidential candidates declined to attack him. Nonetheless, if the proposal is not accepted by North Vietnam, and it does not appear as if it will be, and the war drags on, it will undoubtedly be a political issue in November.

ISSUE CLARIFIED

More than anything else, the disclosures surrounding the proposal illustrate that the critical barrier to settlement of the Vietnamese war is: Who will eventually control South Vietnam? This political issue has caused the deadlock in the secret negotiations. The military questions, including a date for U.S. troop withdrawals and the release of American prisoners, apparently are negotiable on both sides, but the political issue is not.

The Vietnamese have reiterated their insistence that the two basic conditions for settlement are fixing a date for total U.S. military pullout and the withdrawal of all support for the Thieu regime.

WHY WERE SECRET NEGOTIATIONS DISCLOSED?

One question after the President's speech was why he revealed the secret proposals at this time. Such a move will, after all, cut off, at least, temporarily, the President's most productive channel of communication with North Vietnam. Apparently it was done at this time: First, to end, or at least reduce, domestic disharmony by demonstrating the administration's good faith; second, to try to end criticism at home, especially from the President's political critics, who have intensified their attacks recently; third, to shift the onus of the stalemate to North Vietnam; fourth, to create a climate at home that would accept stiff retaliatory attacks to any North Vietnamese offensive; fifth, because the U.S. negotiators feel that the private contacts had reached a point of diminishing returns; and sixth, because the hope that the public disclosures might force North Vietnam to consider the plan on a more urgent basis.

The President's proposal may also help his China trip. Now that he has made a public offer to withdraw all American troops from Indochina, and even though the offer may not be accepted, it will help create a better atmosphere for successful discussions with the Chinese. The very prompt denunciation of the President's proposals by the North Vietnamese, however, suggests that the President will not find the solution to Vietnam in Peking. Dr. Kissinger said:

We expect to settle this war with Hanoi, not with Moscow and not with Peking.

As mentioned, the President's proposal also puts him in a stronger position to counter the expected enemy offensive, which is expected soon. Having put forth a comprehensive peace proposal and apparently created a climate at home that will permit stiff retaliatory action, he is now in a position to strike back at any enemy offensive in the next few weeks and blame the North Vietnamese for choosing war instead of peace.

HANOI'S RECORD

Hanoi's record in these negotiations looks bad. They agreed to secret talks, and then made a public proposal. Their proposal separated political and military issues, and later were linked in another proposal. They accused President Nixon of not responding to their proposal, when

he had done so in private, and then they refused to respond to his proposal. Their terms hardened as the negotiations progressed, insisting that the United States overthrow the Thieu government. They come off as tough, determined negotiators, willing to exploit every opportunity, including the American prisoners of war, and willing to play skillfully to their advantage the sentiments for peace in this country.

The lesson from this record is clear. Hanoi is not interested in either a fair settlement or "looking good." They want a unified Vietnam under their control.

THE PRESIDENT AND HIS CRITICS

After the President's disclosure, the principal complaint of his critics was that he failed to make a straightforward offer of a withdrawal date in exchange solely for the release of prisoners. The President did disclose a proposal made to the North Vietnamese on May 31, 1971, under which the United States would agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire.

At the next meeting on June 26, the North Vietnamese rejected the American offer, insisting that any settlement had to include political elements.

The President, thus, has not offered a simple withdrawal of American forces in return for prisoners of war. He tied withdrawal to the acceptance of a cease-fire throughout Indochina. The Communists oppose this because, in their view, under existing conditions, total cease-fire would simply solidify Saigon's political control over most of the South Vietnamese population. They see a simple cease-fire as the same as losing the war because it requires them to give up their struggle to achieve their goal. The Communists have proposed a partial cease-fire between their troops and withdrawing allied forces, but it would take effect only after a political settlement was reached.

The President responds to his critics by saying that his proposal for a fixed date of withdrawal, a cease-fire, and an exchange of prisoners was rejected by the Communists, not because there was an objection to a cease-fire, but on the grounds that there must be a political solution in Indochina alongside a military solution. He also says that although his proposal is complex, with provisions for a political and military settlement, he is prepared to revert at any time to the simpler proposition offered in the private talks on May 31, for a withdrawal of American troops unilaterally in return for a cease-fire and an exchange of prisoners.

WHERE DO WE GO FROM HERE?

The apparent failure of the President's peace proposal to break the deadlock raises the question as to what happens next. Administration spokesmen have been reluctant to speculate on the future. The President said that the only alternative is to continue the Vietnamization program, which means that American troop withdrawals will go on and so will periodic bombing of North Vietnam, Laos, and Cambodia.

The hope, of course, is that the President's revised proposals, and the spirit in which they were offered, will serve as a beginning point for what could become the first real bargaining since the frustrating negotiations at Paris began 3 years ago.

The hopeful view is that the wide gap between the two sides on the political questions has been narrowed. The President made a major concession by offering the resignation of President Thieu 1 month before the supervised elections. Even though the North Vietnamese are suspicious of these elections, especially when the President suggested that a Thieu supporter, the chairman of the senate, should head the caretaker government, the timing of Mr. Thieu's departure is surely negotiable, as is the makeup of the electoral commission. The President has made a proposal which could lead to a change of government in South Vietnam. There is room for negotiation on the political arrangements, the cease-fire, the withdrawal of troops, and the exchange of prisoners. The proposal at least begins to focus on the central issue of how power is to be exercised in South Vietnam when the war is over.

This hopeful view emphasizes that the Thieu government is growing stronger, its economy improving, its military able to maintain security, and Hanoi will want to negotiate now rather than later.

The pessimistic view is that the discussions have only emphasized that the North Vietnamese are adamant on gaining political control of South Vietnam, and anything less than assurance of a takeover will not be acceptable to them. They have sought that goal for over 30 years and they are not about to give up now. They want to drive out all the foreign soldiers and unify the nation under the control of the Communist Party of Vietnam.

In this view, Hanoi just does not have much reason to negotiate. If they withstood everything that South Vietnam could offer, when it had the help of 550,000 Americans and all kinds of extra firepower and mobility, they can certainly do better after the Americans are gone, taking most of their helicopters and guns with them. And no matter how successful Vietnamization may be, the improvement of Saigon's fighting capabilities will not offset the American withdrawal. As one American analyst put it:

Why should the North Vietnamese compromise. Instead they will just wait.

In the long run, the North Vietnamese appear to have great leverage. The U.S. military effort is declining, and even large amounts of U.S. assistance to South Vietnam will not be acceptable to a nation that wants to forget this war. U.S. bargaining power recedes with its declining military power.

But, the South Vietnamese Government, although plagued with problems, is not near collapse and their military power is no pushover for a war-weary North Vietnam.

The effect, then, of the negotiating deadlock is that the war will go on. Each side has presented the other with unacceptable demands. Hanoi wants the United States to get out, take everything with them, and stop all aid to South Vietnam. The United States wants Hanoi to stop fighting, withdraw its troops, give up the goal it has sought for decades, and enter into an election they feel will be controlled by Thieu's agents.

Somehow, this frustrating war must end. I do not see how unless we set a date for withdrawal and end our military activity, and unless Hanoi returns our POW's as we withdraw and refrains from attacking our forces as they withdraw. We should also press South Vietnam to work out a political accommodation with North Vietnam.

This may leave most questions unanswered, including the central one of who controls South Vietnam, but it would permit the process of accommodation in South Vietnam to begin in earnest.

COMPENSATION FOR VICTIMS OF CRIME

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 30 minutes.

Mr. ST GERMAIN. Mr. Speaker, our present system of justice has tragically neglected the innocent victims of violent crime. In an effort to relieve this needless suffering, I have introduced the Victims of Crime Act of 1972.

This legislation is designed to help the ordinary people who suffer personal injuries and monetary losses as a result of robberies, assaults, and other criminal acts. I am thinking of the owner of the corner grocery store who was robbed and beaten in a holdup. His day's receipts are gone. He is out of work for 2 or 3 weeks from his injuries. He has doctor bills and he is losing money, because there is no one else in the family who can run the store.

I am thinking about the grandmother who was knocked to the ground and broke her hip when her purse was snatched. Her monthly retirement check is gone and she has no money to pay the rent or buy groceries for herself and her husband. Her medicare benefits will not cover all the hospital bills.

I am thinking about the two policemen who were shot down on a sidewalk in New York last week; their families deserve some kind of assistance.

And what about the firemen who was paralyzed from the neck down when his truck overturned on the way to a false alarm? Or the families of those guards who were killed during the Attica prison riot last summer?

I am thinking about the unsuspecting victim of rape, the ghetto dweller and the surburbanite who have been victimized by unknown hoodlums.

These are the innocent victims of violent crime. It could happen to anyone.

The intense public concern about the nationwide increase in crimes of violence has focused attention on the criminal. But the victim of these crimes, who has suffered painful personal injuries—and even death—through no fault of his own, has been forgotten.

The facts show that this public concern has ignored the basic problems: The victims are unable to bear the burden of serious financial losses without undue hardships; the offenders, when apprehended and convicted, are often not fi-

nancially responsible; there are a growing number of crimes directed against public safety officers, including policemen, firemen, and prison guards.

In short, society has failed miserably in its obligation to provide basic protection for its citizens, and thus has an obligation to compensate them for its failure.

The effect this failure is having on the attitudes of many Americans was pinpointed in a 1965 report by the President's Commission on Law Enforcement and the Administration of Justice:

Every American is, in a sense, a victim of crime. Some have been impelled to uproot themselves and find new homes. Some have been afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly. Some have become distrustful of the Government's ability, or even desire, to protect them. Some have lapsed into the attitude that criminal behavior is normal human behavior and consequently have become indifferent to it, or have adopted it as a way to get ahead in life. Some have become suspicious of those they consider to be responsible for crime: adolescents, or Negroes, or drug addicts or college students or demonstrators; policemen who fail to solve crimes; judges who pass lenient sentences or write decisions restricting the activities of police; or parole board that release prisoners who resume their criminal activities.

It has been said that the institutions of justice have become more concerned with the protection of the rights of the criminal than the need for law and order in society. I believe a major liability of our present system of justice is its almost total failure to consider the plight of the innocent victim.

The victim's sole recourse, within our Federal jurisdiction, is to seek civil damages against the guilty criminal. At best, this remedy has proved woefully inadequate.

The Federal Government has recognized its obligation to other innocent victims: The disabled veteran, the aged, the unemployed, and the sick. Thus it logically follows that the Government should fulfill its obligation to those persons who have suffered personal injuries through no fault of their own.

The Victims of Crime Act of 1972 offers a practical and timetested plan to compensate victims of violent crime who have suffered serious financial hardship.

In addition, this act provides life and disability insurance and a $50,000 death benefit for policemen, firemen, and other public safety officers who daily put their lives on the line for each of us.

Compensation for victims of crime is not a new idea. It dates back 3,000 years to the Code of Hammurabi, a landmark of western civilization. In recent years crime compensation has proved quite successful since the first program was established in New Zealand in 1963. Similar programs have been adopted in England, 1964; Canada, 1967; Sweden, 1971; and seven of our 50 States: California, 1965; Hawaii, 1967; New York, 1966; Massachusetts, 1967; Maryland, 1968; Nevada, 1969; and New Jersey, 1971. Canada is also studying a uniform Federal statute.

Under title I of the proposed Victims of Crime Act of 1972, victims must have incurred a minimum loss of either $100 or 2 weeks continuous earnings, reported the crime to police within 72 hours, and suffered serious financial hardship to be eligible for compensation. Claims must be filed within 1 year of the crime. Overall recovery is limited to a maximum of $50,000, based on financial need.

Federal law enforcement officials would be required to inform victims of their right to apply for compensation, just as criminals are now advised of their legal rights.

Payments from life, health or disability insurance from the offender or from similar sources would be deducted from the Federal compensation award. When an offender has been convicted, the court could authorize that part of his fine be paid to the Federal Criminal Victim Indemnity Board. This fund would be used to help pay compensation to the victims.

Compensation claims would be heard by a three-member Federal Crimes Compensation Board. Its jurisdiction would be limited to the area of primary Federal police power, chiefly the special maritime and territorial jurisdictions of the United States, and the District of Columbia.

The second part of title I would provide Federal matching grants to States for up to 75 percent of the cost of similar compensation programs.

Experience has shown that initial concerns about fraud and excessive cost are not a problem, due to very careful investigation of each claim.

Title II would establish Federal-State group life insurance and disability insurance programs for public safety officers. The insurance would become effective the day this act becomes law.

Many States and cities provide no such insurance, or else none is available at reasonable rates which public safety officers can afford.

Under title II, each public safety officer would be entitled to coverage equal to his annual salary plus $2,000, with minimum coverage of $10,000. Coverage would apply on or off the job, with double indemnity for accidental loss. The Federal Government would pay 25 percent of the premium.

Existing law enforcement grants could be used to establish statewide group life, accidental death or disability insurance programs for public safety officers. The Federal Government could establish a direct life insurance program if the Law Enforcement Assistance Administration determined that commercial insurance or State or local plans did not provide insurance at a cost comparable with other occupations, discounting the high risk factor.

Title II would provide a direct, minimum $50,000 death benefit to the spouse or dependents of a public safety officer killed in the line of duty within the last 5 years. This payment would be made independent of compensation in title I or title II. Payment would also be made for loss of limb or sight. No individual contribution would be required.

During the past 9 years, programs to compensate victims of crime have proved very effective in responding to the needs of the victims. In addition they have significantly helped to increase cooperation between citizens and police. And I believe this is the real key to reducing crime.

Typical of the response to these programs have been these reactions from the New York Compensation Board's 1970 annual report:

Crime compensation programs aid in the prosecution of criminals. When a victim is fairly treated by society, he certainly is more willing to cooperate with the law enforcement officials.

A letter from a victim noted:

It is indeed gratifying to find someone does care.

The English compensation board, in its 1970 report to Parliament, noted:

It is true that many of the applications submitted related to comparatively minor injuries and the compensation is correspondingly small. But no one who is called to deal with those cases in which a blameless victim has been seriously disabled, sometimes for life, or those cases in which the elderly and infirm have suffered injury and shock, can fail to deeply appreciate what a worthwhile part is played in the full administration of justice by the power to award compensation.

NO DEBT CEILING INCREASE WITHOUT TAX REFORM DIRECTIVE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, President Nixon, faced with $90 billion of budgetary deficits during the 3 fiscal years 1971–73, has asked Congress for a $50 billion increase in the debt limit. The Ways and Means Committee has reported to the floor a bill to increase the limit by $20 billion, with a suggestion to come back for the remaining $30 billion before June 30.

During my 17 years in Congress, most of them under Republican Presidents, I have been faithfully voting for requested increases in the debt limitation.

Throughout this period, I have seen the Federal revenues erode, particularly in the last 3 years. While the progressive Federal income tax has been reduced by $22 billion a year since 1968, regressive Federal and State payroll, sales, and property taxes have greatly increased.

As a result, income shares in this country are being distorted in favor of the well to do. For 1967, the most recent year for which figures are available, the lowest one-fifth of American families received 3.2 percent of the national income, the highest fifth, 45.8 percent. The top 1 percent of American families received 6.8 percent of the national income—more than twice that of the lowest 20 percent. The spread between rich and poor since 1967 is getting worse, due to increased unemployment and the reductions in the progressive income tax. Of the tax cuts in the period 1964–73, for example, those in the $3,000 to $5,000 income bracket got 12.9 percent of the cuts, those in the $10,000 to $20,000 bracket got 29.6 percent of the cuts, and those in the $20,000 to $50,000 bracket got 10.3 percent of the cuts.

This steady erosion of progressive taxation, and increase in regressive taxa-

tion, explains why we have today almost 6 percent unemployment and a $39 billion fiscal 1972 deficit.

Loopholes in the Federal income, estate, and gift tax system are largely responsible for our inequitable Federal tax system. If 112 income taxpayers with earnings of more than $200,000 nevertheless escaped any Federal income taxation whatever in 1970, it is obvious that the average taxpayer—with an income between $5,000 and $15,000 a year—has to pay just that much more.

The money that is given away to taxpayers who do not need it by the loopholes performs little or no job-creating function. Typically, it goes into bidding up the price of assets such as real estate or stocks, or into foreign investment and speculation.

Indeed, some of the loopholes undoubtedly cost jobs. Thus, the crazy-quilt capital gains tax system results in a misallocation of capital resources that actually reduces employment. Still other loopholes—such as the system of allowing an American corporation to deduct a foreign business tax at approximately double the rate it can deduct a business tax imposed by one of the 50 States—induce a corporation to develop job-creating industry abroad, rather than here.

The upcoming fiscal 1973 deficit of $25 billion could be reduced substantially by plugging Federal tax loopholes, without hurting economic growth in the least. Reducing our unnecessary and staggering budget deficits would restore confidence in the international dollar as well.

Yet nothing is done about closing the loopholes. Loophole plugging is no easy political act. One thing that is very clear is that only firm leadership by the administration can lobby such a bill through the Congress. Yet the administration will not act. Its spokesmen as recently as last week proclaimed that they had no intention of moving to plug any loopholes.

Are those in Congress who believe that the loopholes must be plugged helpless? Must they automatically ratify the President's request for an increase in the debt, without asking that he take steps in good faith to diminish the deficit and thus the need for an increase?

We think not. We intend to do everything we can to attach to the current legislation raising the debt limitation an instruction to the President to prepare and bring to the Congress no later than May 1, 1972, a comprehensive program for plugging loopholes in the income, estate, and gift tax system. Such a timetable would permit favorable action on the loophole-plugging program in this session of the Congress.

I hope that the House Ways and Means Committee will accept this amendatory language, and that the Rules Committee will make it in order.

If not, we shall attempt to attach the amendment on the House floor. The first crucial vote will come on the motion on the previous question on the adoption of a closed rule. A "no" vote on the previous question—a vote to permit the tax reform amendment to be brought up—will be a vote in favor of tax reform. If this fails, a vote against the debt ceiling increase will be a second vote in favor of tax reform. Should the debt ceiling increase be voted down, it could be easily resurrected and passed the next day if Mr. Nixon then indicated—as he would have to—that he would submit a tax reform program by May 1. Thus, we who vote for tax reform are not voting to bring the Federal Government to a halt. We are voting to compel Mr. Nixon to do what responsible government requires—take steps to diminish the size of the deficit before we give him a blank check.

I include an excellent article on tax reform by Leo Rennert of the McClatchy newspapers, which appeared in the January 16, 1972, Sacramento Bee, and the text of the amendment we intend to offer to H.R. 12910, the debt ceiling increase legislation:

TAX REFORM—RICKOVER SAW NO EASY SOLUTION

(By Leo Rennert)

WASHINGTON.—"The events that led to the French Revolution can teach us a lesson," the witness told the House Appropriations Committee behind closed doors . . .

"In Louis XVI's time, the only way ordinary people could exert any control over their government was by refusing to provide the money the king needed.

"The parallel with our own situation today seems clear to me.

"I am not sure but that it is going to take some form of revolt by the majority of Americans to bring us more equitable taxation."

If the speaker had been Jerry Rubin or even Ralph Nader, this would be familiar radical rhetoric.

But addressing some of the most powerful men in Congress last May 11 was an esteemed friend of the Capitol Hill establishment, Vice Adm. Hyman Rickover.

Once a year, the committee invites his views on defense topics and other matters he deems important.

This time, however, his hosts seemed unprepared for what turned out to be a slashing indictment of their own role in maintaining a privileged class through special tax favors.

MIDDLE-CLASS REVOLT

Warning that public "frustration and disillusionment" are reaching dangerous levels, Rickover recalled the French monarchy was overthrown when the middle class felt similarly helpless and aggrieved over money matters.

To replenish his treasury, Louis XVI convened a meeting of noblemen, clergy and popular representatives—only to be confronted by an ultimatum for radical reforms. Royal resistance sparked a revolt in which the king and Marie Antoinette eventually lost their heads to the guillotine.

"I mention these well-known facts because I believe they remain relevant today," Rickover remarked.

America, he said, may not have noblemen with fancy titles. But it does have "privileged segments of the population" who enjoy great wealth while bearing only a "small share of the burdens of citizenship."

Those in the top 1 per cent bracket, he noted, still have an income higher than those in the bottom 20 per cent—a pattern unchanged for the last 25 years. The top 5 per cent still make more than the bottom 40 per cent.

"Capital gains, depletion allowances, and tax-free bonds provide loopholes for the upper-class taxpayer who is able to take advantage of them," Rickover declared. "The middle classes rarely can."

Warming up to his topic, he called tax reforms one of the most urgent tasks before Congress.

"No man who has an income of several million dollars a year should be allowed to pay little or no income tax," he said.

At stake, he stressed, is the durability of the American system itself.

NO EASY WAY

"Our officials should bear in mind that by this failure to carry out their responsibilities they are undermining the very system which has made it possible for them to attain to high position," he remarked.

As a realist, Rickover sees no easy path to tax reform.

"Those who benefit most from present tax laws are also those best able to make large campaign contributions," he observed.

His assessment was correct. A few months later, Congress enacted a tax bill with virtually no reforms but plenty of new benefits for business and the affluent.

The new measure will mean an income tax reduction over a three-year period of $872 million for those in the $20,000-and-up bracket.

Taxpayers in the $100,000-and-up category will enjoy a $95 million windfall during the same interval.

True, low- and middle-income groups also were given reductions.

But failure to close major loopholes coupled with new benefits for the rich assure a continuation of whopping budget deficits in the next few years. In turn, this income drain is bound to intensify White House and congressional resistance to the funding of many domestic programs.

And when the day of reckoning finally arrives and taxes have to be raised, it is a safe bet that those who already bear a disproportionate share of the burden will be asked again to cough up some more.

Trial balloons now emanating from the Nixon administration about a value-added levy—a form of national sales tax—follow a predictable pattern.

Under the guise of relieving pressure from local property taxes for financing of public schools, Washington would come to the rescue with a new sales tax which could bring in as much as $20 billion a year.

The new levy, of course, would not disturb those benefiting from tax loopholes. Their merry ride would continue without interuption.

Interestingly, there would be no need for a national sales tax if many special tax breaks were eliminated. That kind of reform would be just as effective a revenue raiser—also in the range of $20 billion a year.

At this stage, it appears likely that Congress will pass any significant tax legislation in an election year.

"UNDESIRABLE TREND"

A year hence, however, the prospects again will be strong that under the pressure of some fiscal crisis, reforms will be shelved and additional taxes imposed on those who already pay more than their fair share.

As Rep. Sam Gibbons, D-Fla., a maverick member of the House Ways and Means Committee, points out:

"We are in the process of chipping away at our best tax, the income tax, both individual and corporate, and moving toward greater reliance on the Social Security tax and possibly a federal sales tax.

"This is an undesirable trend."

Gibbons estimates the last two tax bills approved by Congress will mean a revenue loss of $170 billion during the period 1969–1980 and wonders who will end up paying the piper.

Rep. Henry Reuss, D-Wisc., another in a small band of reformers, warns:

"We are faced with a fiscal situation where revenues are going to be drastically too low for needs, or budgetary deficits too high for a sound economy, or both."

Yet, he notes, more than 100 taxpayers with incomes of more than $200,000 paid no

federal income taxes in 1970—a year after passage of the 1969 Tax "Reform" Act!

Three persons in the $1 million-and-up bracket, he adds, also managed a free tax ride in 1970.

Reuss estimates a "sensible" loophole-plugging reform bill could raise $20 to $30 billion a year.

MOSS COSPONSORS BILL

"Ever since 1954 the federal revenue system's progressiveness has been progressively impaired," he complains.

To reverse the trend, California Rep. James C. Corman, D-Los Angeles County, is pushing legislation to close up to $20 billion a year in loopholes.

Rep. John Moss, D-Sacramento, an opponent of the value-added tax who voted again the 1969 and 1971 tax bills, is a cosponsor.

But there is no sign of any interest on the part of the House Ways and Means Committee Chairman Wilbur Mills, D-Ark., who usually controls the fate of tax legislation on Capitol Hill.

Mills converted the 1969 tax "reform" bill into a tax reduction bill and readily went along with the White House last year in pushing through more tax cuts. Like President Nixon, he thinks economic and social gains should be achieved primarily by stimulating the private sector of the economy.

This leaves the Democratic presidential ticket in 1972 as the only potential source for any momentum on tax reform.

Economist John Kenneth Galbraith suggests that liberals evaluate Democratic contenders in upcoming primaries largely on the basis of their readiness to seek elimination of tax loopholes.

Like Rickover, he thinks the problem is urgent, the present system a scandal and time a dwindling commodity.

When the admiral testified before the Appropriations Committee, Rep. Daniel Flood, D-Pa., sought to soften his warning about a burgeoning taxpayers' revolt.

"You are using the term in a philosophical sense," he suggested.

"Yes, sir," Rickover replied. Then he added: "But in a few years it may be a fact."

AMENDMENT TO H.R. 12910

On page 1, line 3, insert "SEC. 1" before the word "That".

On page 1, following line 8, add the following:

"SEC. 2. In order to provide guidance concerning future revenues for Congress to consider in advance of any request for a further increase in the public debt limit, the President shall submit to Congress, not later than May 1, 1972, a comprehensive tax reform proposal to close loopholes in the Federal income, estate, and gift tax system."

REFORM OF OUR JUVENILE AND ADULT PRISONS

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, today I submit the final five segments of the Washington Post series of articles entitled "The Shame of the Prisons." In these, Post Writer Ben H. Bagdikian examines the juvenile prisons, the Federal Reformatory for Women at Alderson, W. Va., the drive for inmates' rights, and Mr. Bagdikian's own thoughts of what needs to be done to shift the emphasis from punishment to rehabilitation of the sentenced offender. In addition, Reporter Leon Dash authored the sixth article in the series entitled "Rehabilitation: A Frayed Hope," which concentrates on the correctional program of the District of Columbia.

Before inserting these exemplary articles into the RECORD, I would like to take a moment to comment on juvenile prisons.

With several other members of the Select Committee on Crime, I traveled to five States and personally visited seven juvenile correctional institutions in the summer of 1970. What I learned was truly startling.

Money, for example, is of secondary importance to trained personnel in working with juvenile offenders. How else can you explain the fact that one institution we surveyed spent $13,000 per boy and was plagued by a rate of recidivism of at least 60 percent whereas another—at Red Wing, Minn.—spent $7,600 per boy and boasted a recidivism rate of 19 percent.

Beyond the statistics, there was an air of excitement and sense of accomplishment and participation at the Minnesota School that was lacking at any of the other six institutions we visited.

What is particularly sad is the fact that what they are doing at Red Wing, Minn., could easily be adapted to most other juvenile institutions if the enlightened prison personnel and program were made available.

In the year since we published our third report entitled "Juvenile Justice and Corrections," there has been an increased tempo to change the manner in which we attempt to rehabilitate both juvenile and adult offenders and to be even so bold as to examine the myths of punishment which has produced this harvest of shame inside our prison walls.

I consider the effort to reform our juvenile and adult prisons to be of the highest priority of any program that purports to offer solutions to the problem of crime in America.

The series of recent articles on prisons and prison reform which have appeared in the Post, the Evening Star, and the Christian Science Monitor, are the highest public interest. I am grateful for the opportunity to insert into the RECORD these well researched and written articles.

Mr. Speaker, I insert the final five segments of the Washington Post series entitled "The Shame of the Prisons" at this point in the RECORD:

[From the Washington Post, Feb. 2, 1972]

FEMALE HOMOSEXUALITY PREVALENT

(By Ben H. Bagdikian)

So far as anyone knew, she had a conventional sex life on the outside. But shortly after she arrived at the Federal Reformatory for Women in Alderson, W.Va., she stopped telling people her name was Charlotte and said it was "Charlie."

Charlie soon discovered the mysterious ways some of the inmates get hold of men's clothing—desert boots, dungarees, T-shirts, zipper jacket, visor cap. She began walking with a masculine swagger, talked tough, held a cigarette in the corner of her mouth, and shortly afterward established a relationship with another woman inmate whose manner was obedient and submissive while Charlie acted strong and protective. They were thought of by the other inmates and by the staff as husband and wife.

One of the peculiarities of women's prisons is widespread homosexuality. Estimates run to 80 and 90 per cent, far higher than for men's prisons.

But homosexuality is only one of the distinctive qualities of female imprisonment.

Women's prisons are the step-sisters of corrections. The literature on them is sparse, statistics on the female prisoner even less reliable than on males. The massive nine-volume report of the President's Crime Commission in 1967 barely mentions women.

The unkindest cut was from prisoner reformers, whose publication, The Freeworld Times, listed prisons that experienced unrest after Attica but ignored the sympathy strike of 130 federal women prisoners in West Virginia who were teargassed and 66 of whom were punitively transferred to other states.

One reason for lack of attention is small numbers. Of 21,000 federal prisoners, 800 are women. Of the third of a million prisoners in state, county and local imprisonment on any one day, 5 per cent are adult women.

But another reason is the peculiar status of women in criminal justice. In some offenses judges tend to be more forgiving of "the gentler sex." But when a woman violates moralistic codes, she gets harsher treatment than men.

Prostitution is a major cause of female imprisonment. For every prostitute there are dozens of male customers. The male participant is seldom arrested and when arrested seldom tried and when tried seldom imprisoned. In 1968 in the District of Columbia, 112 men were prosecuted for patronage of prostitution; 800 women were prosecuted for soliciting.

The impact of imprisonment on women appears to be profoundly different from that on men. Except in the most savage jails and state prisons, women inmates do not suffer the physical brutality and sense of imminent threat typical of the average male prison.

For one thing, women's prisons usually look less grim. They tend to resemble low-budget junior colleges. The buildings are called "cottages" and they may or may not have bars on the windows.

Women's prisons vary in their discipline, but all are less regimented and formal than the average male prison.

DISRUPTION OF FAMILIES

But the locked-up woman has special pains. The worst is separation from her children. At Alderson, 55 per cent of the inmates have dependents. When they were convicted, the law wiped out their rights as mothers and made the children subject to adoption. Once the children are placed in a foster home, the adoption agency may forbid the mother to communicate thereafter with her children.

Another special trauma is prison's disruption of the conventional role assigned females in society—homemakers, helpmate to a male, repository for the gentle virtues in humankind. Women are usually brought up to behave as though they are tender, accepting and sensitive. All these are antithetical to prisons.

Males are conventionally taught that they are supposed to be strong, tough, aggressive and able to endure privation. Prison reinforces all of these.

While homosexuality is common in men's prisons, it is more so in women's. Most women are conditioned to feel less than complete beings unless they have a man. But it is socially acceptable to touch each other, hold hands, and kiss. Confidential relationships among women in normal society are more common than among men.

A man without a particular woman is not considered deficient in outside society. There is glorification of the bachelor as supermale.

So the woman entering the all-female society of prison has special problems of social and sexual identity.

Jane Meyerding, 21, was imprisoned at Alderson. She says of her first week in prison:

"In orientation, I was in a dorm with eight

or nine people and we'd spend a couple of hours talking before we went to sleep. You could just hear people trying to find themselves. Some who had never been exposed to homosexuality or to this kind of very compact social structure, they were throwing out ideas, just trying to decide who they were going to be while they were in there because they were so completely separated from anything they'd been before.

"Maybe they had been a mother and this was their whole thing—being a mother. But now they don't have their kids. So what are they?"

The result is homosexuality as an almost standard phenomenon among a majority of female prisoners everywhere. Whether it is in West Virginia or in South Carolina or in California, there is a typical scene in the yard of a womens reformatory:

A "butch," the male-like partner, dressed the same masculine style everywhere, hair bobbed as short as local regulations will permit, with her arm around the waist of the "femme," the female partner who is dressed conventionally, hair usually long.

The physical brutality and rape that can accompany male homosexuality in prison is usually absent in women's prisons, partly because of anatomy and partly because of the difference in socially acceptable closeness among women.

ATTITUDES TOWARD HOMOSEXUALITY

In some women's prisons, staffs are obsessed with homosexuality and inmates are literally forbidden to touch each another. In such places, women seated in groups to watch television or movies must keep an empty seat between each person. This does not stop homosexual affairs which, like heterosexual affairs in the outside world, have a way of transcending barriers. But thoughts of homosexualism dominate such institutions.

Virginia McLaughlin, warden at Alderson, speaks in a relaxed way about it.

"One of the problems in a women's prison is staff preoccupation with homosexualism. My own personal feelings are that what goes on between consenting adults is their own business. We try to say that we're not moralistic about it."

Some inmates and former inmates of Alderson dispute the total tolerance. "At Alderson," one former inmate said, "the staff will bust you if they catch you."

Mrs. McLaughlin isn't sure that all the apparent homosexualism is consummated in physical relations.

"Who knows how much real homosexualism goes on here? There's a lot of role-playing. I suppose that 80 or 90 per cent of the residents here are in boy-girl play. Within our culture, if you ain't got a man, you ain't got nothing. That model carries into this institution. So a lot of people dress and act in boy-girl ways. But a lot of it is just role-playing to fill out the public image we've said women are supposed to project."

She thinks that whatever happens sexually at Alderson is reversible.

"If you come into this joint heterosexual, you leave here heterosexual. You may play games here and spend 20 years doing it. But darn few women who have developed a permanent pattern on the outside get turned around permanently in here."

Mrs. McLaughlin, the first married warden of Alderson—she married the local football coach—presides over the most famous of women's prisons, the only federal one specifically designed for females and one obviously more relaxed than the mass of state and county institutions.

Like most prisons, Alderson is 100 miles from nowhere. There is no public transportation. The train doesn't stop there any more, only at the Greenbrier resort hotel 20 miles away.

It is an unlikely-looking prison. The setting in the foothills of the Appalachians is among forested hills and fast-moving creeks. The security is less than that in some fashionable girls' schools, the low chain link fence no challenge to a moderately athletic woman. It has 17 residential buildings in red-brick, vaguely Georgian colonial style, actually called "dormitories," arranged in quadrangles around tree-filled malls actually called campuses.

Mrs. McLaughlin is a shrewd, sharp-eyed, sophisticated woman whose office is decorated in abstract non-inmate art and whose non-government-issue coffee table has a shingling of highbrow magazines—The American Scholar, Intellectual Digest, Trans-Action, New Yorker . . .

Prisoners are called "residents"; they can dress almost as they wish and pay a lot of attention to the latest fashions. The food is good as institutional feeding goes, rooms are decorated individually and there are few matrons visible to the visiting eye. Two honor cottages are self-governing and have no staff in them at all (and are unkindly called "snitch houses" by other inmates; in prison an informer is known as a "snitch").

Mrs. McLaughlin knows she has the perennial problem of modern prisons: white rural staff, hired from the surrounding area, in total control of the lives of prisoners who are mostly from big cities and mostly blacks.

She has a staff of 261 overseeing 530 inmates. Eleven per cent of the staff is black, compared to 54 per cent of the inmates.

"It's very important to have blacks on the staff, important for the role they play. The black residents need to see blacks who have made it and are 'square.'

"There's an immediate communications gap. There's the gap between the very young, inner-city residents and the older, white, middle-class oriented staff. But even between black staff and black residents there can be a gap nobody likes to talk about, a class gap."

One afternoon recently, she had her final interview with a young, fashionably dressed black woman who was about to join the staff. The woman nodded as she left, "Thank you, ma'am." Mrs. McLaughlin smiled innocently and replied, "Why don't we drop that s——. 'Thank you ma'am' is lower-class white, you know."

Mrs. McLaughlin is sure that women prisoners are changing in attitude.

"Our drug problem's not so different. I looked at some board meeting minutes from 1950 and they had 40 per cent addiction then. But we are seeing more young offenders and a small but growing number of women who are active parties in regular crime. They don't just drive the getaway car or hide the money any more. They're pointing the guns.

"And we have militancy. They have a just concern with their rights. That's the way it is. Blacks have taken all they are going to take, being kicked around. Everyone has a right to say how they're feeling. Inside or out, we have to be concerned with individual rights. I don't care whether a person is in prison or out, they have fundamental rights."

WHO THE INMATES ARE

Mrs. McLaughlin is asked about the unprisonlike "dormitories" and "campuses." She enjoys smashing the stereotype of the hard-hat warden issuing public relations mush.

"I don't care if this was the Greenbrier Hotel, it isn't fun. This is a prison with 500 miserable people forced to be together. It can't be good, they can't go home, they can't relieve the pressures by going out to the street to a show."

She is not euphoric about the power of an authoritarian figure bringing inner change. "These aren't 'girls,' the way they used to be called around here, and I'm not their mother."

But many of the inmates are, in fact, girls. Seventy per cent of the residents are 30 years or younger and a few are 15 and 16. They come from 40 different states and about 30 of them from foreign countries, convicted of crimes in the United States, usually smuggling dope. Thirty per cent have a history of prostitution.

"How are you going to teach a woman a trade that will earn her $1.25 on the outside when she's been in the habit of make $500 a night?"

If the women work in the prison industries they make from 19 to 47 cents an hour.

Forty-two per cent have a history of narcotics use. Only nine per cent have ever had a significant alcohol problem.

Like all prisoners, women inmates do not lack intelligence but have lacked sufficient schooling and what schooling they received obviously was deficient. About 60 per cent have average IQs or higher. About half of them went no higher than 9th grade but they test out at a demian of sixth grade level.

They are serving federal sentences for postal violations such as mail fraud, 22 per cent; narcotics, 20 per cent; forgery, 18 per cent; involvement with stolen goods in interstate transportation, 12 per cent.

There have always been about 30 robbers and about 30 in for conspiracies of various kinds, with only a few murderers and kidnappers.

Federal offenses are different from state. In one state prison for women, half were in for killing their husbands or boy friends and most of the rest for prostitution.

Like male prisoners, 90 per cent at Alderson have histories of prior arrests, with criminal arrests starting as young as age 7. Half of them earned less than $3000 a year before their imprisonment, but only 26 per cent had ever been on welfare.

The statistics support the bias of the criminal justice and of the outside society. Mrs. McLaughlin tells interviewers, "If you're poor, if you're black, if you're twenty-six and you're a woman, the dice are loaded against you."

She likes to tell that to the residents and then add:

"But prisoners have responsibilities. I'm sorry if your mother didn't love you and I'm sorry if you have no money, but you've got to face the future."

"AN EMOTIONAL BINGE"

For all its bucolic grace, tolerant atmosphere and the warden's anticipation of traditional complaints, Alderson has had its troubles. It has its "hole," the segregation cells in which women are punished by being locked in a bare tiled cell with no transparent windows, a toilet, and a cot. There are tensions and bitterness.

In September, residents of Alderson held a memorial for the prisoners in Attica. It evolved into a strike for reforms at Alderson, with 130 residents occupying the prison's garment factory building for four days. Mrs. McLaughlin sent in food and blankets for the strikers and received their list of 42 demands.

Like most prisoner demands, these would be agreed to by many prison administrators if they were free to do so: reasons to be given for denial of paroles; more halfway houses; work release programs for qualified inmates; more caseworkers on the staff; more psychological counseling; more vocational training; better education within the institution; published standards for changing inmates' level of restraint; unlimited mail; disinfectant for all cottages; reasons given for severe disciplines, and so on.

But at some point, Mrs. McLaughlin decided the strike had gone on long enough. She called in help from other federal prisons. Male guards went through the campus, used tear gas, rounded up a predetermined list of inmates thought to be ringleaders, put them into a waiting bus (by mistake including one staff member), and transferred the women to maximum security institutions in Ashland, Ky., and Seagoville, Tex.

Mrs. McLaughlin refers to the strife as "an emotional binge" and the result of "two or three very troubled people; our psychiatrist

says that we have about 50 people who are in and out of psychosis all the time." But the demands were consistent with what most correctional administrators are themselves asking for, at least when outside their own institution.

Nevertheless, Alderson is a far more humane institution than the average state and county prison for women. Elsewhere there are female prisoners subjected to terror and degradation and the same kinds of psychological pressures that afflict male prisons.

Tom Murton was a warden in Arkansas who unearthed murdered inmates and tried to reform the institutionalized savagery before he was fired by Gov. Winthrop Rockefeller. Because prisons are typically closed institutions protected by secrecy, their worst characteristics usually come out only with a riot or after an administrator has been fired.

A warden who preceded him at Cummins prison farm, Murton says, had an electric buzzer installed next to his bed in the warden's residence on the grounds of Arkansas State Penitentiary. When he pushed the button, the staff would select a woman inmate to go to the house to perform sex acts on the warden.

Black women were forced to "clip" grass on the prison grounds with their bare fingers, and for meals were permitted to eat only whatever white women prisoners left behind them. Women prisoners were beaten with leather straps.

When prisoners under sentence to the state prison were transported from the local county jail, all the prisoners—men and women—were put in the same covered van and it was usual that the women began their prison term by being gang raped in the van.

Lawsuits claim brutality to women in some prisons that match those in some men's institutions. In Louisiana, seven women prisoners brought suit recently in a federal court claiming that at the state prison the seven women were punished by being beaten, stripped to their underwear, three of them handcuffed together in one cell, four of them handcuffed together in another cell, and gassed repeatedly with a spray that burned their eyes and made it difficut for them to breathe, and that this went on for four days.

Last October in Miami, a civic committee of business and professional women protested "inhuman living conditions" for female prisoners in Dade County Jail.

The committee said women, often incarcerated for months, had total recreational facilities consisting of one incomplete deck of cards. It said 18 women lived in one large cell, rain leaked through windows soaking beds, very young girls in jail for their first time were left alone with experienced older prisoners and no exercise was permitted for weeks at a time.

In Michigan, Carole Morgan, a teacher for two years for women prisoners in the Detroit House of Corrections, said that an 18-year-old girl prisoner, finishing her term on a drug charge, once came to her hysterical because shortly before she was scheduled for release she was visited by a detective from the city narcotics squad who told her that if she did not become an undercover agent for them they would make sure that she served more time in jail.

LISTENING TO THE INMATES

Jane Meyerding, 21, was held in Monroe County Jail, N.Y., while being tried on charges arising from raids on Selective Service and FBI offices in Rochester. She said she and other women were stripped and searched before and after each court appearance, a process in which they did not resist but did not cooperate.

"When we were convicted and brought back to the jail they had a real field day . . . There was a man there when we were searched . . . The men brought us up the stairs and when it was my turn he put the handcuffs on me and dragged me over to where they wanted to strip-search me. He didn't take too much part in the actual stripping because I was just being passive . . . During the trial I wrote the judge a letter and he told the marshals to come over and stop the strip searches. But after the conviction they started all over again."

Compared to the institutionalized cruelty and neglect typical of many women's prisons, the residents of Alderson are fortunate and the experienced ones (40 per cent have been in prison before) know it. But even there they suffer destructive anxieties and psychological pressures.

For about an hour, the Resident Council, two women elected from each dormitory, discussed their anxieties. About 28 gathered around a long, polished table near the warden's office. Some of the women were stylishly overdressed, the others casual and cool. The accents ranged from Deep South black to university British. To the casual eye, it could have been the board meeting of an integrated middle-class PTA.

Some of the bitter complaints would require relocation of Alderson. For example, the separation of women from children because of Alderson's remoteness and lack of public transportation. Of twenty-eight women, 22 raised their hands when asked how many had minor children. When asked how many had not seen their children since their imprisonment, the same number of hands went up.

But the most bitter and impassioned complaint would take no revolution: quick response on parole applications, together with a detailed reason for denial of parole. At stake are years of a woman's life, but present procedure is casual.

A parole examiner visits the institution and interviews the prisoner in sessions that inmates say range from three to five minutes, with a few 10 or 15 minutes. Then there is silence for up to four months. If the parole is denied, there is no reason given except, possibly, "lack of progress."

Nothing causes more frustration in prison than the mysterious and indefinite working of parole boards.

As one young woman, interviewed at random in her dormitory said, "I got five. I know I did wrong. I'm doing good time. I take courses. I have a good record here. My mother is taking care of my kids. I get no answer from the parole board except not enough progress.

"I ask what that means and nobody can tell me. Why keep trying? I mean, if you want to drive someone crazy, then put them in an institution and never let them know when they're getting out."

In that respect, men and women in prison have a common experience.

PRETENDING TO BE STUPID WINS PAROLE ON SECOND TRY

Dottie Mather, 21, was arrested in Washington, D.C., on drug charges. She served 21 months in Alderson Federal Reformatory for Women.

When I was sentenced, the judge—and I really think he believed this—said that if I was good and did what they told me for six months, then they would release me. My lawyer and my parents were all under the same impression . . .

Well, I met the parole board the first time and they gave me a 20-month contract, which means there's no way to get out before 20 months . . .

Q. How long did you meet with the parole examiner?

A. It was about three minutes. He asked a little bit about my drug record . . . Then you walk out and wait about a month or two till they send you back an answer.

Q. Did they give a reason for denying parole?

A. No. They don't say. "Continue with a review hearing in January, 1972," is how it read . . . Well, you can ask for a reconsideration. That means you know that you think you're ready to get out . . . my case worker and treatment team thought I was ready to be out . . . so they wrote Washington . . .

Q. How did you know what else you could do to help you get a parole?

A. The case worker tells you . . . Usually they set goals for you, like earning your high school diploma. But I already had a high school diploma so I just had to think of things that I thought would look impressive.

I got into therapy because I thought it would look as if I cared about myself and I was admitting I had problems, which is one thing they really like you to do . . .

I wrote down every little thing I could think of. I was in pottery class. I was in two different therapies. I was in key punching. I was going to school taking advanced studies. I was getting any extra things I could, just to say, "Look, I'm doing something, let me out." . . .

So I met with the examiner again in September of '71 . . . I was in a tight position at the time because people at the prison didn't like the people I was hanging with, the political people . . . I had a promise of a job as a key puncher working for the Central Committee for Conscientious Objectors and the examiner asked me if this wasn't like the blind leading the blind . . .

And I did a thing which I really don't believe in doing but I thought it was the only way to get out and that is to act like I didn't know much of what he was saying and that I was really stupid . . . I'm kind of sorry I had to do that but I really felt it was necessary to get out.

Q. How long were you with the examiner?

A. About 10 minutes that time.

Q. And this time parole was granted?

A. Yes.

THREE BLACK WOMEN IN JACKSON JAIL: STRIPPED, SEARCHED ALMOST DAILY

Iasha Salim, 25, was one of a group of blacks in the Republic of New Africa aimed at carving a sovereign state from land in the Deep South. She, two other women and several men were arrested in a morning raid in Jackson, Miss., and held without bail for two weeks in the Jackson City Jail.

There were three of us women. One of the sisters, Njeri Quaddus of Camden, was pregnant. She said she was tear-gassed while she was in the police van on the way. Each of us was put in a tiny cubicle with no blankets and no sheets and very thin mattresses. Next to me was a white insane woman, hollering and screaming. They had to move her after awhile. There were mice and bugs everywhere . . .

At city jail they let us out once in two weeks for our only shower. There were three of us and by the time the third girl got to the shower, they shut off the water.

We were searched almost every day. We were stripped and had our clothes thrown outside the cell. They'd take us to a special cell for this where we'd be in charge of a very timid black woman. While we were naked the uniformed police would walk by and laugh at us.

We couldn't eat the food. There was one cup of coffee in the morning with no sugar and no milk, and cold corn bread with worms in it. We got by on candy bars brought for us by male prisoners who got money from visitors.

The guards and the police were foulmouthed. They kept asking us why we didn't wear bras and they threatened to handle us. They had arrested us early in the morning and one of the sisters was still in her nightgown and they wouldn't give her anything else to wear.

Once we were all together, all three of us

women, and all stripped for our daily search. Sister Njeri was four months pregnant and showing it, and one big fat jailer came up and he said, "Aren't you the one with the filthy nasty worm inside you? You must have had a ball with all those men, nasty filthy niggers. Are you a Christian?"

[From the Washington Post, Feb. 3, 1972]

JUVENILE PRISON: SOCIETY'S STIGMA

(By Ben H. Bagdikian)

The price list is posted in big red letters for every kid in the classroom to see. Coffee break? $40. Sit in the teacher's swivel chair for a whole period? $20. Take a trip to the library for a book? Only 50 cents.

Get out of here entirely? $7,875.

You don't have the money? Just sign one of these contracts. "I will remain in my seat during the testing period. I will not talk to other wards . . ." up to $50 payment. "I will not fight with Chuck over the TV program"—$100. "I will write out as closely as I can remember exactly what I said and exactly what Chuck said when we fought and then I will write out what I could have said to avoid a fight and still get my point across"—$300.

The assorted young burglars, car thieves, murderers, rapists and robbers are being "paid" to behave the way the state of California wants them to.

They are not charged or paid United States dollars but "Karl Holton Dollars," the medium of exchange in the place. But in Karl Holton Dollars they really mean it. Coffee can cost $40, a pool game $35, a five-minute phone call $150, an afternoon nap $25.

Each boy carriers a small blue book, "Karl Holton Bank" with his savings listed. His daily expenditures and pay are also posted publicly so that no private deals are possible.

Karl Holton School is a prison for boys in Stockton, Calif. It's surrounded by a 14-foot chain link fence, the top four feet of sheer metal to frustrate agile climbers (it doesn't; the boys turn the tines of forks and grapple their way over the top). There are almost 400 juvenile criminals inside.

A couple of football fields away is another prison for boys, constructed to be almost a mirror image of Karl Holton. It is the O. H. Close School, with about the same population. But it has an entirely different and similary innovative philosophy of treatment.

Side by side, these $35 million experiments are symbolic of the desperation of a society bewildered by the defection of its young. The most distressing criminals in the United States are its juveniles—as young as 7, mostly in the mid- and upper-teens.

One in every six American citizens is a child between the ages of 10 and 17; three of every six arrests for serious crimes are of someone in that age bracket.

Crime rates among youth are alarming in every segment of the country—both boys and girls; inner city, suburban and rural; rich and poor; white and black (though, as with adults, the poor and the black, after arrest, are sent to court and prison more often than affluent law breakers).

Once juveniles are convicted, they do worse than adults. From 40 to 70 percent of adult prisoners repeat crimes after their punishment; from 74 to 85 per cent of juveniles do so.

The dismal record of juvenile "corrections" is especially frustrating because it deals with presumably pliable youths still forming their characters.

An alarming number of juvenile criminals apparently want to kill themselves, either directly by drugs or engagement in suicidal violence, or by symbolic death through repeated imprisonment.

What happens to these imprisoned youths raises questions about the society that produced them. All over the country, the men and women who run juvenile institutions say similar things, typified by:

We inherit the failures of all the other institutions of our society, the failure of our homes, of our schools, of our churches, of our economy. We get the products of a culture that worships material things—money, cars, clothes—and of a culture that glorifies violence and sanctifies guns. And what can we do about the father who's an alcoholic or the mother who's a drug addict, or the uncle who's a child-beater, or the 10 to 30 per cent of girl offenders who have been the object of incest with their fathers and stepfathers? And what do you expect when our graduates go right back into that environment?

They are profound questions. But they do not relieve the institutions completely. Once juvenile "homes" receive convicted youths, a large proportion of the institutions do things for which the law would prosecute a parent:

Lock them in terrifying isolation; beat them; put them into circumstances in which forced homosexuality is predictable; crowd them into inhuman densities; force them to associate with promoters of violence.

One expert in criminal justice said, "Juvenile corrections isn't better than adults, it's just more hypocritical."

There are still juvenile jails and prisons—"halls" or "homes" or "camps" or "schools" or "centers"—where the chief instruction for a new guard—"counselor" or "correctional officer" or "dorm leader"—consists of how to rough up a juvenile without leaving marks: always use forearms and whole body, never fists or feet.

Most places are still crime schools. "Let me tell you a little story," an experienced worker in corrections said recently. "We were in a new, nice-looking jail in the northwest and interviewed two 14-year-old girls sitting by each other. We asked the first girl what she missed most and she said, 'Speed and men.'"

"Speed" is the street term for methedrine, a chemical stimulant that increases heartbeat and raises blood pressure and in large doses produces hallucinations and sometimes death.

"We asked the second girl what she missed most. She obviously was not initiated yet in speed or men. But she was a very unhappy girl and we all felt that it was almost certain that the moment the second girl got out of jail she would rush to find comfort in speed and men."

OVERCROWDING AND BRUTALITY

In Miami last October, the director of the Dade County Youth Hall admitted that the jail was built for 52 but now held 250 and it was necessary to put juvenile in the same room not by offense or personality but by physical size, so that each child would have a better chance of defending himself physically.

"There just not enough room to do it any other way," Everett Clime, the director said. "Many of them are runaways, many have drug problems, I wouldn't doubt it if a few were prostitutes. There wouldn't be any way to keep them from teaching these things to one another."

In Detroit last November, lawyers brought suit against the Wayne County Youth Home on behalf of five children who were jailed only because they had been abandoned by their parents or had been taken away from parents who were brutal or alcoholics. Once in the protection of the state, these children, the suit claimed, were placed for as long as three days at a time in a bare cell with only a mattress and a toilet, punished by being forced to stand with arms outstretched and not move for hours, and struck on the head with keys.

They allegedly received these punishments for speaking without permission, not answering questions fast enough or looking out of windows without authorization.

Several weeks ago, a Harvard student posing as a 16-year-old delinquent, entered the John J. Connelly Youth Center in Roslindale, Mass. and wrote in the Boston Globe that the place held 200 boys though built for 88, and that staff members held boys head under water for punishment.

Two boys found talking without permission were punished by having to run between two lines formed by all the other teen-age inmates. The other inmates were required to punch the offenders with a closed fist between the waist and the shoulders. If any boy in the line failed to hit the two boys, he would then have to run the gantlet himself.

How many juvenile centers are run like this in unknown. It is a world closed to the public and to the press. When there are visits, it is usually during hours when the inmates are in classrooms, thus centering attention on the clean hardware and concealing the extent of overcrowding.

There are many humane and purposeful juvenile institutions but they tend to be the ones most heard about because they are less secretive.

State and local programs are varied and unintegrated. The federal government, which presumably would have the most sophisticated talent and the most money, is fragmented and disorganized in its programs.

CALIFORNIA'S TWO EXPERIMENTS

Though 48 percent of arrests for serious crimes are of juveniles, the chief agency for juvenile corrections research and support, the Law Enforcement Assistance Administration is spending less than 15 per cent of its budget on juvenile delinquency. Work on juvenile delinquency is scattered among a minimum of nine different federal agencies, ranging from the Department of Housing and Urban Development to the Department of Agriculture.

This is why experiments like the two centers in Stockton stand out by contrast. Theirs is the latest attempt in a long search.

For decades, waves of new approaches have washed over millions of troubled children. It began with moralistic instruction, preaching at bad children to be good, still a popular prescription for making adults feel better. Some places concentrate solely on vocational training, though usually in an obsolete or depressed trade.

Some spend most of their time testing the child and making sophisticated analyses. Or they concentrate on academic achievement.

Others believe that what the bewildered soul of a child needs more than anything else is fresh air and competitive sports.

Psychiatry in its various forms dominates some institutions, including every conceivable permutation of counseling and group therapy.

None of them works. Or at least none works if the measure is that most of their graduates will thereafter avoid arrest.

Richard C. Kolze, superintendent of the Karl Holton School, does not pretend that the "Karl Holton Dollars" will buy guaranteed solution either, but his institution is permeated by a religious devotion to trying it.

The theory back of it is "Behavior Modification," a practice that accepts the fact that either we do not know why human beings do the things they do, or if we do there isn't much we can do to change people by rearranging their thoughts and emotions. It aims at a seemingly modest goal: whatever the causes, just change actions; reward behavior you consider good, punish what you consider bad. Since it is known that punishment produces minimal learning, the emphasis is on reward for desired behavior.

From the first moment a convicted boy enters Holton School he gets a contract, a formal written agreement signed by him and his counselor, providing so many Holton Dollars for certain performances.

The "Get Acquainted Contract" says, "During my first week, I will: 1. Introduce myself

to every staff member on my hall team; 2. Carry on a 5-minute conversation with every staff member on my hall team; 3. Following each conversation, get the signature of the staff member; 4. Learn the name of every staff member on my hall team; 5. Name (from memory) each staff member on my hall team to my assigned counselor. For this I will receive: 1. 75 points for each signature obtained. 2. 25 points for each name remember. Some contracts are for "convenience behavior"—managing time well, relations with other inmates, getting out of bed on time, finishing meals on time. The boy must earn $3,525 this way.

Other contracts are for academic achievement. All instruction is individual, so the boy can move as fast as he wishes, competing only with himself. He gets Holton Dollars for good grades, completing tests properly and other tasks related to schooling. He has to earn $2,250 that way.

Finally, he has Critical Behavior Deficiencies to earn dollars. Each month, three staff members and the boy himself fill out a checklist of 80 items believed to be important in predicting how a person will do on parole. These include the number of contracts filed and satisfied, various measures of "positive behavior" and the ingenuity of the boy in doing his tasks. He must earn $2,100 this way.

LIKE THE REAL WORLD

The school discovered that it had created a replica of the economic world and now need a fulltime economist. The recordkeeping is overwhelming. Dollars earned are computed on the spot and reports sent to a central computing office where debits and credits are calculated and posted. They plan to get a computer.

"There are some things we have to watch out for," Kolze says. "We limit the number of 'Dead Man Contracts' that the boy earns for simply not doing something bad. Otherwise, of course, he'll do a lot of bad things so he can get credit for stopping them.

"We watch the contracts the staff writes all the time. Everything depends on the quality of the contracts. If a kid gets dollars just for keeping his shirt tucked in or for going to church, then all we have here is a funny game. But if you contract with the kid to analyze why he's angry at his mother or fights with the other boys, then it means something.

"You see, this puts everything out in the open. The staff can't play games with the kids or the kids do it with the staff. You know: 'Let's hit Mr. Jones up for a favor, he's in a good mood today.' The kid knows what's expected of him and exactly where he stands. There's no guessing, no subjectivity.

"We don't let the staff write up bad attitudes. They can't threaten anything. If they have a problem with a kid it's up to them to handle it some other way.

"We keep a constant analysis of dollar flow patterns. For example, if some kid is accumulating too much money and not spending it, we know that he's getting too rich and won't have to work. We look at what's selling in his hall—maybe pool is a favorite pasttime or phone calls, it varies from hall to hall.

"In some halls, private rooms are the big thing. In others sleeping in. Whatever it is, when some kid in a hall is saving up too much, we raise the prices on the popular items in that hall. We cause inflation so he has to work harder."

Just like the outside world?

"Exactly."

How do you know that the kids won't learn how to manipulate the economic system?

"They aren't smart enough to do that."

Boys pay rent for private rooms—there are dormitories and private rooms in each unit—but they get dormitory beds and meals "free."

"We tried to charge for room and board but it wouldn't work because it meant inevitably that some kids wouldn't be able to pay. And obviously we weren't going to keep them from bed and board, so we'd have to have a welfare system. We planned that, too. But it got so complicated it overloaded the system. Besides, we couldn't sell the welfare system to the other kids who wanted to know why they should give up 10 per cent of their bank account."

Just like the outside world?

"Right."

THE CATCH IS PAROLE

When the Holton School inmate has earned $7,875, he is eligible to apply for parole. But there is a catch. Despite all the daily computations, data processing and elaborate manipulation of the economy, when the big prize has been earned, it is simply eligibility for parole. The real pay-off, the parole, is run on a different system.

"We measure everything on performance of the young man," said Kolze. "But we're dealing with a parole board that is time-oriented. We feel that a lot of our boys could move out of here much sooner. But the board disagrees because they consider the original offense and the amount of time spent in the institution."

A brisk walk from the gate of Holton School is the O. H. Close School, the same kind of physical plant with roughly the same number and kind of boys. "We have everything here," Harold Richards, the superintendent says. "You name it, we've got it—burglary and auto theft are the biggest offenses, but we've got child molesters, murderers, armed robbers, rapists. . . ."

Close School is devoted entirely to Transactional Analysis, self-examination based on the assumption that each person has within him three major approaches to life: a built-in Parent, who admonishes; a built-in Child, who reacts emotionally; and a built-in Adult, who is a creature of facts and logic. These interact within the individual, causing him confusion. And each person's three ego states interact with other individuals' three ego states, causing a variety of hidden messages and games between people. (A basic book on the technique is Eric Berne's "Games People Play.")

"What we would hope for," Richards says, "would be that a kid by the time he left here would be able to plug into his own mind before he does something to evaluate the situation before he acts, to find out, as we say, what ego state he's in when he is about to do something."

Instead of the price lists of "Holton Dollars" in the institution across the street, Close School has posters poking fun at games inmates play. "Let's Make Counselor Sorry" and "Look What They've Done To Us" and "I'm Just a Typical Teenager." The staff isn't immune: "After All I've Done for You—" "I Let You Go On a Furlough and Now See What You've Done" and "Kick Me."

Games, in transactional analysis, are a series of secret messages with a gimmick designed to produce some emotional payoff. The best emotional state and the motto of the technique is, "I'm Okay, You're Okay."

A LIFE SCRIPT QUESTIONNAIRE

When each of the 390 boys enters the school, he fills out a Life Script Questionnaire designed to give insight into the boy's conscious and subconscious expectations for himself.

"The number of kids who have as a lifetime script a violent death, or a lifetime spent behind bars of some sort is just incredible . . . Usually a life script is a reflection of what parental expectations were . . . Many parents unconsciously want their kids to fail. They unconsciously want them to fail. They unconsciously want them to take drugs, for example, even as they say, 'Don't take drugs.' The hidden message is, 'Do take drugs.'"

The staff described one boy committed for forcible rape.

"A brutal crime," Paul McCormick, a worker at the school, said. "A gang of kids grabbed a couple who were up in the hills necking and they robbed the guy and raped her.

"This boy was unaware that he had any anger in him. I finally got him to see that he had brutalized another human being, a complete stranger, so it's an evidence of some kind of hate or anger within himself and not related to that particular girl. That it's in him.

"He wasn't aware of it, but he had been programmed by his mother and father from about the age of 12, who kept saying, 'Now don't get in trouble' when they were really telling him all the time, 'You're the kind of kid who's gonna be bad, bad, bad' . . . What's the worst kind of bad? Rape."

"Well, it's kind of ironic because I got busted for rape and I could have been with my girl friend that very night, and we could have been balling the way we always did."

He says that his companions kept urging the rape. He wanted to return home. But in the end he led the group. He said he didn't enjoy it.

Why do it if he didn't enjoy it?

"It didn't strike me in my mind as forcible rape, kidnap and whatever else. No, it didn't strike me as that.

"I was with my friends and I could only explain this through what I've learned here about myself. I needed strokes—my friends said things I liked. I went along with the group.

"I relied more on my friends than I did on Mom and Dad . . . All my Mom and Dad would do would say that everything I did was wrong. There'd always be, 'You're gonna get in trouble.'

"And I never thought much about what I would do in the future. I wanted to be out of the House. I wanted to go to parties. I wanted to ball chicks. I never thought much about it. I never had any insight into myself until I came here.

He spoke softly.

"I don't have to please nobody. I don't have to make anybody love me or hate me. If I reject stealing a car that my friends want to take, it isn't that I reject my friends, but just the idea of stealing. After that, if they want to reject me, then I can say, 'F— you.' Now that's a change because before I had to go along with my friends. Same as with my Mom and Dad."

Does it work? Does it work better than Behavior Modification across the street? Nobody knows. Typically of corrections systems nationwide, California spent $13 million to build the two institutions and has spent $22 million operating them but didn't appropriate research money to measure their relative effectiveness. The federal government had to do in a study still in progress.

Superintendent Richards was asked whether it was possible that he was merely producing more insightful car thieves and rapists.

He shrugged.

"We don't know. But I have trouble believing that we are not doing some good. I think it's justified to use the medical analogy of treatment: you don't measure it by sudden cure but by the number of relapses. I'd be surprised if our kids don't have fewer relapses. But we just don't know. We won't know for a long time."

THEY WANTED CITIZEN INVOLVEMENT, AND THEY GOT IT—THE HARD WAY

Thomas Callanan, 35, father of seven, was a social worker with Juvenile Court, a probation officer for ten years and is now president of the New York State Probation and Parole Association.

CALLANAN. We wanted to open a foster home in the South Bronx. This would be a nice approved apartment with four or five bedrooms and eight kids. They'd live with carefully selected parents, a man and a woman

who liked kids and have been selected and trained to live with these kids.

So we thought we'd do this in the community these kids came from. It's a lower-middle-income area, integrated—whites, blacks and Puerto Ricans. The kids come from there and none of them had serious offenses, all truancy and runaways. But they came from terrible households—drugs, alcoholism, beatings.

So we held a big meeting in the local high school to explain the thing. We didn't want these kids who never committed any crime except truancy or running away from home to be sent to an institution.

So in came the community groups, the parochial school principal and the heads of the PTAs and groups like that. I thought they were going to kill the poor probation officer. They were all for "community involvement" but they were violently opposed to lettin gthose kids move into that house.

The nun who is principal of the Catholic school said they already had enough kids around with severe problems. The head of the PTA said they didn't want problem kids in their schools.

What you've got to remember is that these people live in a high-crime area—I mean drugs, armed robbery, pocketbook snatching. These were eight 14- and 15-year-old kids, about six blacks and a couple whites, and they had to go back to their old household—parents beating them, couple of parents absolutely out on drugs, a couple of alcoholics—living in the same neighborhood. The kids are going to end up in an institution.

YOUTHS UNAWARE THEY ARE SUICIDAL

Paul McCormick is on the staff of the O. H. Close School for Boys, in Stockton, Calif., an institution for juveniles convicted of serious crimes.

MCCORMICK. It's amazing how many kids are suicidal and are not aware that they are, that they are setting themselves up to kill themselves.

QUESTION. If they don't know, how do you know?

A. They overdose, they drive a motorcycle at 95 miles an hour on a rainy night. Here they become aware that they had been setting themselves up deliberately that a part of them was looking forward to the escape of death.

Q. Why would a child subconsciously be trying to kill himself?

A. Because his mother had told him, for example, that they would both be better off if they had never been born . . .

The parent from conception on may be disappointed in bringing a new kid into the world. The kid is born and he's programmed to believe, "Gee, if it weren't for me, my mother could have a happy life." The secret, magical message is: "I would approve of you if you didn't exist."

Down in the child part of the kid he gets the feeling, "Mother will love me when I'm dead." In order to bring that awareness we ask some very pointed questions, like, "How long do you think you'll live?" Answer, "Oh, if I keep up what I'm doing, I'll be dead before I'm 20."

Q. This isn't just melodrama on the part of the kid?

A. Oh, no. These kids have overdosed. They've been taken to the hospital and had their stomachs pumped out. They've been saved from death. They've been cut down from trees where they hanged themselves.

Q. So what do you do with a kid like that?

A. You alert him to the magical messages he's been getting all his life. Here's a conversation that's very common:

"You think you'll die before you're 20? How are you going to die?"

"Well, I may overdose."

"O.K. you've overdosed and you're dead and you're lying in your coffin. Who's at your funeral?"

"Well, I guess my mother and my father."

"What's your mother feeling?"

"Well, I guess she's feeling terrible."

"What's she saying to herself?"

"She's saying, 'My whole life is over now. He's dead.' "

What this kid means is that he's waiting for his mother to tell him that he means everything to her, but the only time she's going to say it is when he's dead. Part of him knows that, so he has set that up.

And when I say this is not in his awareness, I mean it's not something that he has thought out in a very rational, overt way. But part of him knows that and we can bring that into his awareness.

[From the Washington Post, Feb. 4, 1972]

REHABILITATION: A FRAYED HOPE

(By Leon Dash)

The 12-year-old boy thought he was alone in the dormitory of Cottage 7, sweeping under the beds. But he wasn't alone. A creaking wooden floorboard caused him to turn. A 14-year-old fellow inmate of the old Industrial Home School for Colored Boys (now Junior Village) was sneaking up behind him.

"He said he'd been watching me and said I was either going to fight him or let him have sex with me," Lawrence Smith Jr. recalls.

Smith refused. The bigger boy grabbed him. Smith pushed back. They fought and Smith says he won that battle.

This was one boy's introduction, 18 years ago, to the world of District of Columbia "corrections"—to sexual assaults, fights and beatings behind the walls of institutions where juveniles and adults from Washington have been sent for the announced purpose of being rehabilitated.

In the years since young Smith was first locked up, the D.C. prison system has undergone drastic changes. There have been pioneering reforms that others have seen fit to duplicate.

But today Smith is back in prison. There he joined his father, who preceded him into prison. And while the Smiths' history is not necessarily typical, it tells a lot about the prison system in the District of Columbia.

The longest period the younger Smith (who calls himself Smith-bey) has spent outside of jail since the age of 12 was eight months. He is now 30.

His father, Lawrence Smith Sr., now 47, has just completed more than 12 years at Lorton for the sale of narcotics and for parole violations.

Smith Sr., who was addicted to heroin early in adult life, typifies an older generation of unskilled, undereducated criminals. He talks in a dry, even monotone which lacks the rhetorical cadence and hostility to the "establishment" characteristic of many of the younger Lorton inmates.

In December, 1956, while his son was still at National Training School, Smith Sr. was paroled from Lorton with $45 and what he describes as an "old suit," after serving a three-year sentence. His wife and five other children were living on welfare.

During most of his stay at Lorton, Smith Sr. had worked as a grinder in the institution's old foundry—smoothing the rough edges of sewer tops, fire hydrants and police callboxes that were being made for the District government. "Back in those days," the older Smith said, "we were only makin' $3.60 a month."

Upon release from Lorton, Smith Sr. rethree years at Lorton. There were no foundry work like that he had been doing for three years at Lorton. There were no foundries in Washington. It wasn't too long, he said, before he was back to using heroin and selling it to support himself and his family.

His son, Smith-bey, is representative of the younger, more aggressive inmate at Lorton today. He is six years over the average age of the Correctional Complex's 1,800 inmates, which is 24, but their median level of education is the same as Smith-bey's—eighth grade.

The younger Smith has spent most of the last 18 years inside prisons or hospitals; after the Industrial Home School, then Cedar Knoll in Laurel, Md., the old National Training School for Boys, three federal prisons, the federal drug treatment hospital in Lexington, Ky., almost four years under psychiatric care at St. Elizabeths Hospital and the Lorton Youth Center.

He finally joined his father at the Lorton Correctional Complex last summer following conviction of armed robbery, assault with a dangerous weapon and carrying a concealed weapon. Sentenced to five to 15 years, he'll be eligible for parole when he is 35 years old.

As it happens, Smith-bey's father's sentence expired Jan. 20, following the longest single period he has seen his son since 1954. But Smith Sr. is facing a fresh indictment from 1970 of conspiracy to sell drugs while he was out on parole.

Whatever the differences between father and son, there are important similarities. With the exception of some clerical work the father has done at Lorton, both men lack marketable skills after almost two decades of jail sentences.

And both father and son ended up at Lorton.

Stories such as the Smiths' are not uncommon among Lorton's inmates. Fathers and sons, brothers, cousins and childhood friends have all, together or separately, passed in and out of Lorton's main gate.

Although there are no statistics a large number of the 2,200 inmates at Lorton's Correctional Complex, maximum security facility and Youth Center have been recycled through the District's juvenile delinquent institutions only to end up, finally, as young-adult offenders at Lorton.

The two Smiths typify the depressing cycle of crime and imprisonment, more crime and more imprisonment that seems to characterize the graduates of District reform schools and prisons. The products of chaotic, unproductive backgrounds, they drift into crime and serve time in "correctional" institutions where their problems deepen and they get no practical skills.

THE PRESSURES OF CHANGE

That history illustrates something else: the acute political and public-relations pressures aroused within a community when a prison system tries to change.

In the last four years, the corrections department has undergone drastic changes. They were directed first and with apparent success, to reducing the incidence of riots, racial battles, homosexual assaults and other destructive forces inside the prisons.

More important, the reforms have tried to alter the endless recycling of former prisoners back into crime. This has been the major concern of the D.C. Department of Corrections since the mid-1960s.

A prison sentence can break up a home and expose a family to the shame and burden of welfare subsistency, and it can increase the chances that the children will turn to crime. It can compound problems of alcohol and drug addiction.

The reforms have had several aims. They have been directed at gradually letting prisoners get used to freedom they will have after they have served their sentences. Another aim has been to teach them skills that will earn them money legally. There have also been efforts to give the prisoners guidance in the personal problems that might have caused their criminal careers in the first place, and which may have been deepened by the experience of being locked up for long periods of time.

The department's innovative programs

have been aided by Lorton's location near this city. Most state and federal prisons are in rural areas far from inmates' families and remote from jobs and qualified staffs. But most of the Lorton inmates, over 90 per cent of whom are black, have grown up in Washington. They have family and community ties in Washington, an important element of community-based correctional efforts.

Corrections director Kenneth L. Hardy feels convicts should be released from prisons gradually through community projects that give them a chance to adjust to life outside of prison walls. "Release a man gradually," Hardy said recently. "Give him a chance to re-establish himself, find a job, see his family."

But community-based programs, allowing convicts back onto city streets before their sentences are completed, have met with harsh criticism from the Metropolitan Police Department and officials of the District government and Justice Department, as well as private citizens.

The central issue is new crimes committed by convicts while participating in any one of three community-based programs—halfway houses, weekend evaluative furloughs or "community outreach" programs such as group visits to the city to put on dramas.

DISPUTE OVER HALFWAY HOUSES

Critics of the department's programs, led by Deputy Mayor Graham W. Watt, Police Chief Jerry V. Wilson and a local lawyer now on the City Council, Tedson Meyers, point to crimes against persons as the basis for their concern. Community programs, they contend, epose Washintgon's citizens to unnecessary danger.

One focus of dispute is the halfway houses, which expanded from one in the fall of 1969 to 13 by June of last year. Part of a police report issued last November lists re-arrests of 34 halfway house residents and of 18 halfway house escapees between July and September.

The combined total of 52 new arrests represents fewer than 10 per cent of the 618 convicts who lived in halfway houses during the three-month period, and of the total, 43 were charged with lesser crimes. But three were charged with homicide (a major sore point with critics) and six with armed robbery.

An October corrections department report says that 81.6 percent of the men who go through halfway houses were not arrested for new criminal activity. The rate among inmates directly released from Lorton is 69.8 per cent.

"These figures tend to prove," said Stuart N. Adams, the corrections department's associate director for planning and research, "that our halfway house program is working."

But Blair G. Ewing, former director of the city's office of criminal justice plans and analysis, said Adams' statistics give an unclear picture of what is happening inside the halfway houses. Ewing, a consistent critic of the house, said that if there is still an incidence of 23 to 29 per cent of drug use and a 24 per cent rate of escape, then the program is not working as it should.

The central argument about halfway houses is simply not answerable now. Defenders say, in effect, that almost all convicts will be back in society one day, that halfway houses appear to reduce the incidence of repeated offenses and that, therefore, society is better served by such efforts to re-integrate the inmate into the outside world.

Critics, in effect, base their case on the simpler truth that halfway house residents couldn't commit any of these crimes if they were still in Lorton.

Until the data are sufficient to show whether the total number of repeated offenses is reduced or increased by halfway houses, the argument is likely to go on.

Other pieces of evidence are elusive, too. In the past, for example, Allen M. Avery, associate director of community services in the department of corrections, has claimed that most of the problem in halfway houses was residents who had been committed either by the courts or through the District's bail bond agency.

But a breakdown supplied on request by Avery's office showed that 45 of the 52 men rearrested after they had been sent to halfway houses had come either from the Lorton Youth Center, through the parole board or on the recommendation of counselors—and Avery's office has a voice in each of these. Only five of the 52 re-arrested men had been committed by the courts and two were bail-bond felons.

Asked why the data differed from his previous statements, Avery said that in the future a closer check would be kept on how inmates are committed.

OTHER COMMUNITY PROGRAMS

The rapid expansion of community projects and other innovative programs began in 1969 following a disturbance at Lorton the previous year.

Two penologists identified with reintegration programs, M. Robert Montilla and John O. Boone, were brought into the corrections department with a mandate for reform.

Consistently on the defensive over the last year, both Montilla and Boone insisted their programs had real rehabilitative value that would reduce the number of such classic examples of criminal recidivism as the Smiths. But both men, angered by criticism of their programs and apprehensive about reversion to old custodial policies in which prisons simply hold people until the end of their sentences, resigned at the end of last year.

Last July, Boone was ordered to stop the furlough program. Following 21 drug overdoses and one drug overdose death at Lorton, all of the community-outreach programs were also halted on grounds that these could have been the way convicts got the drugs. Those community-outreach programs in which Lorton inmates make trips to Washington to work with District youths have since been resumed on a restricted basis.

Corrections officials had been pushing community efforts in part because of overcrowding in all of the District's prisons. The renewed overcrowding if the community programs end will lead to a breakdown in their rehabilitative efforts within Lorton, they claim.

Former Lorton superintendent Boone said that idleness, a feeling of hopelessness and lack of motivation caused by "warehousing" prisoners create tensions that lead to strife among inmates.

Programs such as evaluative furloughs or Lorton's Federal City College program provide inmates with high levels of motivation, Boone said. "A man doesn't want to get a DR (disciplinary report) and thereby, lose his privileges," Boone added.

The future of the community programs is now unclear.

All community programs, Deputy Mayor Watt said in a recent interview, will remain in their present status until five-member mayoral committee, chaired by former Corporation Counsel Charles T. Duncan, completes a five-month study of corrections.

What the committee decides will affect not only future prisoners at Lorton but also the citizens of Washington whom Lorton is designed to protect.

The committee's choice is personified by the lives of Lawrence Smith and his son, Smith-bey. The father was kept behind bars as much as possible—arrested first at age 29 and in jails and prisons for 12 of the following 18 years and back in prison again until last January.

And one of his sons has been repeating the same cycle. While father and son were behind bars, the citizens of the District were protected from them; but when they emerged they repeated crimes at an accelerated rate.

The District of Columbia, like the country at large, is now deciding whether the greater threat is to keep criminals off the street as much as possible and then suffer the consequences when the offenders come back, or to have them serve shorter sentences with more time spent in teaching the offender how to live legally and peacefully, with fewer relapses.

DISTRICT OF COLUMBIA SYSTEM'S FINAL STOP

The last stop in the District of Columbia system of criminal justice is the Lorton correctional complex for adult offenders.

Built as the Lorton Reformatory in 1916, the complex is located 21 miles south of Washington near Interstate 95, just on the outskirts of northern Virginia's suburban sprawl. Perched on top of a hill in undulating Fairfax County farmland, the complex's 70-odd acres are surrounded by a 20-foot high chain-link fence topped with barbed wire.

Among inmates, it is known as "The Hill." It has 25 dormitories designed to hold 1,400 prisoners.

Next to "the Hill" is a maximum security prison on 10 acres of land surrounded by a 30-foot high brick wall. Known as "the Wall," the maximum security prison has three double tiered cellblocks in which about 300 inmates spend up to 24 hours a day.

A half-mile away in a grassy 38-acre hollow is the Lorton Youth Center. It is surrounded by two chain-link fences, 15 feet apart, topped with barbed wire. There are four buildings with 324 one-man rooms. An admissions building doubles as a dormitory when the number of youths goes above 324, which happens often.

A section of the old Workhouse is now the fenceless minimum custody institution. Located a mile south of the Youth Center, minimum custody has three 100-man dormitories.

AFTER LORTON, AN UNREAL HALF FREEDOM

David Irving (Beachball) Sims wasn't sure he would make it through a halfway house when he first left Lorton the day before Thanksgiving.

Sims is 23, with an eighth-grade education. He served almost six years of a 5-to 12-year term for manslaughter. Now he was entering a program that allows offenders to hold jobs and visit family and friends, while living under supervision in a halfway house.

In and out of institutions since he was sent to Cedar Knoll in 1963, Sims recalled that it had been a nightmare when had first gone outside of Lorton last June for an "evaluative furlough" to see whether he could handle life on the outside.

"It just hit me that I was out on the street after five years," he said. "It didn't feel real. I left like gettin' a taxi and coming back" to Lorton.

And when he first arrived at Community Correctional Center 5 at 1817 13th St. NW last November, he felt the same anxiety. Center 5, which administered by former correctional officers, has the reputation among District offenders as the toughest halfway house to "walk," or get through.

"Man, you never know about these houses," he said shortly after he arrived. "They might send me back to Lorton today."

But after a two-hour orientation, Sims was granted an afternoon furlough. "I got to get over to Anacostia," Sims said as he waited impatiently for a counselor to open the electrically locked door. Outside, he expressed puzzlement over why he had been assigned to a halfway house in the Shaw area. "I don't even know where I am. I've never been over here before."

But after stops to buy a coat, a bottle of Chivas Regal scotch and two cases of beer,

Sims reached the National Capital Housing Authority's Garfield Terrace housing project in Anacostia, where his parents, a sister and most of his childhood friends live.

Sims' mother, a stout, middle-aged woman, was surprised to see him, and said she was glad he was working his way out of prison. Sims' father was not at home.

After a short conversation, Sims changed clothes and left, promising his mother he would see her the next day "for Thanksgiving."

He went to see an old friend who lives nearby. The friend was not at home, but his wife, another childhood friend of Sims', invited him in.

Three youths sitting around the kitchen table momentarily raising their drooping heads when Sims walked through the door. They greeted him halfheartedly through partially closed, bloodshot eyes.

"How ya doin,' Irv?" one of them said in a slurred voice. Then he nodded off back to sleep before Sims could answer.

Sims talked briefly with two middle-aged persons who sat in the dimly lit living room, drinking beer and listening to a rock and roll record that played over and over.

Anxious about his 9 p.m. curfew and seemingly uncomfortable, Sims told them he would see them again soon and left.

Outside, while threading his way through the piles of garbage and trash that littered Garfield's grounds, Sims said he would have to stay away from his old friends. "I think they're on dope," he said. "Everyone aroun' here is on dope."

Sims now works at a suburban country club as a kitchen helper, the only daytime job he could find. He is now positive he can "walk" the restrictions of Center 5, but is not sure what will happen if he is released on parole in March.

Faced with parole supervision until 1978, Sims is very unsure of his ability to stay out on "the street" that long.

"I don't know what I'm going to do as far as holding people up. Very few (ex-convicts) stay out there that long."

THE OLD METHODS DIDN'T WORK, BUT MAYBE THE NEW ONES WILL

Kenneth L. Hardy, director of the District of Columbia's Corrections Department since 1967, has overseen the rapid two-year expansion of community-based rehabilitation programs. Last year, Hardy was ordered by Deputy Mayor Graham W. Watt to halt the evaluative weekend furlough program and hold all other community programs—halfway houses in particular—at their present levels. All community programs are presently being studied by a citizens committee appointed by Watt.

Our goal is to try to work with the man so that he will come out as a less hostile, bitter person plus one who wants to live by the law.

There is no doubt that [inmates] have committed new crimes while in the halfway houses, there have been new crimes committed by people who are on parole, there have been new crimes committed by people who have been released at the expiration of their sentence.

Are we to keep the men locked up in warehouses even though they'll eventually be back on the streets? Ninety-seven per cent of our prison population will be back on the street one day . . .

The length of sentence is no deterrent to a man's criminal behavior when he comes out. There is nothing in research that we know of that says that a man who serves a lengthy sentence is less inclined to recidivate or commit a crime than one who serves the shorter sentence.

I believe in a very low, minimum sentence. You can wave maximum statutes goodby. If robbery is 5 to 15 years in the statute, then I say a minimum sentence of two years and that would give the correctional people or the board of parole the opportunity to work with that man when he demonstrates that now is the time to put him into the community with controls hanging over his head for an extended period of time.

You've got to try new things. You've got to, 'cause the old way hasn't worked.

The evaluative furlough program: the staff wanted to try it despite my reservations as director. It was tried and with a 98 per cent success . . .

So why do they hate furloughs? Because it is known not to be legal, in the interpretation of the (D.C.) corporation counsel. It was illegal at one time to let a man out of prison except on parole. I say if it's not legal, then let's change the law . . .

I have a family. I live in Washington, D.C. My family is exposed to the community just like any other family and I'm not sitting outside the front lines of the District of Columbia and saying this should be done and that should be done. Why should I think of some scheme that's going to be a drastic threat or real threat to the safety of this community?

The pressure is most unfortunate. You just don't kill the whole program.

A POLICE CHIEF EXAMINES THEORY OF LONG-TERM INCARCERATION

Metropolitan Police Chief Jerry V. Wilson has been a consistent critic of the corrections department's community rehabilitation programs. In December, 1970, Wilson created the major violations branch of the police department to maintain surveillance on halfway house residents and Lorton inmates coming to Washington on community outreach programs.

My own observation is that incarceration serves [a] purpose that is now being lost, and that is the purpose of preventing the offenders from committing a crime while he is incarcerated.

But the whole method of dealing with persons that are convicted of crimes has sort of taken on a tone of arguments, that one: incarceration does not serve to rehabilitate, . . . and, two: incarceration is not dignified treatment, . . . and, then, three: that incarceration is not a method that is useful for compensating victims of crimes.

All of which, of course, are perhaps true. We don't know whether they're true or untrue, but I think most everyone would tend to agree that the logic has appeal.

I can't prove this, but it's my guess that if you look at persons in halfway houses, you're going to find that the problem is that a lot of them are hard-core [criminals] that I would probably argue should not be free in the community.

I think they have to be very selective in terms of what individuals you put into community corrections. The way the system's working here, according to reports I've seen . . . the guy gets a five- to six-year sentence, and serves three months and he's in a halfway house. Now, I'm not sure that I agree that that makes sense.

The studies say that men released [from prison] at 20 years of age, 70 per cent will be back in an institution in less than three years. Well, if they take men that are 30 years of age, they're going to find that very few of them get back in.

One factor [of a high crime rate] is probably the distribution of the population by age group . . . a very heavy population of post-World War II babies

The second [factor] . . . is a great deal of drug usage, which . . . moves individuals to crime to obtain funds to support their habit.

If you take any individual who is committing five robberies before he is caught by police, which is statistically what happens, and then he is convicted and given probation the first time . . . I don't care, you know.

But the second time he comes in, I think he ought to go to jail for three or four years, and . . . if he goes out and commits another crime, put him away for another three or four years and then, by the time he comes out, age will have rehabilitated him.

And at least during that period of time—the eight years he was in jail—he won't have committed crime.

[From the Washington Post, Feb. 5, 1972]

THE DRIVE FOR INMATES' RIGHTS

(By Ben H. Bagdikian)

"It used to be that the favorite recreational activity of prisoners was playing baseball. Now it's filing lawsuits," says Evelle J. Younger, attorney general of California.

Is there a new kind of person behind bars in the 1970s? More interested in politics than athletics? More militant, organized and rebellious?

Younger is right about the growth of lawsuits. There is a swelling tide of civil petitions flowing out of prison cells into courtrooms. These are not the traditional jailhouse appeals on criminal cases, which continue. The new phenomenon is civil petitions suing prison administrators for allegedly violating human and civil rights.

In 1938, federal courts received only 625 such petitions from prisoners, less than 2 per cent of all federal civil suits that year.

Last year there were 12,266. By now, one of every six civil suits in a federal district court is from an American prisoner claiming that his treatment inside a penal institution is illegal.

Evelle Younger is wrong about this being "recreational activity." Prisoners are dead serious.

Judges have been just as serious. Judges all over the country, horrified when they see conditions to which they have condemned defendants, are dropping their traditional "hands off" policy toward prisons and are taking responsibility for the nature of the punishment they order.

This is forcing the freshest air into the American prison since its invention in 1790.

Judges have called some prisons unconstitutional—for example, Holmesburg, Pa., and the entire Arkansas state system. In Florida, West Virginia, Virginia, Illinois, California and Maryland, judges have declared particular prisons unconstitutional, usually for cruel and unusual punishment or administering serious punishment without due process.

Robert N. C. Nix Jr., presiding judge in the Holmesburg, Pa., case said, "Prisons aren't supposed to be torture chambers. The separation from society is supposed to be enough.

Judge Israel Augustine of New Orleans District Court said that unless the local jails ceased being "medieval and archaic" he would resign rather than send prisoners to them.

There is reason to think that American prisons are no worse today than they used to be. Except for overcrowding, they probably are better. But increasingly inhumane conditions are no longer being tolerated, for reasons including a change in the attitudes of prisoners and of society:

1. Nonwhites in America—blacks, Mexican-Americans, Puerto Ricans, Indians—are 12.5 per cent of the total population, but they are from 40 per cent to 50 per cent of all persons in prisons. The entire criminal justice system—police, prosecution, Judges, jails and prisons—is largely whiterun. Ninety-five per cent of prison guards are white. Nonwhites are rebelling against their depressed status in the outside world.

2. Many impoverished white prisoners, though unsupported by organized ethnic lobbies, are newly activated by the realization that prisons are essentially places for punishment of the poor. Though there is severe tension between black and white inmates, and though many prisons do not discourage this enmity since it helps the staff

maintain control over a divided population, when it comes to protest against the institution there is usually racial unity.

3. During this period of heightened sense of injustice in the criminal justice system, penalties have become harsher, increasing bitterness behind the walls.

4. Though the vast majority of prisoners is poor, there is a new, small insertion of affluent middle-class prisoners from cases involving drugs, the draft and civil protest, and this has mobilized much of the previously uninterested middle class to examine their prisons.

5. A new cadre of prison administrators is sufficiently sophisticated in sociology, psychology and statistics to be sensitive to the self-defeating nature of most prison punishment. Many wardens agree privately, and some publicly, with the reform demands of their inmates and feel inhibited by lack of money, political pressures and an unsympathetic public.

The most noticeable new kind of prisoner in the United States is the black militant. He sometimes appears as a member of the Muslims, the disciplined and puritanical followers of Elijah Muhammed. Their influence goes far beyond their membership, establishing codes of conduct and attitue for many non-Muslims. Because Muslims will not eat pork, for example, many non-Muslim blacks also refuse to eat it and many prisons now serve pork substitutes.

Black militants (and some others) frequently refer to themselves as "political prisoners." It is a term that sets wardens' teeth on edge. "We don't have any political prisoners here," says Noah Alldredge, warden of Lewisburg Federal Penitentiary, "only men who broke the law." Dr. Norval Morris, a leading American penologist, says, "What happens is that the inmate invests ordinary criminal activity with the idea that he is a part of political change. That way, you end up with the absurdity that killing a policeman or robbing a store is somehow a political act."

Blacks sometimes use "political prisoner" to refer to their depressed economic and social status, conditions that produce crime and therefore an inevitable product of "the system." At other times they use it to describe official harassment and punishment of special styles of life. Where they use it to describe their systematic unfair treatment within the criminal justice system, there is more than rhetoric support the complaint.

The criminal justice system screens out the affluent and makes special selection of blacks. All social classes commit significant amounts of crime. In 1947 James Wallenstein and Clement J. Wylie listed 49 serious crimes with a minimum sentence of two years; of 1,698 responses from a cross-section of New York inhabitants weighted toward the more affluent, 91 per cent admitted to one or more crimes without ever being arrested. Average for all men was 18 crimes each. There are not enough American blacks alive to account for unreported and untried crime.

Austin Porterfield compared criminal offenses of college students with 2,000 boys who had been sent to juvenile court; 100 per cent of male and female students had committed at least one of the offenses for which the 2,000 other boys had been sent to court.

So of 1,000 crimes committed in the United States, only 80 are ever reported to the police. Of these 80 reported, only 18 result in an arrest which is the first point of special selection of blacks.

Entry into the criminal justice system usually depends on the decision of a policeman. It first depends importantly on where a policeman is.

Poor black neighborhoods are high crime areas, at least in reported crime, so they tend to be watched more closely. The closer they are watched the higher percentage of persons will be arrested.

Entry into the justice system can depend on the discretion of the policeman: Whether to make an arrest, and if so, on what charge, or to let the person go as innocent or with too weak evidence to prosecute. It is an important decision for the citizen because once he is perceived as potentially criminal by the authorities and once he has been picked up or booked, thereafter the odds go up that he will continue to be considered crime-prone.

It then becomes significant that surveys of urban policemen show overwhelming prejudice against blacks, 72 per cent according to a survey by the President's Crime Commission. Even where there is no conscious bias, there may be unconscious bias, an example of the self-feeding, self-fulfilling prophecy of guilt: Since blacks are so obvious within the criminal justice system and because they are distinctive by their color, law enforcement officials with no personal racial bias may believe that blackness is related to a higher probability of criminal activity. The result is that blacks enter the first, crucial step toward guilt in disproportionate numbers.

A study of 10,000 Philadelphia males between the ages of 10 and 17 showed that one-third of all whites had been taken into custody at some point but more than half of all blacks.

Dr. Nathan Goldman found that of all children picked up by police, twice as many black children as white had afterward been charged with a crime and sent to court.

This association of blackness with crime is not limited to policemen. In Florida, a judge placing a guilty person on probation may do so with the usual finding of "guilty" on his record or, if he thinks the person is a good prospect for probation success because he is a first offender or for other similar reasons, he can send him on probation with no guilt finding on his record. Three social scientists analyzed 2,419 such decisions by Florida judges and found that when cases had similar backgrounds, from 40 per cent to 60 per cent more blacks were sent out with the "guilty" label than whites.

So where the system selects citizens for surveillance, for picking up by the police, for booking on charge and taking to trial, it selects a disproportionate number of blacks.

Of the original 1,000 crimes committed, 14 result in court appearances and 9 are found guilty. Practically all studies show that when persons are tried on the same charges, blacks more often than whites are found guilty. A study in Stanford, Conn., for example, found that guilty findings per 100,000 ethnic inhabitants was eight times higher for black defendants than white.

Of nine Americans found guilty in a court, fewer than four actually serve time in a prison. Here, too, whites more often get probation or suspended sentences. In the Stamford study, the rate of commitment to prison per capita for each racial group was ten times more for guilty blacks than for guilty whites.

Once in prison, blacks stay there longer, partly because they get longer sentences and partly because they get from 10 per cent to 14 per cent fewer paroles. On burglary charges in Los Angeles, the longer sentences went to blacks: sentences of four months or less, 45 per cent white, 27 per cent black; sentences of 4 to 9 months, 42 per cent white, 47 per cent blacks; 10 to 20 months, 13 per cent whites, 27 per cent blacks. Median time served for all white prisoners in the United States is 20 months; for blacks, it is 23.5 months.

Death sentences and executions are most plainly biased against blacks. Between 1930 and 1966, when blacks were about 10 per cent of the total population, 3,857 persons were legally killed in the United States; 53.5 per cent of them were black.

This was not because only blacks commiited capital crimes. Between 1940 and 1964 in Florida, 285 men were found guilty of rape. Of the 133 white men, less than 5 per cent received the death penalty. Of the 152 black men, 35 per cent received the death penalty.

Similar bias against color appears in statistics for Mexican-Americans, Puerto Ricans and other non-whites. In addition, Spanish-speaking people suffer serious communication problems because most prisons still censor all prisoner mail and will permit only English-language letters.

The reasons for malevolence of the criminal justice system toward particular * * * a society of growing complexity there are more laws against certain acts than ever before; about one-third of what we call crimes today were not called crimes in 1900. This conglomeration of laws is selectively enforced. Lack of money is clearly a major factor—poorly dressed people often "look" more "criminal" and when picked up lack lawyers to defend them vigorously at every stage, including the crucial time when law enforcement officials decide how serious an offense to select.

Lack of money for bail while awaiting trial is a serious detriment to equal justice. A man in jail cannot prepare as sound a defense as a man out of jail. A study of New York prisoners by the New York City Rand Institute showed that for those of comparable cases men out on bail before a trial are less often found guilty. The poor lack good legal help for appeals and applications for parole and this affects their treatment while in prison: Prisons are more careful with prisoners who have outside connections.

Inevitably, rebels against prison find a quick response among prisoners and always will. But this has special meaning now when so many blacks are conscious of the nature of their unfair treatment. George Jackson, one of the "Soledad Brothers" recently killed in a shooting in San Quentin prison, and Angela Davis, a Communist professor charged with complicity in a fatal shootout in a California courtroom both black, are the two photographs most often found in cells of black prisoners in prisons where individual decoration of cells is permitted.

The issue of prisons has become a public one from a non-racial source—the introduction of middle-class convicts. A decade ago a high-income inmate was an exotic, a rare murderer or an unlucky embezzler.

But because of drugs and civil protest, the middle classes of America are now getting an authoritative view of the inside of prisons.

During civil rights demonstrations of the 1960s hundreds of college-educated white Americans found themselves herded into southern city and county jails and occasionally into a state prison. When protests against the war in Vietnam occurred in the North, it spread this knowledge from Southern jails to Northern jails. The resulting shock of discovery contributed to the examination of all prisons now current in the country.

The expansion of drug use into middle-class America also sent more affluent citizens behind bars. An estimated 12 million persons use marijuana and in some places the penalties are severe. Even when there is no prison sentence, the intensive law-enforcement searching for marijuana, especially routine stop-and-frisk routines of police, have helped make a large proportion of American youth anti-police and anticriminal justice. It contributed to the conclusion of much of the middle class that jails and prisons were not just places for others.

Added to this are draft cases—evasion of Selective Service or conscientious objection—which has sent 2,600 young men into prison in the last five years, most of them affluent and from college-background families earnest about social causes.

Middle-class Americans have high stand-

ards of personal relations. They expect to be treated civilly and justly. When confronted with primitive prison conditions, cruelty and capricious handling, they are not so likely as a ghetto veteran to accept it as the inevitable harshness of a harsh world. The middle-class prisoner often is skilled in the arts of communication, has affluent parents and has access to influential lawyers and friends. Consequently, prison brutality and unfairness has been recorded and transmitted to the outside world as never before.

Some of the middle-class prisoners are committed to varying degrees of social reform or revolution, and have been willing while still incarcerated to dramatize prison conditions with strikes, fasts and passive resistance. Peace inside a prison is fragile, relations between staff and inmates always tenuous, and disturbances in any prison creates shock waves in all others. So even prisoner protests far short of riots have caused correction administrators to examine their operations.

Wardens generally dismiss the influence of the protesting inmate. "They have very little influence with the regular inmates," Noah Alldredge, warden of Lewisburg Federal Penitentiary, said recently. But in Allenwood, an associated minimum security colony of Lewisburg, when one prisoner serving time for burning draft records in Catonsville, Md., was being transferred to maximum security, about 115 inmates, half the population of the camp, stood in silent protest in the yard. "That was an exception," Warden Alldredge said. At Alderson, W. Va., Federal Reformatory for Women, Warden Virginia McLaughlin similarly dismissed the impact of "political prisoners". She said, "The other women pay no attention to them." But after Attica, such prisoners led a sympathy strike of about 130 minutes, with enough large-scale involvement to require importing of guards from other prisons.

On the other hand, the political fervor of prisoners can be exaggerated. Frank Callahan, 21, a former broadcast journalist, served a year in Lewisburg for destroying draft records in Rochester, N.Y. He described his imprisonment with inmates in for conventional crimes:

"You know, we would start talking about the war and it seemed so artificial and distant from the situation at hand . . . after awhile I just stopped dealing with that. It was a thousand years away to talk about Vietnam. If a guy was a bank robber, he'd tell us about the jobs he had done, or we'd talk about the movies we'd seen. You know, just fairly average conversations. When things got political, they were political in the sense that here we are getting screwed. . . ."

Groups tended to stick to their own but, Callahan says, they banded together if inmate interests within the prison conflicted with policies of the prison administration, on pragmatic treatment rather than ideological commitment.

In dozens of prisons across the country, inmates have formed unions, councils and associations to obtain personal protection against violation of "rights." It has raised the question of what rights a prisoner has, if any.

The answer is murky. American law for convicts has evolved mainly from feudal England and some of it is applied today in apparent contradiction to reason, logic and the U.S. Constitution.

"Civil death," for example, was spelled out in feudal society. Lower-class convicts were killed or mutilated. An upper-class person might escape death by permanent banishment to a distant place or by becoming a monk. In either case, he was no longer a part of the feudal community, he was declared "civilly dead" and his property was distributed to his heirs as though he were physically dead. Since he could never return, "civil death" was logical.

To this day, American convicts suffer some of the same feudal punishments: Thirteen states have "civil death" statutes.

In 17 states "civil death" is imposed if a man gets a life sentence. His property is redistributed, his marriage is dissolved and his children become subject for adoption, even though most life sentences end in parole.

A "civilly dead" prisoner is nevertheless still obligated to support his wife and children.

In most states, imprisonment is automatic grounds for divorce, though most prisoners are in for less than two years.

The best-known loss of rights is the right to vote. This loss probably had its origins in the Greek statute for persons convicted of "infamy." In three-quarters of the states, felons lose the right to vote by statute and in most of the remainder by administrative policy of local boards of election. It is defended as protecting the honesty of the ballot box from disreputable persons and as denying influence over laws and lawmakers to those who have set themselves against the law. It is criticized as adding no protection to the society and inhibiting the integration of the ex-prisoner into normal life.

Prisoners lose other rights and opportunities by law, varying from state to state. Some private and much public employment is denied them. Prisoners cannot sue others but others can sue them.

Three states (North Dakota, Virginia, Washington) prohibit marriage of offenders with three felony convictions to a woman under the age of 45 (presumably to prevent birth of children with the felon's "corrupted" blood). Seven states authorize sterilization of "habitual criminals." In at least three states, the law provides for complete or partial forfeiture of a convict's property.

All of these originate with another feudal English concept, that of "corruption of blood." Article III, Section 3 of the United States Constitution specifically forbids forfeiture and corruption of blood except during the lifetime of a person convicted of treason.

Most "prisoner's rights" moves are directed to his treatment inside prison. The assumption is that there are some punishments so cruel as to be prohibited in any case—like driving a man insane—and that others are so severe that they constitute a serious punishment that ought to be imposed only with due process to prevent its being done unjustly and without independent review.

The movement toward prisoners' rights represents hope on the part of inmates, since these rights focus on the need for a prisoner to accept relations with society. But they also represent explosive tensions. All institutions in society are being re-examined for their goals and the ineffectiveness in attaining those goals. Failures are no longer as quietly accepted as in the past. The prisoner who universally hears he is being "rehabilitated" no longer passively accepts cruel and capricious treatment. Ninety-seven per cent of prison inmates return to society, and each prisoner emerging gauges his future relations with society.

A very unpolitical young man, emerging from five years in a state prison, said:

"All the time I was in, I remembered what they called out at my trial: 'The People versus . . .' and then my name. The people against me. I'm not sure whether they're still against me."

TWO NEW BREEDS OF AMERICAN PRISONERS: AN EFFORT AT BUILDING PRIDE IN PRISON

Iasha Salim, 25, is a member of the black independence group, New Republic of Africa. She was arrested and imprisoned last August in connection with a shooting incident in Jackson, Miss., in which a local policeman was killed, and another patrolman and an FBI agent were wounded. While in the state penitentiary at Parchman with two other women members of RNA, she did her best to win over to her social views white and black male inmates in cells within hearing distance.

Miss SALIM. At first we didn't talk to the men prisoners on the other side of the corridor. At first they could hear us and knew we were women and they'd curse and talk tough about sex.

There were two white men and the rest black. They'd boast about their sexual conquests. It was pretty sad.

Then the men began asking us what was going on on the outside and up North. I would explain the need for respect for women. Sometimes this would degenerate into sex talk but most of the time they were serious and so were we. We would explain why it was important to have a strong family, how we as black women felt about the movement, how Daniel Moynihan could tell white America about the weakness of the black family.

We impressed on them how every mind and all the dedication is needed to make this world in such a way that we black people are not going to be annihilated.

We would build pride of the men on the other side by telling how the black men had been kings in Africa, and how many great civilizations there were in Africa. We told them that even if they were incarcerated they did not have to be slaves in their minds. . . Some of the men had been there in those cells six months and some 10 years, but they all listened.

At first, the two white men were very insulting and skeptical. They'd laugh and snicker and say, "Why, you ain't nothing but a little old nigger gal," but as we progressed, everyone got more articulate and intelligent.

By the time we left, all the black men were giving the New Africa Oath of Allegiance at breakfast and at bedtime. We were doing our nation-building all the time we were in prison. And it changed them as persons. . .

At the end if we said, "Please quiet down, Sister Njeri is sick," they'd quiet down and the next day they'd ask how she was.

When we left every prisoner said goodby. The white men said, "Best wishes." The black men sang, "Power to the People," and the matrons thanked me for helping them with their books. I felt that something good had come from it.

RUSSO RECALLS JAIL MISTREATMENT

Anthony Russo, 35, was a research analyst at Rand Corporation and was recently indicted in connection with Daniel Ellsberg and distribution of the Pentagon Papers. Before that he was imprisoned for 47 days for refusal to testify before a grand jury. His description below is of Los Angeles County Jail.

Russo. About 6 o'clock I was called to the booking room . . . where clerks take the valuables you weren't supposed to have in jail. . . . The lady behind the window didn't want me to keep my reading glasses nor my fountain pen . . . I said, "Please, I'd like to keep those because I need them to read. The glasses I have on are for long distance . . ." And she replied, "Well, you're not gonna need them because you're not gonna be doing much reading where you're going." Which kind of upset me. I always thought that one could read in jail . . . I said, "You're not serious, are you?" . . .

A guard walked up, and he said, "You got a problem here?" And I looked at him and I said, "No, I don't have any problem. Do you?" . . . As I was talking with the lady clerk, the guard walked up, grabbed me by the arm and started pushing me out of the room . . . I walked down the hallway about a hundred feet, when all of a sudden, four guards turned on me and they bodily . . . pushed me through this door, and there I was in a

maximum security cell . . . Concrete, solid, no windows . . . Six other guys . . .

[Russo said he had not made a phone call after he surrendered himself and wanted to call his lawyer. He says he tried unsuccessfully to get a response from two guards sitting outside his door.]

So I began to yell out through there about how those guys were violating my constitutional rights . . . I was getting madder and madder . . . and I began to kick the door . . . as hard as I could and these big metal doors make a lot of noise . .

I did that for about five minutes and all of sudden the door flew open and a flying wedge of guards came through, four or five and I was flattened . . . they came through hit me, pushed me up against the wall, said, "Turn around, put your hands against the wall." I did . . . and one hand was jerked away and pushed up behind me really tight.

I felt like my arm was going to be pulled out of its socket. And then the second arm was pulled behind me . . . And then someone kicked my legs out from under me. I felt knees all over me, knees on my head, on my neck. I wasn't struggling . . . it would be ridiculous to struggle . . .

They began to chain up my legs, and they put my wrists in handcuffs . . . really tight . . . so they tied my hands cuffed behind me and my legs shackled together. Then they tied my hands to my ankles, so I was done up in a little neat bow there, lying on my belly . . .

After about half an hour we had the chains loose so I could stand up . . . I was really so mad then that . . . I spun around and chained the door bam!—and did that a couple of times . . .

And all of a sudden the door flew open and . . . the captain was there. He had real authority . . . and he said, "Are you Mr. Russo?" I said, "Yes." He said, "We didn't know who you were." . . . and that made me mad as hell because what that meant was that this was par for the course . . .

BLACKS FEEL JAILED BY COLOR

Robert Johnson, 46 a former social worker, is warden of Graterford state prison in Pennsylvania, one of the first blacks named to head a major prison. His prison staff is 80 per cent white; 80 per cent of the inmates are black.

Q. What kind of a problem did you have coming in as a black warden in a largely white correctional staff?

JOHNSON. Everybody seems to think that's a big problem, but really I haven't seen any big problem . . . I'm interested in what's happened to prisons because of the influx of blacks, young blacks. In many ways the American prison system has become a system which imprisons black people, at a time when race consciousness is very high in the country, and that's very special. Many black prisoners feel that they're in prison because they're black . . . There's a very convincing argument that there is a special penalty in the correction system for being black . . .

Q. Does this make for internal problems in the corrections system?

A. No question about it . . . You're asking the prisons to resolve a problem that the whole country is faced with. Prisons can't do it. Prisons are probably the worst places in the world to re-socialize people . . .

Q. Well, why are you in corrections? It's a tough job.

A. Sometimes I ask myself the same question. Social consciousness, really. With so many black people being involved in the criminal justice system, really. This is one of my main reasons for staying . . . So many people are there because of a lack of love . . .

Q. Are you saying that you use the crux of your job as introducing a humane and loving relationship into the lives of men?

A. No question about it.

Q. . . . How do you take people who are in an institution built of ceramic, concrete and steel, and introduce the idea of human love and trust?

A. By practicing it myself by getting other people in the institution to practice it.

Q. How do you say that to a man to whom you're also saying, "You get into that cell and I'm going to lock the door on you and I'm going to determine when you get out"?

A. There are ways to do that even.

Q. How?

A. For one thing, by not saying, "Get in there, you black m———er."

AN AGENDA FOR REFORM OF A HELL BEHIND WALLS

(By Ben H. Bagdikian)

For the last four months, Ben H. Bagdikian has studied prisons and jails in America and Leon Dash has examined the correctional system of the District of Columbia. Today, Bagdikian concludes with a personal assessment of possible remedies.

When you turned down Fourth Street you saw all the usual clues: the 14-foot cyclone window frames looking normal but precisely too small for the passage of the human head, the high intensity lights around the perimeter.

But something was wrong. The gate was wide open and nobody was guarding it.

Inside it was eerie. Everything was in place. The plastic chairs were set around tables in the dining hall. The electric clocks were working but they were on daylight saving time, in the winter. In the Catholic chapel, the Virgin Mary was still wrapped in cellophane and on the Protestant side there were cobwebs on the candelabra.

Nobody was there.

The "new," five-year-old prison had never been used. The DeWitt Nelson Training Center eight miles from Stockton, Calif. was finished in 1967 for $5,800,000 completely furnished for $500,000 and in 1968 was on the verge of accepting the first of 400 juvenile inmates when suddenly everything stopped.

A lot else stopped, too. Through the fence you can see 800 acres of farmland, remarkable to the naked eye only for the magnificent oaks that stand against the sky. Unseen, below the surface, is a complex of water mains, sewers, gas lines and steam pipes already in place for connection to nine more prisons just like DeWitt.

Except that the new prisons were never built.

California made a shocking decision. Like the rest of the country its crime rate was rising—faster, in fact, than the national rate. Like the rest of the country, it was sentencing more people to prison, only for longer terms, up 50 per cent in ten years. It decided to try something else: keep more criminals free in their own communities with special help.

In the last five years, the equivalent of 15,000 California criminals who ordinarily would have spent time in prison walked freely in their home towns. Instead of spending $6,500 a year to maintain each prisoner in an institution, the state spent $4,000 to help him keep out of trouble at home. The state saved $196 million in new prison construction and its crime rate went up at no more than other urban states. The policy was promulgated by a governor, Ronald Reagan, not known for permissiveness toward crime.

The men who run prisons seem to agree that most of their inmates shouldn't be there. In visiting prisons, I asked every warden, deputy warden and director of corrections what percentage of his prisoners he felt needed to be locked behind walls. The highest estimate was 33 per cent, the lowest 5; most were between 10 and 20 per cent.

DETERRENCE OR DETERIORATION

Most also believed that American sentences are too long, that after a time deterrence is replaced by deterioration.

American society already turns loose most of its convicted criminals. About two-thirds of people found guilty of crime are out on probation or parole. Probationers repeat crime at an apparent rate of about 27 per cent, compared to 40 to 70 per cent for people who spend time in prison.

This does not mean that no one ought to be restrained. Criminals dangerous to society will be imprisoned and have been in the most idyllic societies. But the country has to decide what it wants to happen inside the walls. Is the act of imprisonment itself the punishment? Or is punishment what happens after the criminal arrives inside the walls?

The way most jails and prisons are run, the walls are used to provide secrecy while varying degrees of deliberate damage are done to inmates.

Men are put in a harsh environment and subjected to uncertain anguish, psychologically and physically. They are further punished by placement in "the hole," a standard part of every prison in which the prisoner is isolated without normal sights, sounds or tastes and is denied reading material or anything to occupy his mind and senses in a normal way. Psychologists say it can induce insanity.

Most prisons normally keep the prisoner as cut off as possible from his family and normal contacts. It is typical that outgoing mail is limited in quantity—sometimes ten letters a month—and is censored. It can be written only to persons approved by the prison. Incoming letters are limited to persons approved by the prison and these, too, are censored. Visiting is limited, typically to four hours a month. Often contact with visitors is limited to speaking by microphone through a wire mesh. Food is sparse and bad, treatment by guards frequently brutal and insulting. Overcrowded inmates prey on each other and the most ruthless establish the standard of conduct. Day after day is spent either in idleness or in dreary work at pennies an hour.

PATTERN ITSELF REPEATS

In riot after riot, the same pattern emerges; months or years of warden's requests, without results, for improved conditions in food, program, crowding and character of guards; followed by peaceful petitions of prisoners, with no result; followed by a riot; followed by promises, followed by minuscule results.

When he was in Sweden, David A. Ward, chairman of the department of Criminal Justice Studies at the University of Minnesota, took the list of 28 demands made by prisoners in Attica with him to meetings of the inmate councils and to Swedish prison authorities.

"I really felt ashamed," he says. The prisoners and their keepers were astonished. There was only one Attica demand—full pay for work—that was not established practice there. They kept asking me, "You mean that in America you still have to negotiate for adequate food inside prisons?'"

The courts are sentencing more criminals and decisions have to be made for their disposition. If no new facilities are built and more inmates are put into present prisons, densities will go even higher and there will be more human wreckage and riots: the formula for a bomb is to build an escape-proof container and increase the pressure inside.

If present prisons are modernized, it will cost from $15 billion to $18 billion. New prisons will cost about $22,000 per inmate capacity just for construction and from $5,000 to $10,000 a year to maintain each prisoner. Society, already balking at the expense of building schools, is not likely to spend such money.

It is not the noblest of reasons, but prison reform could come because it costs too much to do anything else.

RE-EXAMINING "VICTIMLESS CRIMES"

The first reform should be to keep out of prison persons whose problem is chiefly medical or psychiatric. A place with custom-built locks and steel bars and untrained staff is not the place to treat drug addiction, for example.

The law and social standards need to be re-examined for "victimless crimes," illegal acts by which the offender affects only himself—drugs, alcoholism, prostitution, gambling. While the country is overwhelmed with crimes against innocent persons, it spends billions of dollars and millions of man-hours pusuing people who only do things to themselves.

Where there are victims to crime, society should compensate them. This would not reduce crime but would diminish its social cost.

It is irrational for a society concerned with crime not to compensate its innocent victims. Nothing can pay for a murder or rape (though the police and hospitals should stop treating the victims of rape as though they were the criminals). But at least medical and psychiatric costs could be compensated. Property crimes are clearly payable.

The money involved is not a large amount, except to the victims. The average burglary loss is $150, which averages $6 per taxpayer a year; the average taxpayer already spends $17.20 a year to prosecute and jail burglary cases. In California the loss to owners is $7 million a year in car thefts, though the state spends $38 million in finding, prosecuting and imprisoning car thieves.

CHANGES ON THE INSIDE

For offenders who need to be locked up, prisons need to change.

Prisons should be small, the smaller the better. Large populations require regimentation and impersonal management and cause perpetual crises in control. The federal government recommends adult prisons with no more than 400 inmates, though it supports construction of larger ones. Some think 400 is too large.

Prisons should be in cities. Prisoner families are usually poor and cannot afford long trips by private transportation to remote locations where commercial lodging is required. Prison staffs need professionals, who are not found in rural areas and don't like to move there. Inmate programs for advanced education and practical occupational training require visits outside the wall, but outside the walls of rural prisons there are usually farms and villages.

The deliberate internal isolation of prisoners should end. Mail should be unlimited and uncensored except for inspection for physical contraband. Visiting should be unlimited except for common-sense rules. Sexual deprivation should end wherever possible. Conjugal visits inside the prison are better than nothing but they are demeaning and force the prison to decide who may conjugally visit an inmate. Regular home furloughs for all nonviolent inmates would end sexual deprivation and most induced homosexualism, and they would have other important benefits. Where all these things have been tried there has been a net gain for everyone, prisoner and keeper.

Prisoners and ex-prisoners need much practical help in returning to society and to repair personal problems that may have sent them to prison in the first place. They need contacts while in prison to keep in touch with families and employers, to provide reading material and crucial information. Maintenance of these contacts make the critical weeks after discharge less dangerous. Jobs need to be lined up, housing arranged, family ties reshaped. There are not enough professional workers to do this and if there were there is not enough money to pay them. Volunteers on a massive scale are needed, including ex-inmates. (In Sweden parole officers are all volunteers, many of them lawyers, doctors and teachers.) In New York City, some churches have adopted cell blocks of the city jail. In many prisons, the Junior Chamber of Commerce has opened chapters inside the walls. Prisoners desperately need volunteer lawyers.

Within the walls, prisoners need basic rights that no prison administration can violate. Physical and psychological torture should end. Other punishments—removal of privileges, transfer to other cell blocks, cancellation of furloughs, transfer to another prison, serious downgrading of assigned work—should be done only with a hearing by committees that include elected inmate representatives.

The perversion of indeterminate sentences and parole should end. Short, fixed sentences with time off for good behavior would be better than the unfair agonies imposed by uncertain sentences decided by anonymous administrators. A judge can sentence a man to 12 years but an unaccountable guard or parole examiner may decide the last nine years and do it beyond the reach of any judge. The indeterminate sentence has meant that men can serve life for stealing $100 because they displease their jailers. Parole should end, and with it parole boards. Or else parole board decisions should be based on open, reviewable procedures with precise reasons given for denials. Since parole boards control more of a prisoner's life than any judge, they should be as accountable as judges and as subject to review and appeal.

The elaborate procedures of "treatment" have been ineffective and have dubious ethical grounds. The modern philosophy is that the criminal is "sick" and can be "cured" by rearranging his thinking and emotions. Genuine change of attitude comes voluntarily from within and there is nothing voluntary in imprisonment: prisoners do what they can to be paroled and avoid further punishment but it usually produces cynicism. "Treatment" has not reduced repeated crime. "Treated" prisoners repeat crime just as often as "untreated" ones. Self-examination or counseling can produce benefits to inmates. But they don't reduce crime by themselves and they create an elaborate game of fake conformity. One group that does avoid future crime more successfully are the "alienated," that is, those who do not do well in "treatment." What is needed more than anything else is practical, convincing job training and effective education.

Artificial barriers for ex-convicts and parolees should be removed. Parolees must get permission to marry and change apartments; they cannot get driver's licenses without permission or associate with people of poor repute. "My God," one parole worker said, "the parents of half of my clients have prison records—and they're not supposed to associate with them?" Many parolees come from neighborhoods where it is difficult to avoid people with police records.

Job barriers for ex-convicts are destructive and governments themselves are most guilty. Large categories of federal, state and local jobs are denied anyone with a criminal record, yet federal, state and local governments urge private industry to "hire the ex-convict."

Most licensed jobs are denied ex-convicts. New York State trains barbers in its prisons; New York State will not license an ex-convict to be a barber. In Michigan, an ex-convict cannot be an ambulance attendant; in Illinois if you've been in prison you can't sell horsemeat. Ex-convicts usually cannot get auto and life insurance at normal rates.

The parolee and ex-convict are placed back into society and asked to compete with everyone else but they enter competition under heavier restraints than those who have not been to prison.

One result is that parolees and ex-convicts generally end up with the least attractive jobs with little future, making it easier to return to crime.

No prisoner should leave an institution directly to outside life without a period of relative freedom and preparation for coping with the real world. In South Carolina, all prisoners in their last 90 days are in an unlocked classroom facility where they are given courses in such practical problems as buying used cars, finding housing and filling out job applications.

There should be a multiplication of halfway houses, small facilities inside cities where prisoners live in open conditions doing work or attending school in a free atmosphere, with help available if it is needed.

The secrecy within prisons should end. Sophisticated men like to repeat that power corrupts and absolute power corrupts absolutely. There are few places in the world where anyone has absolute and complete power over another human being. Prison is one such place.

It is an awesome power, with the ability to produce physical pain, mental disintegration and protracted caging. Yet it is done almost entirely in secret, without accountability or inspection.

Openness of prisons is needed not because wardens are wicked but because they are human: in a closed arena of prisoner-and-keeper, the relationship almost inevitably leads to pressure and counterpressure.

THE PROSPECT OF TORTURE

Americans don't like to face it, but physical torture goes on in this country's prisons and there is little done about it. Court suits have produced some change, but these are occasional glimpses behind the wall. When the examination ends the tendency is to return to sadism and savagery.

A year ago, a federal judge ruled that Arkansas' state penitentiary, the scene of years of tortures, was "unconstitutional" and he ordered sadistic treatment stopped. Last November, the judge held a hearing to see what had happened. Still going on, according to inmates testifying under oath, was placing of naked prisoners into unheated punishment cells; beating of handcuffed prisoners; putting a prisoner naked in a bare, concrete cell for 28 days without bed, blanket, or toilet paper; macing of an inmate in his cell by drunken guards; placing an inmate on the hood of a pickup truck that went 60 miles an hour over the fields; stripping prisoners naked and forcing them to lean against a wall with their noses for six hours at a time.

Not all prisons match such torture but without supervision and openness, all have the potential of degenerating into it.

The answer is not rules and regulations or even court orders alone. Openness to inspection by the public and by the press is the best guarantee. Visiting committees of a mixture of citizens who can examine an institution without warning should be the rule of every prison and jail jurisdiction in the country.

At present, prisoners in most places are forbidden to make contacts with the press, or press with prisoners. Parolees are often told that they will be held responsible (meaning threatened with a return to prison) for anything appearing in the press about them or their prison.

THE OLD, EASY ANSWERS

Prisons do not stop crime. They only punish it.

Unless the sources of crime are stopped, all the prisons imaginable will not protect the public from new and repeating criminals. The easy answers for the cause of crime have been available for years: too much "permissiveness," not enough church-going, not enough hard punishment.

"Permissiveness" usually means that people have the money to move around and do what they wish and this has been more true

of the middle classes who usually don't go to jail than of the poor who do. Slum families tend to be more authoritarian—hard rules with corporal punishment—than middle-class families.

In the last decade, church attendance has dropped only slightly but crime increased 143 per cent.

And in the last five years punishments have become more harsh and the crime rate increased faster than ever. Nor did hard punishment work in the past when unconnected with social change at the source. During the reign of the original Queen Elizabeth, vagrants were hanged in lots of 300 and 400 but vagrancy did not cease. Henry VIII hanged 72,000 persons but it did not bring civil peace.

THE THREAT TO SOCIETY

The less easy answer to the causes of crime may lie in the slum neighborhoods that most prisoners come from and from the phenomenal growth in use of drugs by the young. The poor are generally families caught in a radical change from uneducated rural life to technological urban demands, in a society that puts a high value on aggressiveness, possession of material goods, guns and other violence.

It is an incredibly rich society that nevertheless tolerates endemic poverty and racial depression and does it within sight of wealth. The poor usually live in chaotic neighborhoods with ineffective schools and poor career choices. The connection between poverty and antisocial behavior is historically clear and is pertinent today.

The withdrawal into drugs should warn about the lack of purpose that suffuses a society surfeited with material goods.

NO SIMPLER ANSWER

There is no simple answer to crime.

Under the best of conditions there will be some individuals dangerous to others who will be restrained. The first requirement of their institutionalization is that it ought to be humane and that their aggression not worsened. The two are related. Today prisons receive troubled men, women and juveniles and deliver them back to society more unsuited to normal life and more savage than before.

But personality traits are not unconnected to the world the individual grows in. David Bazelon, chief judge of the United States Court of Appeals in the District of Columbia, has said:

"Instead of facing up to the true dimensions of the problem and admitting that violent crime is an inevitable byproduct of our society's social and economic structure, we prefer to blame the problem on a criminal class . . . They may simply be responding to an environment that has impoverished them, humiliated them and embittered them."

Thomas Callinan, head of the New York State association of probation and parole officers, has spent his life trying to rehabilitate criminals:

"You know where it all comes from—the ghetto. They come from a sick environment. We pour money into the police and the courts and prisons but we don't put it into what causes it all in the first place—poverty and race."

Ennis J. Olgiati heads a New York project for keeping arrested persons from jail and prison by getting them jobs before they are tried and found guilty. He says it succeeds well but unless the problem of drugs and other destructiveness is solved, catastrophe lies ahead:

"All the storekeepers will have iron gates, all the homes and apartments will have bars on windows and doors. Then the addicts will turn to acetelyne torches and machine guns. And we'll lose the city."

Prison does not change this. Men come out with the same problems that sent them in. They need individualized education up to standards that let them compete in a technical society. They need modern training in modern jobs with a future at good pay. They need to live in decent housing in civilized neighborhoods at moderate cost. They need effective community services, volunteer and professional, for the personal and family crises that periodically overtake most people.

But this is a dilemma. Why do more for lawbreakers than for the ordinary citizen who needs the same things? The answer may be to provide it first for the ordinary citizen who needs such services and it is possible that in the future there will be fewer lawbreakers.

So far, society has not stopped the rise in crime despite added billions of dollars for more police and more punishment. The failure threatens a free society. Citizens in their homes and on the streets are justifiably frightened by threats to themselves and their property. Yet violence, including the adoration of guns, continues. The barricading of people in their homes and abandonment of public places goes on. It is an escalating war between the comfortable who want peace and the uncomfortable who don't.

If the only answer is to imprison the growing number of captives in this warfare, it could result in a society forced to be more concerned with physical security than with freedom, a nation of jailed and jailers where in the most perverted sense each person will be his brother's keeper.

SOUTH CAROLINA: THE EMPLOYED INMATE

Like California, South Carolina has some of the worst prisons and some of the best. Its maximum security Central Correctional Institution may be the worst dungeon in the country, a 104-year-old five-story granite mass with iron catwalks from which, in the past, inmates had thrown guards and fellow inmates to their death below.

But architecture is not the critical judgment of a prison system. The state's director of corrections, William D. Leeke is trying to get rid of his dungeon, but in the meantime he has started a program of work release centers.

Leeke has leased small buildings near each of the state's major cities, turned them into open dormitories and moved in prisoners who have served at least a year in the regular prison without major trouble. Professional and volunteer workers find jobs for the prisoners, jobs that seem to have a future and that pay going wages. The prisoners leave each morning and return at night, unsupervised during the day.

At night the dormitory doors are locked only because neighbors occasionally sneak in and steal things from the convicts.

Donnie Lee Tyler of Greenville is on his second conviction, serving five years for breaking and entering. South Carolina spends less on its prisoners than almost any other state, $1,882 a year. In addition, Tyler's wife and three small children were on welfare, $89 a month.

In his work release dormitory, Tyler gets up at 6:30, has breakfast in the small dining room, picks up his bag lunch and drives to work in his boss's red pickup truck. He works for a dry wall company for $3.25 an hour.

Tyler earns $176.75 gross pay, out of which he pays $14.70 in federal taxes, $9.14 in Social Security, and $2.25 in state taxes. From his take-home wages he pays the state $24.50 for room and board at the dormitory, $100 to his wife (who has gone off welfare), $12 for his own spending (an occasional bought lunch or movie and a stereo set and records for his cubicle in the dorm) and the rest for a savings account when he gets out. He can go home on weekends. He could escape at any time but he hasn't.

South Carolina, like everyone else, has not kept very good records. But of all men in such programs over seven years, only 14 per cent have been sent back to the state prison system after their release. The usual rate for released prisoners is 40 to 70 per cent.

The men on release are already working at good jobs in their home cities and have noncriminal associations. For some unfathomable reason, parole boards regularly turn down such men's requests for parole, though such prisoners seem to have a spectacularly low return to crime.

CALIFORNIA: JUVENILE ON TEAM PROBATION

Billy Summers (not his real name) is 14. He is on his second conviction, the first for truancy and stealing bikes, the second for running away, breaking into a trailer and stealing a gun. He was headed for an institution. If he followed the national average, he would be a threat to society and himself for most of the rest of his life: the national statistics say he would be arrested seven more times in a lengthy criminal career.

But Billy did not go to an institution. Instead, the State of California paid his home county, Yuba, $4,000 to keep Billy at home and school under special help from a team of young probation workers.

This is not ordinary probation. If it had been, Billy would have left the courtroom after his sentence, filled out a one-page form and been told by the probation officer to drop by once a month. Other than that, the only time the system would hear from Billy, or Billy from the system, would be when he was arrested again.

This time the probation team—two young men in their mid-twenties, two young women, plus their supervisor, Mrs. Maxine Singer—collected all the available records on Billy—criminal and school. The worker assigned to his case, Pat Clark, in her early thirties, visited Billy's school and home. Another member of the team interviewed Billy for 2½ hours with a tape recorder. The next Friday the team listened to the tape, making analyses and comments along the way.

Several times Billy is heard on the tape saying:

"My mother is always hollering at me."

"Why do you suppose she does that?"

"I don't know. I'd like to tell her to shut up but she'd knock me down. I did it once and she whupped me so I ran away."

He hated school. The teachers were "always hollering at me."

Billy described fights between his mother and his father (now in jail), how once his father beat his mother and pulled a pistol on her and Billy and his older brother threw themselves on their father.

"Why do you think he did a thing like that?

"I don't know. Maybe he drinks too much."

His mother constantly tells him how terrible his father is.

"I don't like for her to keep saying bad things about my Dad. Maybe he does some wrong things but he's still my Dad."

A student probation officer sitting in for training suggests that Billy has a deeply ingrained resistance to any authority. The regular workers disagree and say they think the trainee is projecting his own standards of behavior into Billy's case. They think the facts of Billy's home and school life are more helpful in explaining his attitude toward parental authority than any theory of deeply ingrained antagonism.

"I guess we all agree on one thing," Mrs. Singer says with a smile. "Whoever works with Billy shouldn't holler at him."

They agree that he is immature, withdrawn and not very articulate and that he needs to experience a relationship with an adult that he can trust.

But Pat Clark discovers something that his school, his home and his pre-sentencing report hadn't found out: Billy can't read. His school had promoted him and refused remedial reading work. She arranges it.

"That could have something to do with his truancy and the teacher 'hollering.'"

Miss Clark genuinely likes to fish. So does Billy. They do it regularly. But the probation effort is more than buddyship. Miss Clark talks often with Billy's mother and has come to like her and see strengths. They are a white migrant family from Arkansas never involved with much city or town life. Miss Clark sees her job not as replacing Billy's mother, but in helping mother and son to deal with each other more successfully. She arranges for him to spend time with a man in the community who has kids in to work on engines.

If Billy had gone to an institution it may or may not have helped him. But in any event, when he came out he would have two choices—go off on his own with friends he made in the institution or return to his home, where conditions and relationships would have been the same as before. He may learn how to read, finally. And he may learn how to trust people and trust himself. There are no certainties in his present program. The only certainty is that conventional commitment programs usually fail.

INTERSTATE 75

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Georgia. Mr. Speaker, I would like to take a moment to address the House on a subject of great concern to the people of my district and to all the people of Georgia.

For some 8 years, completion of that portion of Interstate 75 which runs through Georgia's Seventh District has been delayed, even though a suitable route had been approved 5 years ago. The most direct route was rejected out of hand last year because of ecological considerations which have not been and are not now clear to me. A rerouting of the highway was proposed by the State highway department and this, too, has been disapproved by the Secretary of Transportation.

Every source of information available to me points to the fact that the new route, line "T," is feasible, follows sound engineering practices and is not ecologically harmful. The refusal of the Secretary of Transportation to approve this route is inexcusable and tragic.

The present section of highway which now serves the people of Cobb, Bartow, and Floyd Counties, as well as the majority of traffic between Atlanta and Chattanooga, is woefully inadequate. In the past 14 months, while the State highway department has labored to satisfy objections raised by the Transportation Secretary, 860 accidents occurred on that portion of highway which would be greatly relieved by completion of I–75. Eighteen persons were killed on this highway in the past 14 months, 337 persons were injured and untold property damage was done.

As the Georgia highway director said so aptly:

The main concern of most Georgians is not where the route is going, but when it is going to be built.

The people of the seventh district and of Georgia have expressed a desire that I–75 be built. They have also expressed a desire that the natural wilderness of the area be preserved, insofar as is possible. They have endeavored to strike the very best possible balance between the need to protect our environment and the need to protect their own lives.

Mr. Speaker, the people of the seventh district have done everything possible to bring about completion of I–75. I, myself, have sent dozens of letters and telegrams on behalf of this road, and have held numerous meetings with the State highway director and Federal officials. This latest rejection by the Transportation Secretary of a good route has bewildered the people of the seventh district and of all Georgia.

Mr. Speaker, I am today calling on the citizens of the seventh district to write President Nixon, who must ultimately answer for the actions of his Transportation Secretary, and to tell the President of their frustration and concern over the routing and building of this highway.

The President represents the last resort in this case. I am hopeful that he will see fit to use his authority to reverse an unwise action on the part of one of his Cabinet members.

SAVE WGMS–AM

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

Mr. MONAGAN. Mr. Speaker, the editorial, "A Final Note" which appeared in this morning's Washington Post, brings to the fore the frustration which those of us who drive long distances daily and relieve the boredom by listening to varied programs of good music on Station WGMS, feel over the announcement by that station that high quality musical programs will no longer be broadcast over their AM facilities. Instead the station will carry the same depressing pop programs now emitted by the other area broadcasters.

The editorial, which follows, questions the FCC policy which has contributed to this unfortunate decision.

Surely this substantial audience should be considered by the FCC and a reversal of their exclusionary policy should be discussed by the agency.

If nothing else, the shift from Mendelssohn or Strauss to hard rock might increase the accident rate among commuting autoists. More importantly, this lone sprig of musical culture should not be extinguished without protest.

The editorial follows:

A FINAL NOTE

The cultural wealth of Washington will shrink a few painful degrees when radio station WGMS-AM drops its program of classical music this spring. Its owner, RKO General Inc., says that WGMS is losing in both its AM and FM operations. By turning the AM station over to the usual kind of pop music, RKO hopes to continue to devote WGMS-FM wholly to the classics. To give substance to that promise, the company is preparing to put a good deal of money into improving its FM transmission.

It is a reasonable position on RKO's part. But for those who depend on AM radio, it is a depressing prospect. The station argues that the vast majority of its serious listeners are already using the FM signal. But the great exception is, of course, the audience in automobiles. Something in the range of 90 per cent of all car radios receive only AM stations, and converting to FM is not inexpensive. For most drivers, there will be no more Mozart to assuage the traffic jams.

WGMS is, unfortunately, the only AM station audible in Washington that brings us classical music. There are already at least 20 that pump out the various categories of pop. Classical music has never been a very profitable endeavor for broadcasters. But it might be added that the Federal Communications Commission has helped to push WGMS–AM over the edge. Some years ago the FCC ruled a broadcaster with both AM and FM transmitters could not put the same program on both. The purpose of the ruling was to encourage diversity on the air. The effect, in the case of WGMS, was to increase operating costs. As Washington loses its only classical station on the AM band, and acquires its twenty-first pop music station, the FCC might ask itself whether that rule is serving its purpose.

NAVY REPORTS ON NUCLEAR SUBMARINE ACCIDENTAL DISCHARGE

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

Mr. MONAGAN. Mr. Speaker, residents of the east coast were alarmed last month when it was reported that a nuclear-powered submarine, transferring its atomic reactor coolant to a submarine tender in the Thames River in New London, Conn., had inadvertently discharged 500 gallons of radioactive water into the river.

Upon learning of this, I wrote to Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations, requesting a full report and information on the potential danger involved and steps taken to insure that leakages do not occur again.

I have received a reply from Admiral Zumwalt which I feel satisfies the intent of my inquiry. Although we all are concerned over the fact that such an accident did occur, I am confident, from Admiral Zumwalt's reply, that the Navy is cognizant of the seriousness of the matter and has taken steps to prevent any recurrences.

Admiral Zumwalt's letter follows:

CHIEF OF NAVAL OPERATIONS,
February 1, 1972.

Hon. JOHN S. MONAGAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: Thank you for your letter of January 11, 1972 concerning the accidental discharge of atomic-reactor coolant in the Thames River in New London, Connecticut. The following is provided in response to your inquiry.

On 29 December 1971, the nuclear powered submarine USS *Dace* was moored alongside the submarine tender USS *Fulton* located at the State Pier in New London, Connecticut. A frequent and normal operation conducted under these circumstances is for the submarine to transfer excess water generated during operation of the reactor plant to the storage and processing tanks in the tender.

In shipboard reactors, pressurized water circulating through the reactor core picks up the heat of nuclear reaction. Reactor cooling water circulates through a closed piping system to heat exchangers which transfer the heat to water in a secondary steam system isolated from the primary cooling water. The steam is then used as the source of power for the propulsion plant as well as for auxiliary

machinery. Discharges of radioactivity from ships occur primarily when reactor coolant water expands as a result of being heated to operating temperature; this coolant passes through a purification system ion-exchange resin bed prior to discharge to the tender. The tenders are further equipped with processing systems to remove most of the radioactivity from the liquid wastes.

In this particular instance the water transfer connections were arranged improperly between the submarine and the tender and were operated in such a manner as to permit about 500 gallons of the water to be discharged directly into the Thames River.

Measurements of the level of radioactivity are required to be made prior to such transfers. In this case the measurements were made and found to be normal. Subsequent measurements confirmed these results. The levels measured were such that the total amount of radioactivity of the 500 gallons of water discharged into the Thames River in this instance was 0.0002 curies. If an individual worker in the nuclear industry were to drink all this radioactivity, he would not exceed the radiation exposure allowed annually by the Atomic Energy Commission and other federal or international regulations.

This event was reported immediately to Navy headquarters in Washington and Norfolk. The Navy immediately collected and analyzed samples of harbor water from the point of discharge and from surrounding locations. No radioactivity was detectable in these samples; this result would be expected since discharged water is rapidly diluted in the harbor. Harbor bottom sediment samples were also taken upon orders from Navy headquarters with the same procedures used for thorough surveys of the environment conducted by the Navy four times each year. Analyses of these sediment samples showed no increase in the radioactivity of the environment. The environmental radioactivity in New London harbor was lower than when previously surveyed by a radiological health laboratory of the U.S. Public Health Service. (This laboratory is now part of the Environmental Protection Agency).

The Navy decided no announcement was necessary. The assessment was made in headquarters that the amounts of radioactivity involved in this instance were well below those which could have possibly had any effect on the marine environment, water quality or health and safety of the general public. Under these circumstances there is no requirement for the Navy to notify on an urgent basis any outside agency such as the Environmental Protection Agency, State Health Department or the Atomic Energy Commission. All such discharges are published and provided to such agencies in an annual report.

Low level radioactive waste is generated in the operation of the more than one hundred Navy nuclear powered ships and in the maintenance on these ships performed by submarine tenders, bases and shipyards. The Navy's policy is to minimize the amounts of radioactivity discharged. This policy has been effective such that the total of all the radioactivity discharged to all harbors in the world from all these sources was less than 0.002 curies in 1971, including the recent inadvertent discharge in New London.

This total of all the Navy's radioactivity discharged into harbors is much less than most individual electrical power-generating nuclear reactors discharge each year. It is much less than the U.S. Atomic Energy Commission regulations permit a licensee to discharge into a single sanitary sewage system.

The Navy achieves these small discharges by using limits and procedures more stringent than those recommended by the Federal Radiation Council (incorporated into the Environmental Protection Agency in 1970), U.S. Atomic Energy Commission, National Council on Radiation Protection and Measurements, National Academy of Sciences, International Commission on Radiological Protection, and the International Atomic Energy Agency.

Each year the Navy prepares and issues a report entitled "Environmental Monitoring and Disposal of Radioactive Wastes from U.S. Naval Powered Ships and their Support Facilities." This annual report is published by the Environmental Protection Agency in its widely distributed monthly "Radiological Health Data and Reports." It describes the procedures used and presents results of all radioactive discharges made by the Navy's nuclear powered ships and their support facilities.

The latest issue of this report was also published in the Hearings before the U.S. Congress Committee on Atomic Energy on the Naval Nuclear Propulsion Program—1971. In the Foreword to these hearings the Joint Committee commented on this subject as follows:

"The committee takes special note of the report provided by Admiral Rickover on the safe disposal of radioactive wastes by the many facilities and activities under his direction, and of the remarkable record of achievement in environmental protection which is reflected in that report. With responsibility for some 110 shipboard reactors, nine shipyards, 11 tenders, and two submarine bases, Admiral Rickover has designed and operated his program from its inception with such care and technical skill that this vast complex of activities has no significant impact on the environment. Less than 0.024 curies of radioactivity was released to the environment during 1970 into all ports and harbors, both United States and foreign, by U.S. Navy nuclear-powered ships and their support facilities. The Joint Committee on Atomic Energy commends this achievement to the attention of both industry and the public as an example of what can be accomplished through technical skill and a disciplined concern for the environment in which we live."

I think you can see from the above and the enclosed report that the Navy has taken and continues to take this matter very seriously and has a record which demonstrates the care used. I can also assure you that we are continually searching for ways to improve our excellent record.

Warm regards,

E. R. ZUMWALT, Jr.,
Admiral, U.S. Navy.

AN AMENDMENT TO THE SHERMAN ANTITRUST ACT

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

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation to amend the Sherman Antitrust Act to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize.

This would clear up uncertainties left by the Supreme Court in the 1967 franchising case of United States against Arnold, Schwinn and Co., dealing with the problem of territorial and customer restrictions imposed on the supplier by the purchaser. The Supreme Court distinguished between those cases in which the company retained title to the goods, treating its wholesalers as agents or consignees, and the cases in which it transferred title to the retailers. In the former case, the Court held the Arnold, Schwinn Co.'s restrictions on territories and customers to be lawful unless unreasonable under the Sherman Act's "rule of reason." But in the latter case where the company no longer owned the goods, the Court held that the vendor could not lawfully impose limitations on the vendee. Thus, the freedom of franchisers to impose territorial and customer limitations was limited under a "rule of reason," only to those cases of agency and consignment sales.

My proposal would do away with the distinctions made by the Supreme Court ruling and declare, with a number of qualifications, all such distribution arrangements—regardless of who held the title—not in restraint of trade as defined by the Sherman Antitrust Act.

This bill would amend the Sherman Antitrust Act by adding on a new section stating that a contract or agreement between a purchaser and supplier, which restricts the right of the purchaser to the distribution of the supplier's product to a clearly defined territorial area, shall not be an unfair method of competition, providing the following conditions are met:

First. The product or products, which are the subject of the exclusive territorial franchise agreement, must be in free and open competition with similar products produced by persons other than the supplier.

Second. The purchaser under the exclusive franchise must be in free and open competition with other vendors of similar merchandise within the defined territorial area.

Third. The purchaser must not be inhibited by the terms of such agreement from dealing in like or similar products of persons other than the supplier.

I respectfully urge that this proposal receive prompt and favorable action by the House.

THE DuNOIR LEGISLATION

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

Mr. RONCALIO. Mr. Speaker, in the 90th Congress legislation was first introduced to include all of the DuNoir drainage basin in the Washakie Wilderness. In the 91st Congress a bill was drafted to effect a compromise which would have included only about 30,000 acres of this area, known as the East-West DuNoir, and increased acreage to act as a buffer zone to the Ramshorn, as well as to provide the inclusion of additional acreage lying outside the stratified primitive area, in Fremont and Hot Springs Counties, which was of such quality that it should be given wilderness protection. At that time—1968—Congress concluded that the DuNoir was an unusually scenic area which deserves protection from additional encroachment, but clearly reported that "because of early tie-hack harvesting as well as four-wheel drive access roads which cross the area," all of the DuNoir did not fully qualify for wilderness classification.

The compromise thereafter arrived at designated a portion of the DuNoir as a "Special Management Area," and it is my understanding that the Forest Serv-

ice was agreeable to this compromise, and agreeable to the language of section 5 of last year's act which would "not permit harvesting of timber or public or private vehicular use of any existing roads, and would not permit construction or expansion of any roads in this area."

At the beginning of this session of the 92d Congress—January 1971—Wyoming's two Senators introduced S. 166 in the Senate which was carrying alive the compromise from last year. I was happy to introduce into the House H.R. 1552, patterned identically on S. 166, in order that we might have companion legislation in this regards, and in the hope that this would quickly become law and the provisions of special management protection for DuNoir would conclude this matter.

As H.R. 1552 became scheduled for hearings in the House Subcommittee on Public Lands this summer, it became apparent that many in Wyoming were having second thoughts about this "Special Management Area" and about the assertions in earlier Senate reports that this area did, in fact, contain such evidences of "tie-hack harvesting and of four-wheel-drive access roads across the area" which would disqualify it from the wilderness. Also, the Forest Service maintained that it would favor the enactment of section 5 calling for special management care for DuNoir. Consequently, on the first day of hearings on H.R. 1552 last summer, Forest Service witnesses stated that the Forest Service was adamantly opposed to section 5.

It was therefore apparent to me that section 5 was going to be stricken and that we had a whole new ballgame regarding Washakie Wilderness.

During the August recess I visited the area to get a firsthand look at the so-called evidences of early tie-hack harvesting and of four-wheel access roads. It was readily apparent to me that the entire DuNoir basin was not only eligible for inclusion as wilderness, but was, in fact, probably the most desirable area in all Wyoming to be in wilderness. What were referred to as roads of four-wheel vehicles turned out to be slight paths, sometimes one single path rather than two, oftentimes untraversable because of a blow down or the restoration of the forest floor, all of which was considerably less a mark on the land than paths used by pack horses in present wilderness areas. I found that evidence of so-called tie-hacking of 50 years ago was nothing more than an occasional deteriorated stump, not from clear-cutting, not from mature harvesting program, but from the old practice of a selective cut of large and isolated trees leaving stumps which virtually distintegrated upon the push of a foot.

I also flew the area on several occasions. I noticed that for every lake or two that would be restored to wilderness in the DuNoir there seemed to be an equal number of lakes left available for four-wheel traffic in the forest south and west of DuNoir and around Brooks Lake.

I came to the conclusion that if "special management area" protection could not be afforded this area, then it would have to be a part of the wilderness, and so I acted accordingly.

I prepared an amendment to return all of the DuNoir drainage area into Washakie Wilderness, but I yielded to my chairman, WAYNE ASPINALL, to whose good judgment I am always pleased to defer, when he suggested that a better way to handle this ought to be to include not the entire DuNoir drainage area, but only that portion in the north that had been designated a special management unit. Thus, his substitute took the place of my amendment and the House version of this bill now reads that about 30,000 acres of the upper DuNoir will be included. This will exclude about 7,000 acres of virtually all heavily timbered land to the north and east of the middle fork Long Creek, in the southeast corner of DuNoir. This will still remain in the national forest. It is approximately 5 miles from the closest vestige of clear-cutting on the Forest Service lands which are adjacent to the DuNoir area.

The DuNoir is inestimably attractive land. It is truly worthy of inclusion as wilderness if any land in Wyoming is.

I am grateful that the House of Representatives has seen fit to pass H.R. 1552 this afternoon.

MARYLAND STATE SENATOR LAPIDES FOR ABOLITION OF STRIP MINING

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

Mr. HECHLER of West Virginia. Mr. Speaker, the deep concern over the devastation and destruction caused by strip mining for coal is rapidly spreading. This is evidenced by the hundreds of letters flowing into my office from all over the United States and even from some foreign countries. In addition, a fine Maryland State Senator from Baltimore, the Honorable Julian L. Lapides, has responded to the call by many of his constituents and has introduced a bill in the Maryland Legislature to abolish the strip mining of coal.

The text of the bill and statement by Senator Lapides follow:

No. 261

A bill entitled an act to add new Section 662 (a–1) to Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1971 Supplement), title "Natural Resources," subtitle "Mining," subheading "Strip Mining," to follow immediately after Section 662 (a) thereof to ban strip mining on land owned by the State and providing penalties for the violation thereof

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That new Section 662 (a–1) be and it is hereby added to Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1971 Supplement), title "Natural Resources," subtitle "Mining," subheading "Strip Mining," to follow immediately after Section 662(a) thereof and read as follows:

(a–1) (1) The Bureau of Mines shall not issue, extend or renew any permit to mine coal by the open-pit or strip method on any land owned by the State of Maryland whether the ownership includes the mineral rights incident to the land or not.

(2) Any person who mines coal by the open-pit or strip method without a permit issued by the Bureau of Mines shall be guilty of a misdemeanor punishable by a fine of not less than $1000 nor more than $10,000 or by imprisonment for not more than two years, or by both fine and imprisonment. Each day a violation hereunder exists shall be a separate offense.

(3) In addition to any fine imposed by a violation of this section, every person convicted hereunder shall pay to the Director a sum sufficient to reclaim the area mined.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1972.

EXPLANATION: *Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

STATEMENT OF JULIAN L. LAPIDES, SENATE FLOOR, JANUARY 20, 1972 STRIP MINING

Mr. President, Ladies and Gentlemen of the Senate: This morning I am introducing two bills which grapple with the problem of coal strip mining in Maryland. One bill would abolish all strip mining in Maryland by July, 1973; the other would prohibit any strip mining on state-owned lands after July 1st of this year.

The passage of these bills, I believe, is critical if we are to curb the present destructiveness and prevent its further growth.

This summer I visited a number of strip mining sites in Western Maryland where I witnessed firsthand the devastation that accompanies these mining activities. Strip mining inflicts irreparable environmental damage: it disfigures the countryside and, if left unchecked, is a contemptuous menace to natural beauty. Strip mining's negative impact is so great that it diminishes the State as a whole.

As a result of contour mining here in Maryland between 1500 and 2000 acres have been abandoned. The ugly scars left in the wake of strip mining blemish the state's attractiveness and ruin considerable tracts of land.

Strip mining's harmful effects, however, extend far beyond the aesthetic. It pollutes the air and the water, contributes to soil erosion, kills existing vegetation and destroys wildlife habitat. These dangers are obviously injurious to the environment and they can adversely affect the ecological balance of an entire region.

An inevitable argument used to defend strip mining claims that the land denuded by the mining can be and often is later reclaimed. Unfortunately, the evidence does not support this position. The land used by strip mining can never be restored; the ravaged highwalls remain and some extend upward 100 feet. Reclamation as it is practiced is little more than a cosmetic treatment that feebly disguises lasting destruction. I should also emphasize that only a fraction of the mined land receives the benefit of even this limited camouflage. The damage done by strip mining is real and it is irreparable; the visible results of reclamation only serve to strengthen this conclusion.

In my opinion a particularly heinous aspect of the problem here in Maryland involves strip mining on state-owned land. Mr. President, Ladies and Gentlemen of the Senate, you may not be aware of the fact, but such mining is taking place this very day on the campus of Frostburg State College and at Savage River State Forest. I do not believe that it is in the State's best interest to allow this to continue. The purpose of state land should not be to afford a private entrepreneur a profit; rather, the land must be available for public use. Surely it is incumbent on us as legislators to insure that the state meet its responsibilities with respect to environmental protection and further that it seek to protect its natural beauty for the pleasure of present and future generations.

If, here in Maryland, we face considerable problems resulting from strip mining, we,

nonetheless, also have the opportunity to avoid the widespread devastation that plagues our sister states of West Virginia and Kentucky. To capitalize on this opportunity, though, it is urgent that we act immediately, Because of its quick profits, strip mining has enjoyed rapid growth and promised to continue expanding unless we intervene decisively to check any further destruction. The time to stop strip mining's assault on Maryland's countryside, I believe, is now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), from 2 p.m., February 9 and the balance of the week on account of official business.

Mr. CORMAN, for week of February 7, on account of official business.

Mr. J. WILLIAM STANTON (at the request of Mr. GERALD R. FORD), on account of surgery.

Mr. FORSYTHE (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. CARTER (at the request of Mr. GERALD R. FORD), for today, on account of illness in family.

SPECIAL ORDERS GRANTED

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

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

Mr. CONTE, today, for 10 minutes.

Mr. HORTON, today, for 10 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. BUCHANAN, on February 8, 1972, for 1 hour.

Mr. HALPERN, today, for 5 minutes.

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

Mr. MATSUNAGA, today, for 15 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. HAMILTON, today, for 15 minutes.

Mr. REUSS, today, for 30 minutes.

Mr. ST GERMAIN, today, for 5 minutes.

Mr. PEPPER, today, for 5 minutes.

Mr. DAVIS of Georgia, today, for 5 minutes.

Mr. MIKVA, on February 9, for 30 minutes.

EXTENSION OF REMARKS

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

Mr. BARING prior to passage of H.R. 3339.

Mr. RONCALIO prior to the passage of H.R. 1552 on the Consent Calendar today.

Mr. DONOHUE to revise and extend his remarks on S. 1857.

Mr. ANDERSON of California to revise and extend his remarks immediately before the passage of H.R. 9756.

Mr. MURPHY of Illinois to extend his remarks immediately following passage of H.R. 7088.

Mr. REUSS (at the request of Mr. DINGELL) to extend his remarks on H.R. 12741.

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

Mr. LANDGREBE.

Mr. SPRINGER.

Mr. HOGAN in 10 instances.

Mr. DERWINSKI in three instances.

Mr. BOB WILSON in two instances.

Mr. MYERS.

Mr. NELSEN in three instances.

Mr. HOSMER in two instances.

Mr. TERRY in two instances.

Mr. SHOUP.

Mr. WYMAN in two instances.

Mr. DUNCAN in two instances.

Mr. MCCLORY in two instances.

Mr. PRICE of Texas.

Mr. DON H. CLAUSEN.

Mr. MORSE in four instances.

Mr. HALPERN in three instances.

Mr. FORSYTHE.

Mr. MCCLURE.

Mr. MILLER of Ohio in four instances.

Mr. FRELINGHUYSEN.

Mr. BROYHILL of Virginia in two instances.

Mr. MOSHER in three instances.

Mr. SMITH of New York.

Mr. ANDERSON of Illinois.

Mr. BUCHANAN.

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

Mr. GONZALEZ.

Mr. RARICK.

Mr. WALDIE in four instances.

Mrs. SULLIVAN in four instances.

Mr. VANIK in three instances.

Mr. BARING.

Mr. MOLLOHAN in five instances.

Mr. FOLEY in three instances.

Mr. EDWARDS of California in two instances.

Mrs. HICKS of Massachusetts.

Mr. JACOBS.

Mr. DRINAN.

Mr. HAMILTON in two instances.

Mr. HARRINGTON in two instances.

Mr. GALLAGHER.

Mr. DINGELL in two instances.

Mr. GRIFFIN in two instances.

Mr. MAHON.

Mr. DANIELS of New Jersey in two instances.

Mr. RANGEL in two instances.

Mr. BLATNIK in two instances.

Mr. DELANEY.

Mr. ANNUNZIO in three instances.

Mr. STOKES in 10 instances.

Mr. HANNA in five instances.

Mr. O'NEILL.

Mr. ROSENTHAL in five instances.

Mr. PEPPER in two instances.

Mr. HATHAWAY.

Mr. SYMINGTON in three instances.

Mr. RYAN in three instances.

Mr. BINGHAM in three instances.

Mr. GIAIMO in 10 instances.

Mrs. GRASSO in 10 instances.

Mr. FAUNTROY in five instances.

Mr. DULSKI in two instances.

Mr. HAGAN in five instances.

Mr. CHARLES H. WILSON in five instances.

Mr. ST GERMAIN.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 8, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, INC.

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

1559. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished from military functions appropriations to various countries, covering the second quarter of fiscal year 1972, pursuant to section 738(b) of Public Law 92–204; to the Committee on Appropriations.

1560. A letter from the Secretary of Defense, transmitting a report on the financial condition and operating results of working capital funds of the Department of Defense as of June 30, 1971, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

1561. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a delay in the submission of a report required by section 505(f) of Public Law 92–156; to the Committee on Armed Services.

1562. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a supplemental list of persons formerly affiliated with the Department of Defense who have filed reports for fiscal year 1971 indicating employment by a defense contractor, together with copies of their reports, pursuant to 83 Stat. 212; to the Committee on Armed Services.

1563. A letter from the Acting Assistant Secretary of Agriculture for Administration, transmitting a report for fiscal year 1971 on Department of Agriculture disposal of foreign excess property, pursuant to section 404 (d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

1564. A letter from the Secretary, Smithsonian Institution, transmitting the Annual Report of the Institution for fiscal year 1971, pursuant to 20 U.S.C. 57; to the Committee on House Administration.

1565. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

1566. A letter from the Acting Secretary of the Interior, transmitting a report on activities of the Geological Survey outside the national domain during the 6 months ended December 31, 1971, pursuant to 43 U.S.C. 31 (c); to the Committee on Interior and Insular Affairs.

1567. A letter from the Assistant Secretary of Commerce, transmitting copies of two petitions for amendment of the flammability standard for children's sleepwear published July 29, 1971, both of which were received during December 1971, and notice of an informal public hearing on the petitions; to the Committee on Interstate and Foreign Commerce.

1568. A letter from the Administrator, Environmental Protection Agency, transmitting notice of a delay in the submission of reports on the economics of clean air, and on the progress being made toward the implementation of the Clean Air Act, pursuant to sections 312 and 313 of the act; to the Committee on Interstate and Foreign Commerce.

1569. A letter from the Chairman, Administrative Conference of the United States,

transmitting a draft of proposed legislation to amend the Administrative Conference Act; to the Committee on the Judiciary.

1570. A letter from the Administrator of Veterans' Affairs; transmitting a draft of proposed legislation to authorize the Veterans' Administration to forgo making a direct loan where a lender will make a guaranteed loan at a reasonable discount; to the Committee on Veterans' Affairs.

1571. A letter from the Federal and State Cochairman, Upper Great Lakes Regional Commission; transmitting the annual report of the Commission for fiscal year 1971, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

1572. A letter from the Federal Cochairman, New England Regional Commission, transmitting the Annual Report of the Commission for fiscal year 1971, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1573. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in January 1972, pursuant to Public Law 91-510; to the Committee on Government Operations.

1574. A letter from the Comptroller General of the United States, transmitting a report of two ways the Food and Nutrition Service of the Department of Agriculture could reduce the costs of donating commodities; to the Committee on Government Operations.

1575. A letter from the Comptroller General of the United States, transmitting a report on the limited impact of the Environmental Protection Agency's demonstration grant program on the national solid waste disposal problem; to the Committee on Government Operations.

1576. A letter ffrom the Comptroller General of the United States, transmitting a report on continuing problems in paying State claims for administrative expenses of public assistance programs administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare; to the Committee on Government Operations.

1577. A letter from the Comptroller General of the United States, transmitting a report on the effects of Federal expenditures on the economy of Johnson County, Ky.; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[*Pursuant to the order of the House on February 1, 1972, the following report was filed on February 4, 1972*]

Mr. PERKINS: Committee on Education and Labor. H.R. 12350. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; with an amendment (Rept. No. 92-815). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on February 3,1972, the following reports were filed on February 4, 1972*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 7088. A bill to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes; with amendments (Rept. No. 92-816). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12186. A bill to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes; with an amendment (Rept. No. 92-817). Referred to the Committee of the Whole House on the State of the Union.

Mr MILLS of Arkansas: Committee on Ways and Means. H.R. 8975. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of commuter fare revenue; with amendment (Rept. No. 92-823). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 9463. A bill to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals, and any fragment or part thereof, exported contrary to the laws of the country of origin, and for other purposes; with amendments (Rept. No. 92-824). Referred to the Committee of the Whole House on the State of the Union.

Mr. VANIK: Committee on Ways and Means. H.R. 9900. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; with amendments (Rept. No. 92-825). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 11196. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of unrelated business income; with amendments (Rept. No. 92-826). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. DENNIS: Committee on the Judiciary. H.R. 2076. A bill for the relief of Vladimir Rodriguez LaHera (Rept. No. 92-818). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 4679. A bill for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; with amendment (Rept. No. 92-819). Referred to the Committee of the Whole House.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 6201. A bill for the relief of Lesley Earle Bryan (Rept. No. 92-820). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 6907. A bill for the relief of Matyas Hunyadi (Rept. No. 92-821). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 7011. A bill for the relief of Adriano Botelho Moniz; with amendment (Rept. No. 92-822). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 12948. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 12949. A bill to amend title II of the Social Security Act to provide a 20-percent benefit increase with a $100 minimum primary benefit and subsequent cost-of-living increases, to increase the earnings base to $12,000, and to liberalize the retirement test, and to amend title XVIII of such act to to provide medicare coverage for disability beneficiaries without regard to age and to include payment for chiropractic services and prescription drugs, and for other purposes; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 12950. A bill to amend title 38, United States Code, to authorize special rates of disability compensation for certain veterans awarded the purple heart; to the Committee on Veterans Affairs.

H.R. 12951. A bill to amend section 110 of title 38, United States Code, to liberalize the standard for preservation of disability ratings; to the Committee on Veterans Affairs.

H.R. 12952. A bill to amend section 312 of title 38, United States Code by providing a 3-year presumptive period of service connection for malignant tumors (cancer) which develop within 3 years from the date of separation from active service; to the Committee on Veterans Affairs.

H.R. 12953. A bill to amend subsection (b) (1) of section 415 of title 38, United States Code, to increase the maximum annual income limitation governing payment of dependency and indemnity compensation to certain parents; to the Committee on Veterans Affairs.

By Mr. FRASER:

H.R. 12954. A bill to require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients, either by disregarding such amount in determining their need or otherwise; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12955. A bill to clarify the intent of Congress to exclude prisoners in work release programs from the provisions of Federal law forbidding the use of convict labor; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.R. 12956. A bill to amend title II of the Social Security Act to provide that an individual otherwise eligible may be paid full widow's or widower's insurance benefits at age 55, or reduced widow's or widower's insurance benefits at age 50 (age 45 in case of disability); to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 12957. A bill to facilitate fresh pursuit of criminals in the District of Columbia; to the Committee on District of Columbia.

By Mr. HORTON:

H.R. 12958. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE (for himself, Mr. ICHORD, and Mr. RANDALL):

H.R. 12959. A bill to amend section 1979 of the Revised Statutes to provide that certain civil actions for the deprivation of rights may not be brought by certain persons convicted of crime and to provide a time limitation with respect to such civil actions; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 12960. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. JONES of Tennessee:

H.R. 12961. A bill 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; to the Committee on Education and Labor.

H.R. 12962. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. BINGHAM, Mr. BRASCO, Mr. DOW, Mr. EILBERG, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. MITCHELL, Mr. RYAN, and Mr. STOKES):

H.R. 12963. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. BADILLO, Mr. BELL, Mr. DELLUMS, Mr. FAUNTROY, Mr. HALPERN, Mr. MIKVA, and Mr. MITCHELL):

H.R. 12964. A bill to provide for monthly furloughs for Federal prisoners; to the Committee on the Judiciary.

By Mr. O'HARA:

H.R. 12965. A bill to ban the usage of diethylstilbestrol (DES) as a growth promotant; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 12966. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act; to the Committee on Interstate and Foreign Commerce.

H.R. 12967. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 12968. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas:

H.R. 12969. A bill to provide for the establishment of an "Older Workers Conservation Corps," and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 12970. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 12971. A bill to amend the Wild and Scenic Rivers Act Of 1968 by designating a portion of the Clark's Fork River, Wyo., for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12972. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 12973. A bill to provide self-government for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. THOMSON of Wisconsin:

H.R. 12974. A bill to assist in the provision of housing for low- and moderate-income families by authorizing Federal Housing Administration mortgage insurance and Veterans' Administration guaranteed and direct loans for modular or industrialized housing meeting applicable code requirements but having less living space than is required under existing programs administered by the Department of Housing and Urban Development and Veterans' Administration; to the Committee on Banking and Currency.

By Mr. WALDIE:

H.R. 12975. A bill to amend section 1072 (2) of title 10, United States Code, to include a child being adopted within the definition of dependent; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 12976. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 12977. A bill to amend title 10 of the United States Code to permit the appointment by the President to the service academies of sons of certain persons in missing status; to the Committee on Armed Services.

By Mr. WINN:

H.R. 12978. A bill to amend title 18 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 12979. A bill to amend title 28, United States Code, to authorize the recall of retired commissioners of the United States Court of Claims for temporary assignments; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 12980. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 12981. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft arriving or departing on flights between the United States and Canada or the United States and Mexico at night or on Sunday or a holiday from provisions requiring payments to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 12982. A bill to amend the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 12983. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12984. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12985. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for the interest on certain governmental obligations the proceeds of which are used to provide hospital facilities; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. DINGELL, Mr. MAILLIARD, Mr. DOWNING, Mr. PELLY, Mr. LEGGETT, Mr. MOSHER, Mr. BIAGGI, Mr. RUPPE, Mr. ANDERSON of California, Mr. BRAY, Mr. KYROS, Mr. SNYDER, Mr. TIERNAN, Mr. FORSYTHE, Mr. MOSS, Mrs. GRIFFITHS, Mr. KARTH, Mr. WILLIAM D. FORD, Mr. CONTE, and Mr. NEDZI):

H.R. 12986. A bill to amend the Endangered Species Conservation Act of 1969 to increase the limitation on the amount of funds authorized to be appropriated for the purpose of conserving, protecting, restoring, and propagating selected species of native fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HATHAWAY:

H.R. 12987. A bill to amend part B of title XVIII of the Social Security Act to terminate the financing of supplementary medical insurance benefits through premium payments by beneficiaries, and to provide that such benefits will hereafter be financed instead from general revenues; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 12988. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 12989. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12990. A bill to amend title II of the Social Security Act to provide that a woman otherwise eligible who is permanently unemployable may be paid full widow's insurance benefits at age 55; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 12991. A bill to continue until the close of June 30, 1975, the existing suspension of duty on certain copying shoe lathes; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. OBEY, and Mr. COUGHLIN):

H.R. 12992. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 12993. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542), to include the EE1, Klamath, and Trinity Rivers as components of the National wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 12994. A bill to establish a national recreation area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

H.R. 12995. A bill to designate certain land in the State of Wyoming as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 12996. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 12997. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 12998. A bill to establish the Gates of the Arctic National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12999. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in

Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13000. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 13001. A bill to provide for the addition of certain lands to the Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13002. A bill to establish the French Pete Creek National Woodlands Recreation Area; to the Committee on Interior and Insular Affairs.

H.R. 13003. A bill to establish the Missouri Breaks Scenic River in the State of Montana; to the Committee on Interior and Insular Affairs.

H.R. 13004. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13005. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. ROE (for himself, and Mr. HUNT):

H.R. 13006. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 13007. A bill to amend section 396 of the Communications Act of 1934 to increase and extend for 1 year the authorization for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 13008. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. VANIK (for himself Mr. SCHEUER, Mr. MADDEN, Mr. HECHLER of West Virginia, Mr. JAMES V. STANTON, Mr. YATRON, Mr. BADILLO, Mr. HARRINGTON, Mr. ROSENTHAL, Mr. KEE, Mr. MIKVA, Mr. DENT, Mr. PODELL, Mrs. HICKS of Massachusetts, Mr. HELSTOSKI, Mr. BYRNE of Pennsylvania, Mr. HALPERN, Mr. BRASCO, Mr. TIERNAN, Mr. COUGHLIN, Mr. EILBERG, Mr. DRINAN, Mr. RYAN, Mr. ALEXANDER, and Mr. KOCH):

H.R. 13009. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 13010. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

By Mr. HAGAN:

H.R. 13011. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.J. Res. 1053. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 1054. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. MIZELL:

H.J. Res. 1055. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.J. Res. 1056. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. ZWACH:

H.J. Res. 1057. Joint resolution providing for a 5-year moratorium on railroad line abandonment; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.J. Res. 1058. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas:

H.J. Res. 1059. Joint resolution proposing an amendment to the Constitution of the United States for the reconfirmation by popular vote of certain Federal judges; to the Committee on the Judiciary.

By Mr. ARENDS:

H. Con. Res. 524. Concurrent resolution: National Day of Prayer for cause of World Peace; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. BLATNIK, Mr. DENHOLM, Mr. LINK, Mr. NELSEN, and Mr. QUIE):

H. Con. Res. 525. Concurrent resolution expressing the sense of the Congress that a moratorium be declared on any further abandonments of rail services or facilities within the rural and non-metropolitan regions of the United States until December 31, 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H. Con. Res. 526. Concurrent resolution expressing the sense of Congress with respect to those individuals who refused to register for the draft, refused induction or being a member of the Armed Forces fled to a foreign country to avoid further military service; to the Committee on Armed Services.

By Mr. ROUSH:

H. Con. Res. 527. Concurrent resolution that it is the sense of Congress that the United States and the various political entities thereof should adopt "911" as the nationwide, uniform, emergency telephone number; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H. Res. 801. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

H. Res. 802. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. DRINAN:

H. Res. 803. Resolution calling for peace in Northern Ireland and the establishment of a United Ireland; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H. Res. 804. Resolution to provide funds for expenses of the investigations and studies authorized by H. Res. 5 and H. Res. 19; to the Committee on House Administration.

By Mr. ZWACH:

H. Res. 805. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the needs of rural America for adequate railroad services; to the Committee on Rules.

By Mr. GERALD R. FORD:

H. Res. 806. Resolution providing for the election of members of standing committees.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

302. By the SPEAKER: A memorial of the Senate of the State of Washington, relative to amendment of the Soil Conservation and Domestic Allotment Act to provide for a Columbia-Snake-Palouse Conservation Program; to the Committee on Agriculture.

303. Also, memorial of the Legislature of the State of South Dakota, relative to depicting the Mount Rushmore National Memorial on U.S. currency; to the Committee on Banking and Currency.

304. Also, memorial of the Legislature of the State of Colorado, relative to freedom of religion in the Soviet Union; to the Committee on Foreign Affairs.

305. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to expansion and revitalization of the merchant marine of the United States; to the Committee on Merchant Marine and Fisheries.

306. Also, memorial of the Legislature of the State of Wisconsin, relative to authorizing State public assistance programs to use vendor and voucher payments in certain circumstances; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severely referred as follows:

By Mr. CLEVELAND:

H.R. 13012. A bill for the relief of Manuel H. Silva; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 13013. A bill for the relief of Zoila Lozova; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 13014. A bill for the relief of Gene E. Trowbridge; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 13015. A bill for the relief of Edward R. Davies; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

185. The SPEAKER presented a petition of Charles Thomas, Jr., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.