

## PROJECT SOAR

Project SOAR is Scouting's contribution in the fight to preserve our environment. The program is a good example of the benefits Scouting can provide to the State. Project SOAR—a program to Save Our American Resources—is a year-round ecological effort. But citing the results of a single day's effort can show the overall success of Project SOAR. In Connecticut, on Scouting Keep America Beautiful Day—June 5 of this year—1,800 adult volunteer Scouters and 8,000 Scouts and Explorers, in cooperation with Government agencies, cleaned up more than 1,000 miles of State highways, rivers, and coastline and collected approximately 700 tons of trash and litter and spruced up more than 1,800 acres of empty lots and parkland. These June 5 activities are a small portion of the entire Project SOAR program that, incidentally, has been so successful that the BSA Executive Board has renewed it for at least 1 more year.

## OPERATION REACH

Drug abuse is another problem area in which Scouting is attempting to have as

much impact as it has had in Project SOAR. Our new approach to this major problem area is called Operation Reach. The Boy Scouts of America pioneered this program in a few special pilot projects in the past year and is now extending it throughout Connecticut and the rest of the country.

## CAMPING

Camping is an activity important both to the Boy Scouts of America and to Connecticut. There are 17 Scout camps operated by the 14 Scout councils in Connecticut. Last year more than 12,000 Scouts and Explorers stayed in these camps with their 605 troops and posts for long-term camping. In addition, 276 disadvantaged boys, who were not then Scouts, spent a week or more camping in these camps as the guests of Scouting.

From all parts of the country, Scouts are also invited to use 19 camping facilities in Connecticut that are part of the BSA National Campways tour program.

## CONNECTICUT SCOUTING FACTS

Connecticut's 14 Scout councils serve a total boy membership of around 77,000. Included in this figure, as of the first of this year, are 3,000 young adults in 236 Explorer posts, 32,000 Scouts in 955 troops, and 42,000 Cub Scouts in 865 packs. Working with these youth on a volunteer basis are 26,000 adults. A professional staff of 67 aids these 102,000 citizens of Connecticut who are actively engaged in Scouting.

But all is not statistics with Connecticut Scouting. The 1970 Spencer Award for program excellence was given to three Connecticut Scout councils. They are the Central Connecticut Council, headquartered in Meriden; the Nathan Hale Council, headquartered in New Britain; and the Eastern Connecticut Council, headquartered in Norwich.

All in all, Connecticut has proved to be an important contributor to the Scout movement; just as Scouting has proved to be an important contributor to the State of Connecticut.

## HOUSE OF REPRESENTATIVES—Thursday, March 9, 1972

The House met at 12 o'clock noon.

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

*Lead me, O Lord, in Thy righteousness: Make Thy way straight before my face.—Psalm 5: 8.*

O Lord, our God, who art the source of light and life, and the fountain of flowing love, may Thy spirit arise within us as we wait upon Thee in this moment of meditation. Open our hearts to receive the good news of Thy word and let Thy spirit guide us in the paths of truth and love.

Grant that our leaders and all those to whom our people have given authority may be filled with Thy spirit, the spirit of wisdom, understanding, and good will. May Thy presence abide in the heart of our free institutions that our country may remain forever the fortress of freedom and our people enjoy the life of liberty in the land of liberty.

We pray that peace may come to our world and with peace the fruits of righteousness and good will. Be with us this day and all days and keep us walking in the ways of the Master. 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. Geisler, one of his secretaries, who also informed the House that on March 6, 1972, the President approved and signed bills of the House of the following titles:

H.R. 2828. An act for the relief of Mrs. Rose Scanio;

H.R. 3093. An act for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza

Serna, Gonzalo Garoza Serna, and James Garoza Serna;

H.R. 4319. An act for the relief of Josephine Dumpit;

H.R. 5179. An act for the relief of Soo Yong Kwak;

H.R. 6506. An act for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber;

H.R. 6912. An act for the relief of William Lucas (also known as Vasilios Loukatis); and

H.R. 8540. An act for the relief of Eleonora G. Mpolakis.

## 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. 10834. An act authorizing the State of Alaska to operate passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

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

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 602) entitled "An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 671) entitled "An act to provide for division and for the disposition of the funds ap-

propriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279-A, and for other purposes."

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

S. 860. An act relating to the Trust Territory of the Pacific Islands; and

S. 996. An act relating to the transportation of mail by the U.S. Postal Service.

The message also announced that the Vice President, pursuant to section 123 (a) of Public Law 91-605, appointed Mr. STAFFORD as a member of the Commission on Highway Beautification in lieu of Mr. WEICKER, excused.

## URGENT SUPPLEMENTAL APPROPRIATION, 1972

Mr. MAHON, from the Committee on Appropriations, reported the joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92-909), which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. DU PONT. Mr. Speaker, may I inquire, in the absence of the gentleman from Ohio (Mr. Bow), whether he is aware of the filing of this report?

Mr. MAHON. Yes. The joint resolution was reported unanimously from the Committee on Appropriations today.

Mr. DU PONT reserved all points of order on the joint resolution.

## NEW LEGISLATIVE PROPOSALS: A MAJOR BUDGET CONTINGENCY

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

Mr. MAHON. Mr. Speaker, the Presi-

dent's fiscal year 1973 budget, like all budgets, rests on a number of major assumptions and contingencies. In addition to the appropriation bills, actions—or inactions—by the legislative committees can have a significant impact on the budget.

For example, about \$47.5 billion of the new appropriations requested for 1973 relate to various ongoing programs for which further authorization is required. In addition, there are several new legislative proposals in the budget which must also first be considered by the legislative committees.

In the 1973 budget these new legislative proposals—that is, those involving new or expanded legislative initiatives—total about \$14 billion—\$4 billion with respect to fiscal year 1972 and \$10 billion with respect to fiscal year 1973. They relate to general and special revenue sharing; the social security program; and so on. Some involve reductions in appropriations rather than increases.

By far the biggest single item in the President's package of new legislative proposals is general revenue sharing. The proposition not only would authorize revenue sharing, but would also make the actual appropriation, automatically each year, without further congressional action. The budget for general revenue sharing involves \$2.5 billion for the current fiscal year 1972 and \$5.3 billion for fiscal year 1973. It involves a total of \$33.8 billion for the 6-year period, fiscal years 1972-77.

Of course, we have no revenues to share. But the point I wish to emphasize here is that a multibillion, automatic appropriation will further complicate the problem in the years ahead, both in the executive branch and in the Congress, of undertaking to annually reorder and fix spending priorities to meet changing conditions and needs.

Under leave, I am inserting in the Extensions of Remarks section of today's RECORD a more extensive statement on these new legislative proposals.

#### FEEDING THE HUNGRY IN SEATTLE

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

Mr. ADAMS. Mr. Speaker, I am today calling upon public-spirited Americans from all across the country to assist in a voluntary food collection program designed to feed the hungry in Seattle and other areas of the State of Washington. This food collection program, labeled the "We Care" food drive, has been organized by employees of United Air Lines and members of the International Association of Machinists. It leads to the voluntary collection of food at various collection points in major airports throughout the country, transportation of food items to Seattle by United Air Lines, and distribution throughout the State of Washington at volunteer-manned food banks.

Unemployment in the Seattle area continues at a rate in excess of 11 percent. Statewide, unemployment in Washington is at least 10 percent. Traditional

programs, such as the food stamp program, are totally inadequate to assist an economic and human crisis of this magnitude. Many persons are ineligible for food stamps. Many others have totally exhausted their unemployment benefits. Thousands of persons—80,000 in Seattle alone, during the month of February—depend upon the free food distribution program, which the "We Care" drive is currently assisting.

I commend the employees of United and the members of the Airline Employees District 141, International Association of Machinists, for organizing this food drive. I hope that many others from more fortunate areas will realize the great need for help for the needy in the State of Washington and will assist in this effort.

Further, it is especially appropriate that this food drive is helping the hungry at this particular time. During the winter months, when the need for donated food is the greatest, the supply from the agricultural sections of the Pacific Northwest is the least available. In the month of February 1972, for instance, over 103,000 persons were assisted by the 78 food banks which presently operate in 15 Washington counties.

#### EXTENSION OF THE WEST FRONT OF THE CAPITOL SHOULD BE BLOCKED

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

Mr. STRATTON. Mr. Speaker, I am as reluctant to take on the establishment of the Congress as any other Member of this body, but I do so today, because the action of the so-called Commission on the Extension of the Capitol on yesterday hit a new low.

About 3 years ago this House, after hearing for years from Mr. Stewart that the Capitol was about to collapse, commissioned a \$250,000 study by a firm of top New York City engineers to see whether that charge was true. They reported in January 1971 that it was false, that the Capitol was not going to collapse, and that for \$15 million it could be properly restored, instead of the \$45 or \$60 million price tag attached to the elaborate extension project.

And yet yesterday the Commission went ahead anyway and authorized that extension. They did so on the simple ground that maybe it would cost a little bit more than the \$15 million the Praeger report has estimated.

Well, that was 3 years ago that the \$15 million figure was mentioned.

Yet, now we are going to spend \$60 million or perhaps even \$70 million for the extension project simply because the cost of a much simpler restoration might have been \$16 or \$17 million.

I think this is a sad commentary on our fiscal responsibility here in Congress. I am going to fight this extension. I hope other Members will join me. I intend to put in the RECORD and to circulate letters to my colleagues giving fuller details of this Praeger report. I think it will make interesting reading to every Mem-

ber of this House, especially since its findings—now being so utterly ignored—cost the taxpayers almost a quarter of a million dollars.

#### FIFTH ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-189)

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 Interstate and Foreign Commerce and ordered to be printed:

#### To the Congress of the United States:

I am pleased to send to the Congress the Fifth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, continues its sharp focus upon widespread diseases of great importance in Asian nations: cholera, leprosy, malnutrition, the parasitic diseases filariasis and schistosomiasis, tuberculosis and certain viral diseases.

During 1971 several reports were published marking this program's first 5 years of research progress. Following careful planning and a review of objectives, it has been decided to expand the program scope to include research concerned with pollutant induced cancer, birth defects and related abnormalities.

This effort remains directed primarily toward diseases in Asia, however, the research results are clearly relevant to a much broader human spectrum. I am particularly heartened by the mutuality of this joint activity which has been undertaken so successfully by biomedical scientists in Japan and the United States. We can find few satisfactions greater than working effectively together with other nations for the ultimate benefit of all mankind.

RICHARD NIXON.

THE WHITE HOUSE, March 9, 1972.

#### PROVIDING FOR CONSIDERATION OF H.R. 10420, MARINE MAMMAL PROTECTION ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 878 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 878

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill



shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 104 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, there is one unusual aspect of this rule which provides for a waiver of points of order against section 104 of the substitute which is made in order for failure to comply with the provisions of clause 4, rule XXI, which deals with the question of appropriation in a legislative bill.

This is necessitated by what I believe to be a noncontroversial section of the bill providing for a method of encouraging people to cooperate in finding guilty parties.

That is the only unusual aspect of the rule. I know of no opposition to the rule, and I therefore reserve the remainder of my time.

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

Mr. Speaker, I agree with the statement just made by my friend and colleague on the Rules Committee and state that I support this rule and the bill.

The purpose of H.R. 10420 is to prohibit the harassing, catching and killing of marine mammals by U.S. citizens or within the jurisdiction of the United States, unless taken under the authority of a permit issued by an agency of the executive branch. The bill would also create an independent three-member Commission to review the operations of the program and to recommend ways in which it might be improved.

Both the Department of Commerce and the Department of the Interior will participate in the administration of this program which follows the present division of authority. The Commerce Department's involvement in marine mammals is derived from its subordinate agency, the National Marine Fisheries Service, which has some responsibilities for research and some management of cetaceans—whales, porpoises, and dolphins—and seals. This bill continues the same jurisdiction. The other animals covered by this bill such as walrus, sea otters, polar bears and manatees will continue to be under the authority of the Department of the Interior.

The Committee on Interstate and Foreign Commerce retained the status quo

largely on the hope and expectation that a Department of Natural Resources would be shortly forthcoming, at which point the two programs would be merged into one.

The cost of the bill would be \$15,300,000 over a 5-year period in order to carry out research and management responsibilities assigned to the administrative agencies and \$5,000,000 over a 5-year period for the Marine Mammal Commission.

The report of the Committee on Interstate and Foreign Commerce includes departmental letters from the Civil Service Commission, the Department of Commerce, the General Services Administration, the Department of the Interior, the Department of State, the Department of Justice, the National Science Foundation, the Small Business Administration, the Smithsonian Institute, and the Department of the Treasury. While these letters recommend some revisions in specific language, none oppose the bill. Many of these suggested revisions are incorporated in the bill finally reported by the committee.

I might say, under the rules of the House, there is not any other way we can take care of this payment, other than by waiving the rule. That is the purpose for waiving the rule in this case.

Mr. Speaker, I have no further requests for time, and yield back the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The resolution was agreed to. A motion to reconsider was laid on the table.

#### CALL OF THE HOUSE

Mr. BROOKS. 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. 69]		
Abzug	Diggs	Mikva
Anderson, Tenn.	Dulski	Miller, Calif.
Archer	Edmondson	Murphy, Ill.
Ashbrook	Edwards, La.	Murphy, N.Y.
Badillo	Ellberg	Passman
Baring	Erlenborn	Patten
Bell	Flowers	Pepper
Bingham	Forsythe	Powell
Blatnik	Fraser	Pryor, Ark.
Bow	Fulton	Pucinski
Brasco	Fuqua	Rees
Brown, Mich.	Gallagher	Riegle
Buchanan	Gallagher	Rousselot
Burke, Fla.	Gaydos	Scheuer
Camp	Harvey	Stanton
Carey, N.Y.	Hébert	J. William
Casey, Tex.	Heinz	Stubblefield
Celler	Hull	Symington
Chisholm	Jones, Tenn.	Teague, Calif.
Clark	Lloyd	Teague, Tex.
Clay	Long, La.	Terry
Collins, Ill.	Macdonald, Mass.	Thompson, Ga.
Dellums	Madden	White
Devine	Metcalf	Young, Fla.

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further pro-

ceedings under the call were dispensed with.

#### PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 11896, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972, UNTIL MIDNIGHT, MARCH 11

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Saturday, March 11, 1972, to file a report on H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972.

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

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 8589, HEALING ARTS PRACTICE ACT, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. STUCKEY, JACOBS, MIKVA, NELSEN, and BROYHILL of Virginia.

#### MARINE MAMMAL PROTECTION ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10420, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. DINGELL) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the bill before the House, H.R. 10420, is a strong and responsible measure. It should be enacted.

As the Members, my colleagues, are

aware, this same bill was before the House last December on the Suspension Calendar. The bill had a strong majority in favor of passage but did not achieve the necessary two-thirds required, and the motion failed.

Mr. Chairman, at this time I yield 3 minutes to my distinguished friend, the gentleman from Maryland, the chairman of the full committee.

Mr. GARMATZ. Mr. Chairman, I rise in strong and enthusiastic support of H.R. 10420, the Marine Mammal Protection Act.

This legislation is designed to do exactly what its title implies—provide badly needed protection to marine mammals.

That protection might have been much closer to reality today, and this Chamber would not be engaged in this debate today, if this bill had passed the House when it was voted upon in the last session of this Congress on November 30, 1971.

Actually, this bill received a majority of favorable votes on that day—the official vote was 199 for, and 150 against; in essence the legislation was defeated because it failed to receive the required two-thirds vote to suspend the rules.

Mr. Chairman, very few bills survive the legislative process without being attacked from one quarter or another, and normal and rational opposition is always expected on controversial matters; indeed, opposition is an important and healthy part of the legislative process, because it provides a catalyst for hammering out more realistic legislation during committee consideration.

Unfortunately, the opposition to our committee's ocean mammal bill was neither normal nor rational, and it certainly was not healthy. It was destructive, because it embodied an unrealistic, "all or nothing" approach, and it was dictated by emotion, rather than by reason.

The primary opponents to this bill are not really conservationists—they are more properly referred to as "protectionists"—and their basic position seems to be that man should leave all animals alone. They blindly oppose all forms of wildlife management, disregarding the cold reality that the balance of nature has already been disrupted, and, that nature therefore, must be managed and helped by the guiding hand of man; these protectionists, in their emotional approach, refuse to see that leaving the animals alone may be more damaging to the animals themselves—as well as to the natural ecosystems upon which these animals depend.

Unfortunately, the opposition from this small group of protectionists—whom I personally regard as irresponsible—was very vocal and effective, because they succeeded in arousing and deliberately misleading the public by appealing to human emotions and by deliberately distorting and misrepresenting the facts.

Even more tragic than this irrational approach was the fact that the success of this irresponsible group was made possible because of the extensive coverage devoted to their views by the nation's press. It is astonishing that this small group was able to gain access to

several leading newspapers—which presented to the public a distorted picture of the complex ocean mammal problem—almost to the exclusion of the more reasonable and practical views of the more responsible conservation groups and experts.

Despite the fact that the preponderance of the established, recognized and prestigious conservation groups did, in fact, support our committee bill—even though they did not completely agree with all facets of that bill—the press in general failed to present that side of the story. Instead, some highly respected papers continued to act like a parrot by repeating the one-sided line of argument advanced by the protectionists.

The Washington Post was one of the papers guilty of this; as a matter of fact, that paper failed to use a letter of rebuttal written by the president of the Rachel Carson Trust for the Living Environments, Inc.—one of the most widely respected of all the ecology-oriented groups.

The Baltimore Sun was also guilty of a distorted and one-sided presentation of the ocean mammal problem; it chose to provide that kind of coverage, even though its reporter was warned that the views being presented were the views of an irresponsible group that is determined to kill any bill other than the one it supports. I also am personally aware that several letters of rebuttal, sent to the Sun by the various conservation groups that protested such slanted and inaccurate reporting, never appeared in print. I am astonished and ashamed that the Sun—a Baltimore paper—apparently made a deliberate decision to not give its readers the opposite and more true picture of the complex ocean mammal problem. Other normally responsible papers, such as the New York Times, are also guilty of similar slanted articles.

This irresponsible press coverage has had a definite and damaging impact upon the public. I have personally received many hateful and vitriolic letters from citizens who have been aroused and even infuriated because they have been convinced—by shoddy journalism—that the Congress and this committee is trying to railroad a piece of bad legislation.

Mr. Chairman, in referring to our committee's consideration of this legislation, I want to emphasize that this bill was not given perfunctory treatment. The committee held extensive hearings on this involved and controversial subject; because this subject was so complex and important, the committee members worked long and hard. And, because so many groups and individuals wanted to testify, it required 4 full days of hearings—consuming both the morning and afternoon of those 4 days—to receive all the pertinent testimony necessary for the evolution of a practical bill. This testimony was received from ecology groups from independent scientists—and also from the so-called protectionists.

The committee also held 7 days of grueling executive sessions, from which finally emerged the bill being consid-

ered here today by the House. It is a good bill.

Mr. Chairman, I am not here to appeal to emotions; I am here to appeal to my colleagues to act today on the basis of reason and good sense; I urgently appeal to them to vote for passage of this legislation, so that we can get on with the work of providing some immediate and practical protection for the oceans' mammals.

Mr. DINGELL. Mr. Chairman, the bill before the House, H.R. 10420, is a strong and responsible measure. It should be enacted.

As the Members are aware, this same bill was before the House last December on the Suspension Calendar. While we had a majority in favor of passage, we did not have the necessary two-thirds, and the motion failed. There were and are some disagreements between various people on the best way to provide protection to the marine mammals, but there was no disagreement over the fact that they need more attention and enlightened protection than they have received in the past.

Essentially two alternative approaches were urged upon our committee. One, which might be described as that of the protectionists, would impose an absolute ban upon the taking or importing of all marine mammals. The other proposal, which was reported to the House as H.R. 10420, would respond to the problem by authorizing an extensive and intensive program of management of species and stocks of marine mammals.

The controlling issue in the controversy between these two views must necessarily be what is best for the animals themselves and for the ecosystems upon which they, and possibly we, depend. Under this criterion, the committee concluded that enlightened, effective management of marine mammals is the better course of action to pursue at this time.

Critics of management programs point to failures of other management programs, such as the International Whaling Commission, as evidence that the concept itself is unworkable. While it is undeniable that some programs—including the IWC—have been inadequate, it is no more rational to conclude from this that the management concept should be abandoned than it would be to throw out our system of criminal justice because miscarriages of justice have occurred in the past. The answer, it seems to me, is to improve the system, and not to scrap it altogether. H.R. 10420 attempts to do just this—to see that management systems are devised—in ways, I might add, that have never been tried before—which will be responsive to the needs of society and of the animals themselves.

A notable, and I believe, basic defect in the proposal of the protectionists lies in its complete lack of a research program designed to improve our knowledge of these animals. You have already heard evidence of the almost nonexistent research efforts that have been developed by the Federal Government in the past—with the exception of the Alaska fur seal program, which must surely stand as an outstanding example of what can



happen under a sound management program.

The significance of an adequate research program becomes apparent when one considers the fact that the species and stocks of animals described in this legislation are almost without exception migratory and/or international—or at the very least live in waters that may go beyond the territorial limits of U.S. jurisdiction. What this means, of course, is that these animals may be, and often are, considered "fair game" by citizens of other countries: citizens for whom a self-imposed U.S. ban would mean only that there would be more animals for them to take. While we can understand the temptation to adopt a moralistic posture, banning all killing of marine mammals by U.S. citizens, and to urge all other nations to follow our lead, I think that we must recognize the cold reality that they will not do so today.

A case in point might be the recently negotiated treaty to regulate the catching of Antarctic seals. We were very clearly told by the other 11 nations at the London conference in February that they were not at all interested in creating an Antarctic preserve for seals. Faced with scientific statements that there may be as many as 50 million seals in the waters off Antarctica, the decision was made by all the countries present to permit limited and controlled taking of Antarctic seals, with that taking heavily weighted toward conservative limits, pending the development of more and better information to tell us how these resources can be best used without sustaining serious damage.

Few other nations of the world consider themselves as highly favored as we are today, having adequate supplies of protein and other raw materials. For the less favored countries, marine mammals are not a luxury, but are rather a potential source of food or cash. I doubt if any Member likes the idea, but it does no good to pretend that it is not the case.

I believe that such nations can be reached, however, by being shown that marine mammals are resources which can be depleted by overuse, and that this will result in long-term losses for all concerned. The fable of the goose and the golden eggs is told in many other languages than English.

This is in fact the argument that finally seems to be prevailing with respect to the great whales, although even here it appears that there is no lack of opportunists who may be quite willing to destroy resources for all time for the sake of a quick return.

For this reason, and since we know that the pressure for exploitation of these and other resources is on the increase, it becomes imperative that we develop a sound, broadly based research program to define accurately the limits of what can safely be done without endangering the resources themselves.

I do not think that it would be a responsible act for this Congress to adopt legislation which imposes a flat ban on our taking of marine mammals without providing a sound research program to help us plot a course for the future. I say

this not because I am unsympathetic with the motives and concerns of the protectionists, but because I am convinced that their proposal just will not work. And that therefore it is not responsible to the best interests of the animals themselves.

The criticism of the protectionists, if I may call them that, turns on the discretion which the Congress vests in the Secretaries. Their criticism can be met quite easily, I think. If we assume, as we must, that these groups are sincere in their declarations of concern for the marine mammals, we provide to them every opportunity to review the discretionary acts of the Secretaries, and to see that they measure up to the very strict standards of the bill. Before issuing any permit for the taking of a marine mammal, the Secretary must first have it proven to his satisfaction that any taking is consistent with the purposes and policies of the act—that is to say, that taking will not be to the disadvantage of the animals concerned. If he cannot make that finding, he cannot issue a permit. It is that simple.

Further, he must announce to the public what actions he proposes to take, and must detail the evidence upon which he proposes to act. He must hold public hearings on his proposed actions; he must publish recommendations of agencies which may be critical of his actions—in all of these he has no discretion whatever.

Once he establishes these limitations, he must thereupon go through another public review process in order to grant permits for the taking of marine mammals. At this point, public hearings are discretionary, although the committee is strongly of the opinion that this discretion should continue to be exercised in the direction of full disclosure and open hearings in controversial cases. If the interested public is of the opinion that his discretion has been abused at any point in the process, it is given the right and opportunity to appeal under the Administrative Procedures Act.

Still further safeguards are built into title II of the bill, which authorizes the establishment of an independent Marine Mammal Commission, charged with responsibility for reviewing the entire program, and for considering and recommending ways in which that program may be improved. The commission is given further powers, which I have never seen in any other legislation enacted by Congress: Recommendations which it makes to Federal agencies must be considered carefully by them, and recommendations which are not followed must be returned to the commission with a detailed explanation of the reasons that they were not followed.

The bill goes even further, and requires the creation of an independent scientific review panel, to which the commission may, and indeed must refer for advice on scientific questions relating to the mammals in question. This committee is given similar powers to make recommendations, in the form of formal recommendations from the committee or in the form of recommendations from any member.

I simply do not believe that any administrator, forced to operate in that kind of goldfish bowl, can abuse the discretion that the committee has given him. The concern expressed by the protectionists just does not take account of these extensive safeguards.

It is an important element of the package which we have brought to the House today that the burden of proof in every case rests upon those who propose to capture or take a marine mammal. In order to obtain a permit, they must show that the proposed taking is consistent with the act and is not to the disadvantage of the animals concerned. If they cannot show this, they get no permit.

Opponents of any legislation claim that it is essentially meaningless to attempt to deal with these problems on less than a global basis; and it is undeniable that many of these animals are found in areas not within the jurisdiction of the United States, and are hence open to taking by nationals of other countries. It is certainly our hope that the enactment of strong legislation by this country will serve as a strong example to other countries—just as it is our hope that the ocean dumping legislation, which earlier was acted upon by this body, will serve as such an example. More basically, however, it seems to the committee that a start must be made on the question, and that this, at least, is one thing that we can do. And, I might add, should do.

The committee did not rest here. We included strong language in the report to require the Secretaries to cooperate with the Secretary of State to develop more effective and broader treaties for the protection of marine mammals on a worldwide basis. We also incorporated specific dates by which action had to be taken. I think that I can safely assure this body that we will be watching the development of these activities with great interest.

Contrary to what the opponents of this legislation may say, it is not true that the principal support for this legislation comes from the exploiters. Instead, it comes from those who have a sincere and long-term interest in the welfare of the animals involved. I think I am safe in assuring this body that without this kind of support it would never have been possible to have developed the strong bill which is here before you today.

I am aware that this bill has been criticized as being a weak bill. In all candor, I must say that those who have criticized it in this way have not fully grasped the nature of the protection which we have provided. While it is not a simple bill, it is a strong bill, related not to an emotional attitude that cannot accept the thought of an animal suffering, but rather to a positive attitude that man must change his relationship to animals, and must take positive steps to see that they do not suffer unreasonably at his hands.

It is not at all a weak bill. It is indeed a strong bill, providing extensive and ample protection for marine mammals. I recommend its approval.

Mr. PELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 10420, introduced by the gentleman from California (Mr. ANDERSON) and co-sponsored by myself, which would provide for protection and conservation of marine mammals, establish an independent Marine Mammal Commission, and for other purposes.

As I explained during my remarks on the House floor on December 6, when H.R. 10420 was considered under suspension of the rules, I know of no one single legislative area in this session of Congress which has drawn more attention from a great many of my colleagues, and from the general public at large, than measures pertaining to the protection and conservation of marine mammals. Your committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body. Such concepts ranged from a simplistic approach of a complete ban or "moratorium" on the taking of marine mammals, to measures providing for the convening of international treaty meetings or to authorization of large research programs.

Your committee, since the first day of hearings on this legislative area in September 1971, has carefully, studiously, and impartially evaluated and digested the pros and cons of all approaches, received and considered expert helpful testimony from just about every major environmental and conservation organization, conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs administered by the Departments of Interior and Commerce, fully evaluated the extent of protection and conservation measures on an international scale, and have established an impressive scientific and technical record as to the current and anticipated status of each of the marine mammal species. These efforts have culminated in the measure pending before you now, H.R. 10420, which initially formed the basis for the committee's deliberations and has been expanded considerably as a result of your committee's efforts. Excellent assistance was provided by the administration in assisting this committee in its work during the last 3 months. To the extent that the recommendations of the administration have been consistent with your committee's objectives, these comments and legislative suggestions have been embodied within the conceptual framework of the bill, H.R. 10420.

As a result of these hearings, your committee has concluded that the range of animals to be included in the legislation should include all marine mammal species known to man; that is, porpoises, whales, seals, walrus, sea otters, polar bears, and sea cows. All of these mammals are found on the high seas, in territorial waters, and on U.S. lands with existing protection and conservation mechanisms varying from jurisdiction to jurisdiction and from species to species. We concluded that existing levels and emphasis on research funding are frag-

mented and in need of revision and expansion. We concluded that, due to the national and international importance of these mammals moving in interstate and foreign commerce, action by the Federal Government was warranted and necessary. We concluded that the moratorium or complete ban on the taking of marine mammals should be just one of the many protection and conservation devices which should be utilized, and that a properly balanced species management approach would give the regulatory agencies the flexibility to insure the protection of each species in light of specific environmental factors affecting such species. In short, your committee concluded that it was imperative that the proper legislative and regulatory framework be established now—not at a time in the future when many or most of these species have joined the "endangered" or "extinct" list. In this case, the old adage that "an ounce of prevention is worth a pound of cure" is quite applicable, for in the absence of this comprehensive legislative approach and regulatory scheme on an international, national, and State level—these species will go the way others have, due to the past inability of man to accept the environmental and historical concept that the living natural resources of this planet are irreplaceable and should be protected and conserved for the benefit of future generations and the delicate balance of our fragile marine and ocean ecosystem.

Consequently, in the legislation pending before you, your committee has provided that it shall be unlawful to take any marine mammal except pursuant to a permit. Prior to the granting of a permit, the Secretary of the Interior and the Secretary of Commerce, within their specific areas of species responsibility, must establish specific limitations on the taking of mammals in that species on the basis of sound scientific evidence, and only after evaluating and establishing the impact which such a proposed level of taking would have on the marine ecosystem, the marine mammal species itself from the standpoint of population dynamics, on other natural resources of the oceans such as fish, and the economic and technological feasibility of actual implementation of such taking level.

Violations of the act are punishable by a civil penalty of \$10,000 or a criminal penalty of \$20,000 and/or 1 year's imprisonment. Vessel forfeiture is also provided. Enforcement is provided by both Federal and State officials. Recognizing the fact that complete and total protection and conservation must be provided worldwide if the U.S. program is to have any impact, the legislation requires the Secretary of State to seek an international convention on the subject of marine mammal protection in addition to other bilateral or multilateral international treaties which are consistent with the purposes and policies of the act. Recognizing the fact that any such regulatory and conservation program must be based on sound scientific and technical data, the legislation authorizes the Secretaries to make research grants for research and/or program administration. Authorization level is \$500,-

000 to the Secretary of the Interior and a like amount to the Secretary of Commerce.

An independent Marine Mammal Commission, appointed by the President, will provide an additional research capability and perform a valuable advisory function to both the Federal agencies and Congress. The required scientific expertise which the Commission needs is provided by a Committee on Scientific Advisors appointed by the Commission chairman. The Commission is provided a 5-year authorization of \$1 million per year with the proviso that at least three-fourths of this annual amount must be spent on research. The Secretary of Interior is authorized \$700,000 for the first year's administration of the program and \$525,000 thereafter for each of the next 4 fiscal years. The Secretary of Commerce is authorized \$1.5 million for the next 5 fiscal years for administration.

Mr. Chairman, in the case of many of these species, such as the porpoise, there is not a great deal known as to the world population levels, the current level of taking either in conjunction with the utilization of other marine resources or otherwise. Thus, the importance of the research provisions of the legislation cannot be overemphasized. Certainly, where there is a lack of scientific information as to whether or not a current level of taking is harmful to the species and the marine ecosystem, it would be advisable to approach the issuance of permits from a conservative standpoint.

However, this is not to say, and I believe it is not your committee's intention, that the Secretary of the Interior or Commerce should establish arbitrary low or high levels of permissible taking solely from a fear of the unknown expressed on the part of the regulatory agency or the general public.

The Secretary, in section 102 of the bill, must base his levels of limitations on sound scientific and technical evidence and consequently has the burden of proof of justifying his decision from all of the evidence presented and available. Then, once the general limitations for each species have been established, the burden of proof shifts to the person applying for a permit to take marine mammals, who must demonstrate that the perimeters of the permit are consistent with the purposes and policies of the act and the established limitations.

Mr. Chairman, this measure now pending before this body is landmark legislation, and I urge its overwhelming passage.

Mr. Chairman, the matter of clarification of certain language I think should be written into the record, and for that purpose, Mr. Chairman, I would like to direct a question to the distinguished gentleman from Michigan with regard to the meaning of section 103 regarding the authority of the Secretary to issue permits.

Was it the intent of the committee that in the case of the commercial fishing industry general permits would be issued to cover all of the participants in a particular fishery?



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

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

Mr. DINGELL. The gentleman from Washington is entirely correct.

As is stated in the committee report—it is stated in the report that it appears to the committee that the tuna fleet would be an appropriate recipient of the general permits, under the authority of section 103(i) of title I, keyed not to specific numbers of porpoises which might be taken but to the techniques that should be used in fishing operations.

I would further point out to the gentleman that it is the intent of the committee to operate this program in such a fashion as it will protect the porpoises.

Mr. PELLY. I would like to say to the gentleman from Michigan that that was my interpretation of the matter.

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

Mr. PELLY. I yield to the gentleman from Oregon.

Mr. WYATT. I would like to commend the chairman of the subcommittee and the gentleman from Washington (Mr. PELLY) for the approach that has been taken in this bill which has been reported by the committee.

I am becoming increasingly distressed by the emotional atmosphere and approach taken to many of our conservation problems which are actually made in this body based purely upon emotion and not on the basis of facts.

The bill reported out by this committee would set up the machinery by which a reasonably intelligent decision could be made and, certainly, assures the preservation of mammals as described in the bill, and also assures the preservation of a major industry in the United States and that is the tuna industry which is a contributing factor to the economy of my State and particularly to both coasts of the United States.

I think these people are entitled to consideration. I do not feel that there is going to be any wiping out of the mammal population of the oceans as a result of the failure to enact an immediate moratorium on the taking of mammals, which would have disastrous effects.

Again I commend the committee.

Mr. PELLY. Mr. Chairman, I would like to thank the gentleman from Oregon (Mr. WYATT) and to say to the gentleman that I too feel that the chairman of our subcommittee, the gentleman from Michigan (Mr. DINGELL) has rendered a great service through his deep interest in conservation, and at the same time has come up with a very practical approach.

I would state further that I have never known of an occasion where a committee has considered more carefully all the various approaches and aspects as this committee has on this legislation, and I feel that it has come up with a reasonable bill which should have the support of the Members of the Congress.

Mr. WYATT. Mr. Chairman, if the gentleman would yield further, I would also like to say that I do not believe anyone with any reason or justification can

question the sound conservation credentials of the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) and the gentleman in the well (Mr. PELLY). These have been established over the years, and anyone who attempts on a particular issue such as this to question the bases of those credentials is just as wrong as wrong can be because the conservationists in this country have no better friends than JOHN DINGELL and TOM PELLY.

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

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

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman whether there has been any change in this bill since it was defeated last December?

Mr. PELLY. This is the identical bill that failed to receive a two-thirds majority when it was considered under a suspension of the rules. I know many of the Members objected at that time on the way it was brought up because they could not amend the bill. I know that we are going to have some amendments to this bill. So I rather think there could be some changes from the original bill.

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

Mr. PELLY. I yield to the gentleman from Alaska.

Mr. BEGICH. Mr. Chairman, I thank the gentleman for yielding.

I know that you, Mr. PELLY, as I, are concerned with the salmon fishing industry, and that you have been for many, many years, and I would like to ask you one question relative to the permit system proposed.

In considering the bill (H.R. 10420) as reported, and in considering the amendment proposed by the gentleman from Arizona (Mr. UDALL) a great many questions arise because so much of the impact of this legislation falls on Alaska. I will attempt to resolve these difficulties with the assistance of the gentlemen who have prepared both the basic legislation and the amendments.

My first area of concern relates to the permit process as a whole, and to its specific operation regarding permits for the taking of ocean mammals which become tangled in the fishing gear of commercial fishermen. I am aware that the basic problem in this area relates to the tuna industry and the problem caused by dolphins in tuna nets. A problem which is evidently of smaller magnitude exists in Alaska regarding the occasional destruction of fishing gear by seals, sea lions, and other marine mammals.

My concern regards the procedure contemplated for acquiring a permit for such purposes. Such an occurrence is both unpredictable and random in terms of when and where it will occur. The Alaska coast is over 3,000 miles long; it is fished by over 20,000 licensed fishermen, over half of which are residents of Alaska scattered all along the coast. Most of these men can expect that at some time during their fishing career, they will be confronted with a marine mammal tangled in their gear. My question is whether or not this permit requirement

contemplates a system which will process this many applications each year.

I would hope that what is contemplated is the issuance of general permits, either to State fish and game agencies or to associations of fishermen or other groups of individuals. I would hope that such permits might be based on a series of well-considered standards which are relevant to the fishing operation and the marine mammal species involved. Thus, the standards for the conflict between tuna and dolphins may very well be different than those for the problems caused for salmon fishermen by seals or sea lions. In some cases, where the marine mammal species is particularly endangered, perhaps a standard would be appropriate which makes it clear that the gear is secondary to the mammal.

In any case, I would appreciate comments on this contemplated process, and urge that it include a system which will avoid the construction of an expensive, cumbersome, administrative structure, and will allow general anticipatory permits to responsible groups or government agencies based on sensitive standards. Perhaps you can put this in the context of the discussion you had earlier with the gentleman from Michigan (Mr. DINGELL).

Mr. PELLY. It is my understanding, and I think this is borne out by the colloquy that took place between the gentleman from Michigan (Mr. DINGELL) and myself, that a general permit would be issued to a fleet, in the case of a fishing fleet and, as it applies to the salmon runs, I am sure that it would cover the Bristol Bay run, or any other of the Alaskan runs, without having to have a special permit for any one fishing vessel.

Mr. BEGICH. I thank the gentleman.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from California, the author of the bill, a very distinguished member of our committee, and an outstanding conservationist (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 10420, the Marine Mammal Protection Act.

As Congressman PELLY has just stated, there has been no one single legislative area in this session of Congress which has drawn more attention from the public than measures pertaining to the protection and conservation of marine mammals.

The Merchant Marine and Fisheries Committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body.

Since the first day of hearings on this topic in September 1971, the committee has carefully, studiously, and impartially evaluated and digested the merits and demerits of the different approaches; we have received and considered expert testimony from major environmental and conservation organizations. Finally, we conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs, both on a national and an international basis.

The bill before us now, H.R. 10420, is a result of these extended hearings and

executive sessions. It represents what I believe to be a workable measure whereby marine mammals will be protected from exploitation by man.

#### PROHIBITIONS

Exactly how does the bill protect marine mammals?

First, except for approved scientific research, the bill absolutely prohibits the importation of any pregnant marine mammal, any marine mammal that is less than 8 months old, any species of marine mammal which is depleted or endangered, or any marine mammal that was killed or captured in an inhumane manner.

To further explain this absolute prohibition: if a person imported a baby seal into this country, that person would be subject to a \$10,000 fine for each violation. A second conviction could lead to a \$20,000 fine and/or 1-year imprisonment.

If a person imported into this country a whale, or some other species that is endangered, that person would be subject to a \$10,000 fine for each violation.

If a person imported into this country any marine mammal which were caught in a manner determined to be injurious to marine mammals, then that person would be subject to a \$10,000 fine for each violation.

#### MARINE MAMMAL COMMISSION

Second, this bill establishes an independent Marine Mammal Commission, charged with the responsibility for reviewing the entire marine mammal program. This three-member Commission shall be knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals.

In other words, this Commission shall be objective, and shall have no financial connection with any industry, such as the fur industry, which has an interest in the taking of marine mammals.

The recommendations of the Commission shall be thoroughly considered by the Secretary and, if those recommendations are rejected, the Secretary must explain in detail why they were not followed.

#### COMMITTEE OF SCIENTIFIC ADVISERS ON MARINE MAMMALS

In addition to the Commission, the bill establishes a nine-member Committee of Scientific Advisers on Marine Mammals. This committee shall be knowledgeable in marine ecology and marine mammal affairs, and their recommendations acknowledged by the Secretary. If the recommendations are not followed, the appropriate Federal agency must explain to Congress the reasons for not accepting such recommendations.

#### AUTHORIZED TAKING OF MARINE MAMMALS

In the event that a species of marine mammals is found to overpopulate an area, and if a portion of that species cannot be moved to a more favorable location, then the Secretary may issue, after public hearings, a permit allowing the killing of a selective number of such species.

This permit system is authorized in order to meet the desires of those con-

servationists who feel that professional wildlife scientists should be permitted to manage and obtain the maximum number of a particular species.

In order to obtain a permit to sell, import, capture, kill or hunt a marine mammal, a person must apply to the Secretary for such a permit.

Upon his receipt of the application, the Secretary is required to publish a notice in the Federal Register, and to invite interested parties to submit their views with respect to such application.

Those who seek the permit must show that taking a selective number of marine mammals will not work to the disadvantage of the stock of the mammal involved.

After considering the application, its effect on the existing levels of the stock, the divergent views, and the recommendations of the Marine Mammal Commission, the Secretary may issue a permit only if such a permit will not endanger the health and the stability of the marine ecosystem.

Mr. Chairman, the bill H.R. 10420 would put into practice that many of us have thought for a long time:—that the killing of a baby seal merely to place a coat on the back of some society matron is an obscenity and must be stopped.

This bill would prohibit the importation of any baby seal; it would prohibit the importation of any endangered species, except, of course, for scientific research.

The bill has the support of many major conservation groups:

The Rachel Carson Trust for the Living Environment;  
The National Audubon Society;  
The Wilderness Society;  
The Wildlife Management Institute;  
The Society of Animal Protection Legislation;  
The Izaak Walton League;  
The National Wildlife Federation;  
The Humane Society of the United States.

This is a good bill which deserves our support and I urge my colleagues to vote for its adoption.

Mr. PELLY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 10420, legislation designed to provide protection and conservation of marine mammals.

The importance of this legislation cannot be overemphasized, because the present state of many of the ocean's mammal species is precarious. There is almost a complete absence of scientific information on many of the threatened ocean mammals, and the existing protection and conservation programs in effect for them are considerably fragmented.

It is obvious there is a strong need for a concerted national effort to insure complete compatibility of program objectives and conservation measures. Failure to enact legislation such as that which is now pending before this body will have the deplorable effect of further depleting various marine mammal species and the role they play in assisting to maintain the delicate balance of our ocean environment.

In hearings conducted on this legislation, the question arose as how best to provide protection for these ocean mammals; that is, whether to institute a total species management protection program or one containing flexible elements that permit adjustments to particular ocean mammals circumstances.

On the total species management protection aspect, Dr. Lee Talbot of the Council on Environmental Quality submitted this view in presenting testimony on the legislation:

Total protection is a necessary tool of management when the objective of management is, as we have described it, the broad maintenance of the balance, the stability of the environment, and the avoidance of the depletion or extinction of the species. There are a number of situations where total protection for a time, and in some cases perhaps relatively permanently, is required, but because environmental conditions are dynamic, it is frequently necessary to subsequently apply some other form of management in order to assure our original objective. We have a number of situations on land where total protection of some species, for example, of the deer, has resulted in what amounts to a population explosion of that species, which has adversely affected its own environment and that of many of the other organisms, plants, and animals, with the ultimate damage to the species we were trying to protect.

The bill before us embodies the species management concept, but it is important to note that there is built into the legislation certain tools for adjustment to an existing set of circumstances surrounding our ocean mammals. For instance, under this legislation, a total or partial ban on the taking of a particular marine mammal species is possible, providing scientific evidence demonstrates that either type of ban is justified.

The legislation has other merits. The research provisions are comprehensive, and the authorization levels are conservative, being based on a strong factual basis of need. The bill also contains elements that will serve to assist materially Federal, State, and local conservation efforts in a well-coordinated program of complementary research, administration, and enforcement.

I strongly recommend passage of this legislation.

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

Mr. GOODLING. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I rise in support of the Marine Mammal Protection Act, H.R. 10420, designed to bring about meaningful conservation and preservation of seals, whales, dolphins, porpoises, sea otters, polar bears and other mammals of the sea.

The chairman and the members of the Committee on Merchant Marine and Fisheries are to be congratulated for acting with dispatch on this measure and reporting a more comprehensive bill than that which was originally offered. The Members of the House may now take pride in their wise decision to reject the original version of the bill, as presented under suspension of the rules.

Today we have the opportunity for better debate of the issues and we can



incorporate strengthened amendments to provide truly responsible protection.

The Marine Mammal Protection Act has been partially shaped by the public outcry to stop inhumane acts, specifically the wasteful and senseless slaughter of marine mammals. The letters from my constituents on this subject state emphatically: "Stop the killing of baby seals." "Stop the senseless destructions of dolphins caught in fishing nets."

To enact this legislation as it is before us, without amendment, would not do justice to the public's interest in the welfare of these marine inhabitants. We will not pacify the reaction by taking token opposition to current practices. We have the opportunity to answer the public concern. We have the means to develop technology to benefit the marine mammal population without destruction of legitimate commercial interests.

In my judgment, we should today amend the Marine Mammal Protection Act to contain the following provisions:

Clarification of certain language of the bill with respect to the import ban on marine mammal products in order that the U.S. market is not the recipient of baby harp sealskins;

Clarification of the language to include the "declining" as well as "endangered" species;

Concentration of responsibility for protection of the marine mammal under the sole authority of the Secretary of the Interior;

Authority to individual States to establish regulations which may impose stricter standards of enforcement in this area;

Imposition of a deadline on the commercial fishing industry making the current netting process illegal, and development of research to devise alternative methods for this operation.

With the above provisions, we would have strong, effective legislation to protect the marine mammal. I urge the inclusion of these amendments as positive action toward eliminating the wasteful destruction of these creatures. Our action today would be a great beginning. Beyond today, we must take the responsibility for not just keeping the marine creatures alive, but also preserved in a healthy marine environment. Proper treatment of animals is not only humane, but is also in the best interests of man. We may not be able to afford to waste more links in nature's chain.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Biaggi).

Mr. Biaggi. Mr. Chairman, I rise in support of the committee bill, in general, but would like to offer a few criticisms of certain sections and ask a few clarifying questions.

Let me say first that under the leadership of the gentleman from Michigan (Mr. Dingell) the committee has brought to the floor one of the most difficult proposals of this Congress. The need for ocean mammal protection has never been disputed by the committee. The question was the need to be fair to all Americans and still provide adequate safeguards for our ocean mammals. Compromise in this respect is a key element of the democratic process.

The bill provides for strong regulatory powers over the taking of ocean mammals. This is a first. It puts this country on record against the continued disregard for our ocean mammals and for international laws that will eventually ban their unnecessary killing.

However, the bill does not go far enough in certain areas, such as the incidental taking of porpoises and dolphins while catching tuna. Thousands of these ocean mammals are needlessly killed every year in the quest for tuna. This slaughter is a result of a switch by the industry from line fishing to the use of seine nets. The switch was necessary to keep the U.S. tuna industry competitive with foreign fishermen and thus save hundreds of American jobs.

The committee bill does not provide sufficient support and pressure for finding ways to catch tuna without killing porpoises and dolphins. I intend to introduce an amendment which will do just that, yet not force the tuna industry to shut down if no way is found in a given period of time.

Second, the bill divides the regulatory authority between the Departments of Interior and Commerce. Such a mammal protection measure rightly belongs in the Interior Department, which has demonstrated its commitment to protecting this Nation's natural resources. It certainly does not belong in a department that has publicly stated there is no need for such a measure.

Third, the bill does not deal with the question of imports. By banning imports of ocean mammals and their products, we can eliminate the market for them and thus reduce the killing. Like the whalebone used in corsets, the products from ocean mammals contribute little to the national welfare. They are used merely to satisfy the egotistical whims of women whose let-them-eat-cake attitude exceeds even that of Marie Antoinette. Banning of all imports would not be economically harmful and would help eliminate the market for ocean mammals products.

Fourth, the bill has no moratorium on the taking of ocean mammals to provide a period of time for depleted stocks to recover and to permit study of the ocean mammals situation so that decisions on permits can be adequately rendered. Experts in the fields have rightly determined that 10 years are necessary.

I and others will offer amendments to strengthen the bill in these areas and I hope we will enjoy the support of a majority of our colleagues.

Mr. Chairman, before I conclude my remarks, I would like to ask the distinguished gentleman from Michigan (Mr. Dingell) to clarify various points in this bill.

In the definition of "depletion" it would appear that the committee bill only recognizes species and stocks which have declined and are declining in numbers as being depleted. Would it consider as depleted species such as the gray whales or the sea otters which have historically declined in numbers to near extinction, but are now making a recovery?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, the answer to that question is generally "yes." I must point

out most of the whales are on the endangered species list and so are not subject to taking at this time, including all the commercially used whales at this particular time. As the gentleman has pointed out, the bill deals not only with the whale population but also with the population, and subdivisions of any species. Until the population stocks are built up to the optimum in the bill, they will not be subject to taking.

Mr. Biaggi. Mr. Chairman, the committee bill requires the Secretary in setting limitations to take into consideration the "conservation, development, and utilization of fishery resources" and "the economic and technological feasibility of implementation." Is not this the same as saying if the abalone fishing industry, for example, was allegedly being threatened by the sea otters, the Federal Government could order a selective killing of the otters to protect the fishing industry?

Mr. DINGELL. No. The answer to that is the basic consideration to be kept in mind by the Secretary under 102(a) is that the taking must not be to the disadvantage of the species of marine mammals. The protection of fish and shellfish is secondary. As a point of fact, the sea otter is not preying on the abalone; it is turning out that the real killer of the abalone is mankind.

Mr. Biaggi. On the question of public hearings on permits, the committee bill does not provide for mandatory hearings. I have found in the past that if such hearings are not mandatory, they are usually not held. Does the gentleman not feel that mandatory hearings in this respect are necessary to protect the public interest?

Mr. DINGELL. I would respond to the gentleman from New York by pointing out that section 102(d), which deals with the fixing of limitations, requires public hearings on the critical issue: the setting of limitations.

Mr. Biaggi. But they are not mandatory?

Mr. DINGELL. No; the answer is they are mandatory.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DINGELL. Mr. Chairman, I yield the gentleman from New York 1 additional minute.

Mr. Biaggi. The bill provides that Federal law shall preempt all State laws. This bothers me, since Florida has a stricter law protecting the manatee in the Everglades and California has a tough law protecting the sea otter in its coastal areas. Will not the committee bill weaken and perhaps destroy these strong State efforts?

Similarly, if a State wanted to pass a stricter law protecting ocean mammals in its area, the committee bill would make this impossible.

I would be interested in knowing the gentleman's reasoning on this question. How does this in any way provide the protection we all want for ocean mammals?

Mr. DINGELL. On page 43, section 109 (b) of the bill says:

The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the

protection and management of marine mammals.

It is the intention of the committee that they should keep in effect, through a cooperative agreement, the laws of States like Florida, which do have forward looking laws for the protection of species of mammals.

Mr. BIAGGI. I know the gentleman from Michigan has some specific views on the question of banning imports. I would appreciate knowing why the gentleman feels that a ban is not necessary and what protections, if any, are in the bill?

We have seen a great public outcry against the killing of baby harp seals in Canada. Should we not do everything possible to help eliminate a market for the products of these seals?

Mr. DINGELL. The gentleman raises an important point. A lot of people have been pushing for more imports who have not taken the trouble to read the bill. I would point out that baby harp seals, under the bill as drafted, without any amendment whatsoever, cannot be imported. If it appears that additional measures must be taken to further restrict the importation of marine mammals, our committee can and will consider the matter in further hearings.

Mr. PELLY. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 10420, the Marine Mammal Protection Act. I think this is basically a sound and necessary piece of legislation for which the Committee on Merchant Marine and Fisheries is to be commended. However, I do intend to support certain amendments which I feel will further improve this legislation, specifically, those being offered by the gentleman from Arizona (Mr. UDALL) and the gentleman from Arkansas (Mr. PRYOR). Last year I joined with the gentleman from Arkansas in co-sponsoring H.R. 7861, a much stricter marine mammal protection bill.

Mr. Chairman, I do not think there is any disagreement as to the need for strong marine mammal protective legislation, for there is no question that such species as seals, sea lions, whales, porpoises, dolphins, sea otters, manatees, walrus, and polar bears have dangerously declined in population in recent years and some are even on the brink of extinction. The bill before us today takes a number of steps designed to preserve these species, and I think that along with the amendment which I intend to support for a limited 5-year moratorium on the taking of these animals, offers a reasonable compromise between the opposing approaches of wildlife protection versus wildlife management. The idea of a limited moratorium clearly recognizes that unless we take this protective action, there will soon be nothing left to manage. As the Washington Post pointed out in a March 8 editorial:

The old argument centered on how to "manage" these creatures, but we have seen what this leads to: the Blue Whale, the hump back whale and polar bears were once included in wildlife management programs, and now they are nearly extinct. Clearly,

something else is needed in the oceans—protection, not management.

Mr. Chairman, for these reasons I intend to support the Udall-Pryor amendments for a 5-year moratorium on the taking of these mammals. I think that it will strengthen this legislation in such a way as to insure the preservation of these valuable species for generations to follow.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to my distinguished friend from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, this is important legislation. My colleagues will recall last December, when we had an unfortunate clash of proposals on this subject. There was a vote in December on the committee bill, which represented a great deal of work, effort, and thought. Some of us voted against suspension of the rules, because we favored the proposal offered by the gentleman from Arkansas (Mr. PRYOR) cosponsored by Senator HARRIS, of Oklahoma.

There has always been a good deal of good will and compromising spirit on this committee, and there is always evidence that men of good will can work things out.

I am proud to say that my colleague from Arkansas (Mr. PRYOR) working with the members of the committee and particularly the great gentleman from Michigan, the chairman of the subcommittee, has prepared an amendment which I believe would strengthen this bill and which would make it acceptable to all the major conservation organizations, who felt that previously the bill was not strong enough.

So at the proper time, Mr. Chairman, I will offer on behalf of myself and Representative PRYOR this amendment drafted by the gentleman from Arkansas. I think and believe and hope it will be acceptable to the committee and to the House. In this way we can resolve a very difficult situation.

Essentially what my amendment would do, Mr. Chairman, would be to provide the one ingredient that I believe this bill as reported by the committee does not have, and that is a moratorium. Talk has been had about a 10-year moratorium, about a 20-year moratorium, about a permanent moratorium. The amendment prepared by the gentleman from Arkansas, which I will offer, would provide for a 5-year moratorium, during which time this new independent commission would give us some of the answers we do not have about these wonderful sea mammals.

During that time we will be able to look into this policy and we will be able to make final decisions in this field.

There will be four very carefully and limited exemptions to that total 5-year moratorium some people wanted. I will discuss these exemptions at the proper time, when the amendment is offered. They are limited. They are for special purposes. I believe they will be satisfactory to the committee.

Mr. DINGELL. Mr. Chairman, will my good friend yield?

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

Mr. DINGELL. I have reviewed the

amendment, and it is acceptable, and I will so state at the appropriate time.

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

Mr. UDALL. I yield to the gentleman from Washington.

Mr. PELLY. I would like to say that I, too, have had the opportunity to study the gentleman's amendment. I believe I should tell him there is one point on which I disagree, and that is that in the gentleman's amendment the authority to issue permits is given to a commission or a committee of scientific advisers. I believe that properly such authority should be vested in the Department of the Interior with advice of this commission, and therefore I will simply offer an amendment to change that one thing.

Mr. UDALL. Mr. Chairman, I suspect that the gentleman's amendment to my amendment will be acceptable to me. I see some merit in the argument and in the point that he makes.

(Mr. PRYOR of Arkansas (on request of Mr. UDALL) was granted permission to extend his remarks at this point in the RECORD).

Mr. PRYOR of Arkansas. Mr. Chairman, my good friend and esteemed colleague, the gentleman from Arizona (Mr. UDALL) and I are today introducing amendments to H.R. 10420, the Marine Mammal Protection Act of 1971.

The distinguished chairman of the Merchant Marine and Fisheries Committee (Mr. GARMATZ), and the distinguished chairman of the subcommittee (Mr. DINGELL), and their committee members have labored long and hard on this bill. They are to be commended for the product of their efforts. They have provided an elaborate system for the management of marine mammals. Our concern is that this system does not go far enough and is not strong enough with regard to providing restraints against unchecked commercial killing of such animals as seals, porpoises, whales, polar bears, and other animals that are in a very real sense threatened by man.

The issue of protection of ocean animals has been a very emotional one for many groups and individuals who oppose and who support legislation in this area.

We believe that the amendments that we are proposing here today serve as an equitable arrangement among the concerned but opposing extreme positions as held on this matter.

Some people who like stronger legislation; some even desire no legislation. But how can anyone oppose the legislative intent of eliminating the senseless slaughter of ocean mammals which are outside the jurisdiction of any State. And this is our intent, ours and many of our colleagues, to begin within the councils of our own government, and hopefully internationally, a halt to the spiral of brutality which is too much with us throughout the world today.

We believe that these amendments make H.R. 10420 a good and adequate piece of legislation.

The enactment of the bill with these amendments is a start in the most serious



race to preserve the ecological balance that is dangerously tottering today.

We must all look beyond this bill and concern ourselves not only with marine mammals, which desperately need our help; but we must worry and labor over the entire environmental spectrum and our role in the preservation and conservation of all of our elements—both animal and otherwise—that are endangered by waste, mismanagement, and lack of planning.

H.R. 10420 and these amendments are a start.

Their enactment today is a beginning. It is something that can be done this session—now.

And we must do more.

But let us do today what can be done today; and let us work together for what can be done tomorrow.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to my good friend the gentleman from Maine (Mr. KYROS), a member of the committee.

Mr. KYROS. Mr. Chairman, I simply rise to state that I wish to associate myself with the remarks made by the gentleman from Arizona (Mr. UDALL) who very eloquently stated the reasons for the modifications he wishes to make to this very important legislation.

I want to take this opportunity, also, to rise and commend the chairman of the subcommittee, the gentleman from Michigan, my own chairman (Mr. DINGELL) who has been painstakingly careful in attempting to listen to all views on this very complex matter and assure that an opportunity was afforded to all groups to be heard before the subcommittee. This will not only strengthen this legislation but will provide legislation here that will be helpful for us in the future in order to attempt to resolve this very complicated problem.

Mr. Chairman, I was a member of the interparliamentary group that visited Canada recently. In discussions with the Canadians on the matter of fur seals and harp seals particularly, it seems to me more than ever before that our country should take the lead, whether it is a moratorium or an effort to preserve these animals, in drafting careful legislation designed to protect all of the animals whose value to this world we do not yet understand.

It seems to me others in other nations will be willing to follow our lead if we do so, and that is why I think it is so important to draft legislation here that will enhance and protect and preserve marine mammals throughout the world.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alaska (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, in H.R. 10420, I find many areas of concern for myself, for the State of Alaska, and for its people. It is my intention to say more about specific areas of concern at various times during this debate, but at this time, I arise to seek information and confirmation of certain aspects of this legislation. In several areas, I believe the bill and the report suggest certain standards but fail to delineate with any precision the full implications of the law. If I may, I will set out the understanding I have of

these several areas, and ask that the gentleman from Michigan (Mr. DINGELL) whose subcommittee prepared this bill, respond as he sees fit to my statements.

My first concern is the effect that H.R. 10420 is intended to have on the Interior Convention on Conservation of North Pacific Fur Seals. Although it is my own reading of the bill that this convention and its full implementation remain unaffected by the terms of H.R. 10420, I have been informed that contrary interpretations may be possible.

My reading on this bill is that section 101(a)(2) and section 112 operate together to provide that this legislation in no way affects the provisions of existing international treaty or convention obligations or the administrative systems established to carry them out. In specific terms related to the fur seal convention, this would insure that the administration of the Pribilof Islands seal harvest each year would be carried out strictly according to the terms of the convention, and the administrative decisions based thereon.

Aside from the language in the bill which supports this conclusion, the facts relevant to this situation would seem to leave no other alternative. First, the fur seal convention itself is cited as one of the most outstanding examples of international environmental cooperation, and to suggest interference with that treaty, even if legally possible, seems ill-advised.

In addition, any alternative interpretation which might limit the terms of the treaty or its administration would immediately jeopardize the economy of the Native population of the Pribilof Islands, without even providing a replacement economy, should any be possible which would not be a welfare economy in disguise.

Finally, I might add that it is my understanding that the Fish and Wildlife Subcommittee of the Merchant Marine and Fisheries Committee which prepared this bill has information on hand which would support the immediate issuance of a permit under section 103, even if the Fur Seal Convention were not excluded from the bill by the sections mentioned earlier.

In the event that the gentleman from Michigan (Mr. DINGELL) or the committee does not share my legal judgment that the bill does not affect either the treaty or its administration, then I am hopeful that agreement will be reached regarding both the need and the justification for the issuance of an immediate permit under the provisions of the act for the fur seal harvest carried out pursuant to the fur seal convention.

As structured in H.R. 10420, the permit process is complex and time consuming. According to the best positions I can gain from the Department of Commerce, the procedure for permits will require an average of 18 months. The notice, hearing, and statement of opinion requirements of the permit process, and the rights of interested parties under the process, all operate to guarantee both full consideration and great delays in the issuance of permits.

Such a delay will have several detrimental effects, and possibly some tragic

effects. First, the convention itself may be endangered by virtue of the United States being unable to carry out its obligations under the convention related to the harvest. This could result in a return to the open sea seal slaughter that was the reason the convention was undertaken. Second, no harvest at all might be undertaken which, contrary to the idealism of the uninformed, may be the worst that can happen, since the harvest is a delicate management tool designed to keep the seal hard at its peak productive level. Without a rational harvest, the fur seal herd may suffer a serious decline.

Finally, such a delay will simply remove the entire economy of over 600 residents of the Pribilof Islands without any alternative proposed. Between direct participation in the harvest, support activities and related services, the residents of the Pribilofs are totally dependent on the operation of the treaty. To deprive them of their livelihood when facts exist to support continuation of the harvest would be congressional insensitivity of a high order.

I believe that the committee, and all those who drafted this bill are aware of the existence of facts which would support the immediate issuance of a permit for the continuation of the fur seal harvest pursuant to the fur seal convention. I believe those who drafted this act are aware that the fur seal harvest under the terms of the convention has been a valid and crucial management tool.

I further believe that the legislative intent of this act must be that the issuance of an immediate permit for the fur seal harvest is authorized, is justified, and is in keeping with the spirit of the act. This is to say that, unlike other areas of ocean mammal concern, sufficient facts are already on hand in the case of the fur seal harvest to justify the immediate issuance of a permit to allow the purpose of the Convention to be carried on. I believe the authorities who will issue such a permit should be instructed to take such immediate action.

My own interpretation of this legislation would obviate the need for a congressional instruction for such immediate permit consideration, since I believe sections 101 and 112 to be clear in leaving the Convention and its administration unaffected. Still, I believe, that at the minimum, the drafters of the bill will join me in authorizing the immediate issuance of a permit absent the time-consuming aspects of the normal permit process.

My second concern regarding interpretation of H.R. 10420 is in two parts. Both relate to what I consider to be an essential feature of this legislation, and without which the bill would be totally unacceptable. This is section 107, which provides special exceptions from the requirements of the act for Native subsistence practices.

If I may be frank, this provision is at once both sensitive and patronizing. It is sensitive in that it does recognize the very real need of certain Indians, Eskimos, and Aleuts, almost all in Alaska, to rely on ocean mammals for a part or all of their subsistence. Still, in even sug-

gesting that the Congress, in its kindness, will allow the survival of Alaska Natives to continue in much the manner it has for centuries, this section borders on the absurd. To do otherwise simply creates hunger, creates cultural loss, and ignores human values to an extent that no Member of this body can possibly intend.

My specific concerns extend to two of the lesser provisions within section 107. The first is section 107(a)(1) which provides that all subsistence hunting must be done in accordance with traditional customs. Because I am aware that those who prepared this legislation have made a serious study of this entire question, I am certain that they understand that the core of such customs is the simple desire to survive in a difficult environment.

I am certain that the committee leadership, in utilizing this language, intended that "traditional custom" should be read to mean that method which is most commonly used in subsistence hunting. This, of course, means the use of a rifle, and has meant this for many years. I am certain that the committee does not mandate that Natives must take a step backward into history, and risk their lives to gain food for themselves and their families by requiring the use of ancient, although traditional hunting methods.

Just as certainly as this provision is interpreted in this way, it is certain that such hunting must be in conformity with State fish and game laws. The point is, of course, that the standard of "subsistence hunting" is an inclusive one, which describes a need, a method, and a time-less standard.

My second concern is related very closely to this point. In section 107(a)(3), it is provided that the subsistence taking shall not be for "direct or indirect commercial sale." Again, this provision does not seem to take into account what is meant by subsistence, since any animal either is or is not taken for this purpose. The reason for this subsection is not clear to me for this reason, but I want to confirm the only reading which appears reasonable.

The committee report makes it clear that this provision does not prevent even the commercial sale of byproducts from animals taken primarily for subsistence purposes. An individual example is given relating to the use of walrus tusks from an animal taken for subsistence.

Again, because the committee has done such extensive study in preparing this legislation, I am certain that they are aware that a central value of the Alaska Native subsistence practices is the total utilization of the animal which is taken. Some is eaten, some provides fuel and clothing, and some is used for tools. None is wasted.

In the absence of other conflicting cultures, there would be no commercial sale at all. With the addition of non-Native culture, and its all-encompassing economy, that statement of use would read as follows: Some is eaten, some provides clothing, and some is sold to get money to buy fuel oil and pay taxes.

This fact has been recognized in the

single most authoritative work ever done on this subject. This is in "Alaska—Natives and the Land," the exhaustive report of the Federal Field Committee for Development Planning in Alaska—October 1968. In discussing the village economy, the following statement was made along with dozens of similar findings:

Villagers also gather local resources in order to obtain the cash so much needed for imported products they are increasing dependent upon. Furs may be sold raw, or they may be processed and used in making boots or garments for sale. Walrus ivory and whale baleen usually become art or craft objects before their sale, but raw ivory finds buyers among carvers who are not walrus hunters. Grasses and roots are woven into exquisitely fashioned baskets and trays, bones and animal hooves are worked into craft items, and wood is made into a variety of useful items or decorative forms for sale."

These are my immediate concerns, but they are but the tip of the iceberg, gentlemen. In conveying my interpretations to you on these sections, and soliciting your comments and confirmation, I am dealing with the basic elements of this bill which relate to the survival of the Native people of Alaska. Having these answers in hand, I intend to address myself to this legislation in a broader sense later. For now I am hopeful that you will comment on these points, or by your silence confirm the interpretations I have set forward.

Mr. DINGELL. If the gentleman will yield, I will be very happy to make a categorical statement at this point in response to the gentleman.

Mr. BEGICH. I yield to the gentleman.

Mr. DINGELL. One, the legislation does not itself affect, alter, or impair or amend the terms of the Convention for the Protection of the North Pacific Fur Seal. Two, the committee views on current levels of knowledge with regard to the Alaska fur seal as sufficient to allow the Secretary to take the necessary actions to establish a workable permit system immediately, without extensive delays. With regard to the second area raised by the gentleman, dealing with the extent to which commercial activity can take place without a permit, I would say that the principal determinant is the purpose for which the Natives take the animals. If, for example, a native kills one, two or three walrus for subsistence purposes, and not for purposes of sale, that Native can keep the ivory tusks, and carve them and sell them without requiring a permit or running afoul of the law.

If, on the other hand, a Native goes out and kills several walrus for their ivory, and discards all but the head—a practice which I understand is far from uncommon—he cannot do so without a permit from the Secretary of the Interior. I recognize that it will not always be easy for an enforcement agent to determine the precise purpose for which an animal was taken, but to our way of thinking, the distinction is sufficiently clear to provide the natives with the possibility of continuing their subsistence hunting activities without at the same time opening up the potentialities of widescale commercial depredations upon the animal populations involved.

Mr. LEGGETT. Mr. Chairman, aquatic

mammals are among the most marvelous creatures in existence. They include the largest animal in the world, the blue whale, which is larger than even the largest dinosaur. They include the smartest animal in the world, the porpoise, which according to many standards of measurement is as intelligent as man and perhaps even more so. They include seals, sea otters, and sea lions: friendly, playful animals which add to our enjoyment of the world.

For centuries, man has hunted and killed these creatures with complete irresponsibility.

We have killed whales for their oil to the point that a number of species, including the huge blue whale, may have passed the point of no return on the way to extinction. Whaling companies admit that whaling is a dying industry. But in the absence of regulation they would continue to hunt for a few more years to amortize their equipment; by then it will be too late for many species.

Our tuna fishermen have killed hundreds of thousands of porpoises each year. They have not done this intentionally, and porpoises are not in danger of extinction, but it seems a crime to kill such intelligent creatures.

We have killed seals for their furs. This practice has included the clubbing and skinning of infant seals which has horrified the entire world.

This bill will deal effectively with all of these problems. It protects the whales by prohibiting the importation, except for research purposes, of any marine mammal product taken from a species which the Secretary declares to be endangered. There is no doubt that nearly all species of whales will fall into this category.

I favor taking this provision even further in the manner of the Pryor-Udall amendment. This amendment requires a flat 5-year moratorium on the taking and importing of any marine mammal, with a very few exceptions for plentiful species. In this way, depleted species will have the best chance to replenish themselves.

The bill absolutely eliminates the products of the disgraceful bay seal slaughter. It prohibits the taking of mammals who are nursing, less than 8 weeks old, or taken in a manner deemed inhumane by the Secretary. The baby seals fall into all three categories.

Finally, the bill protects the porpoises by prohibiting the importation of fish taken in a manner deemed by the Secretary to be injurious to marine mammals. This cannot apply, of course, if the technology for tuna-catching without trapping porpoises is not available, but testimony from the tuna industry indicates that it can be deployed within a year or so.

I am confident that, working under the bill, the Secretary will be able to protect both the porpoises and the fishermen.

Finally, the bill provides exemptions for Indians, Aleuts, and Eskimos who depend on marine mammal hunting for their living, but who do not kill on a dangerously large scale.

I hope this bill will pass unanimously. It deserves to do so.



Mr. BURKE of Florida. Mr. Chairman, I rise in support of the amendments being offered to H.R. 10420, the Marine Mammal Protection Act of 1971. I am the sponsor of a bill, H.R. 8526, to protect ocean mammals from being pursued, harassed, or killed. My bill was to create a prohibition against the taking or importing of marine mammals, with a few minor exceptions. This measure has been opposed by the executive branch as too restrictive and unworkable on the basis that marine mammals know no national boundaries and move about extensively in international waters. Therefore, the Merchant Marine and Fisheries Committee has reported out an alternative proposal designed to give the Department of the Interior more flexible authority to permit the taking of marine mammals under circumstances which might be more closely controlled, and subject to public review, and independent oversight by an independent Marine Mammal Commission.

However, I feel that this measure, in its present form, will do about as much good as a band-aid on a cancer. Man's impact upon marine mammals has ranged from what might be termed malign neglect to virtual genocide. These animals representing four orders of the class Mammalia: Cetacea, the whales, dolphins and porpoises; Carnivora, the sea otter; Pinnipedia, the seals, sea lions and walruses; and Sirenia, the dugongs and manatees; have only rarely benefited from man's interest. They have been shot, blown up, clubbed to death, run down by boats, poisoned, and exposed to a multitude of indignities, all in the interests of profit or recreation, with little or no consideration of the potential impact of these activities on the animal populations involved. All in all, the committee-approved bill is about what the commercial fishing industry and the hunters wanted. It provides a framework for protection of endangered animals, but it is full of loopholes, and leaves us right where we started.

I recognize that the principal significance of these animals lies in their usefulness to men, and by inference, that any use by man is therefore justifiable. I also recognize that man has already tipped the balance of nature toward the extinction of many species of marine mammals, and that this action, if left unchecked, will work against the long-term best interests of man.

The alternatives before us are not simply whether to ban outright the killing of any marine mammal under the jurisdiction of the United States, or, whether the Government should continue to allow supervised and restricted taking of certain mammals, but rather, what action must be taken to insure that no species of marine mammals become extinct from the wanton actions of man.

I advocate a combination of: First, management and second, total protection. This could be achieved by the addition of the aforementioned amendments to this bill. They would include:

First. A 10-year moratorium on the killing of marine mammals. The committee bill contains a 60-day moratorium. However, this time is insufficient for re-

covery of many ocean species now dangerously depleted or to permit study of life cycles and population numbers of existing marine mammal species necessary to set limitations on permits for the taking of such animals. Gestation periods of marine mammals are such that any period less than 10 years could not provide a generation turnover sufficient to promote recovery.

Second. A restriction on imports. The committee bill does not ban imports. The reason for this was that such a ban would be in violation of treaty obligations. However, it is astonishingly hypocritical to restrict U.S. citizens from killing marine mammals while permitting U.S. commercial interests to subsidize such activities on the part of foreign nationals.

Third. Assignment of jurisdiction to the Department of the Interior. The committee divides responsibility between the Department of the Interior and the Department of Commerce. However, I feel that the authority, responsibilities and duties under this bill should be invested entirely in the Department of the Interior. Marine mammals are of small commercial importance but of very great scientific and humane concern.

Fourth. A deadline to eliminate the killing of dolphins and porpoises incidental to tuna fishing. I have received many letters from concerned constituents protesting the purse seine net method of tuna fishing which, when all goes well, captures every fish in the school, as well as any dolphins that may be swimming with the tuna. Smithsonian scientists have estimated that presently from 100,000 to 900,000 dolphins and porpoises are killed annually by tuna fishing methods. The proposed amendment provides for a definite cutoff date but permits extensions of up to 5 years. Thus, if the tuna industry is unable to comply, it will not be forced out of business, but it will have to explain its noncompliance.

Management programs can be effective. In the early days of this century the sea otter population was reduced by exploitation to scattered remnants on a number of different islands. Under a policy of complete protection beginning in 1911, the population spread, and, is, today, in a phase of rapid growth. Studies by the U.S. Fish and Wildlife Service in the 1950's and early 1960's showed an increase of about 40 or 50 thousand animals. The rate of population growth in uncrowded areas is at least 10 percent per year. Management of the sea otter, at present, is under State jurisdiction, except where the otters occur on land within a Federal refuge, or, where the otters occur on high seas outside the three mile limit.

At the end of the 19th century, the walrus population, too, had been greatly reduced. This reduction was due to whalers, who, after reducing the northern whale populations, turned to walrus hunting. When the population of walrus became greatly reduced, commercial hunting ceased. The harvest of walrus today consists of those taken by natives for food and ivory, and those taken by trophy hunters. Management consists of two measures: the only major hauling ground regularly used by walruses in

Alaska, Round Island of the Walrus Islands, has been designated as a refuge and complete protection is provided there, and second, the annual harvest of walrus is controlled by regulations favoring the taking of adult males. Since the walrus is polygamous, taking of adult males, within limits, is not detrimental to the population. The Pacific walrus population occurs in international waters and to some degree is out of U.S. control.

Other cetaceans such as the dolphins, porpoises, killer whales, and belugas appear to be at about the optimum population size. Aside from the porpoises killed incidental to tuna fishing small numbers are taken mainly for live display in aquariums, such as Marineland in St. Augustine, Seaquarium in Miami, and Ocean World in Fort Lauderdale. These aquariums do an outstanding job in providing education about the sea and its creatures to schoolchildren and the public at large. The mammals and sea creatures kept by these institutions are carefully watched by veterinarians and other experts on the sea, with respect to the water environment and food. This kind of activity is not disruptive to the balance of nature.

Total protection is necessary where management fails. It is not the answer to the problem, but it is an interim measure that aids endangered mammals until such time as a balance of nature can be restored.

Management implies control which in reality is difficult to establish because marine mammals don't recognize or conform to national boundaries. Unless sanctions can be enforced against offenders, any and all laws are useless. Our various State laws are effective within the limits of their jurisdiction. However, the presently recognized 3-mile limit to territorial waters and the coastal movement of various marine mammals prevent one State from singly achieving complete and effective management. At the national level we have a similar problem, we can control what the States do, but not other countries. By enacting this bill today we will have taken a giant step toward management of marine mammals by controlling our citizens' actions that are detrimental to them, but we will still need international cooperation before effective management can be instituted.

The manatee or sea cow found in Florida waters requires total protection and as a recognized endangered species by both Federal and State governments is given complete protection within the limits of U.S. jurisdiction.

Estimates of the population size of the commercially utilized species of whales indicate that the populations are low and that they are being taken at near or over the maximum sustainable level, by countries other than the United States which has forbidden this type of activity. There are presently approximately 1,000 bowhead whales, 2,000 right whales, 4,000 humpback whales, 8,000 blue whales, 10,000 killer whales, 11,000 gray whales and reduced populations of fin, sei, and sperm whales. Here, too, international cooperation is necessary to establish effective management, and until this is achieved we must try to save

these whales from extinction by total protection from our citizens, and from those hunting in our waters.

In summary, I urge the passage of H.R. 10420 with amendments as the first step toward effective management of the world's marine mammals.

Mr. HEINZ. Mr. Chairman, I rise in support of the strengthening amendment to the Marine Mammal Protection Act. I am proud to state that I joined with 149 of my colleagues in defeating this measure when it was considered on December 6, 1972. I took this action with the realization that simply rubber stamping the committee bill without the benefit of amendments could seriously jeopardize the ecological balance of our marine life. In my opinion, we could not possibly reverse the damaging trends of the past to save many species of marine mammals from extinction without placing a moratorium on the killing of these mammals. The moratorium will give the mammals the protection which they so desperately need in order to prevent their extinction.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation. The worldwide population of marine mammals has been thinning at an alarming rate, plummeting by the hundreds of thousands within the past decade alone. Some animals—a few species of whale, most notably—have been all but decimated. Many stretches of open sea and coastal waters, once teeming with mammalian life, are now barren of it. Without congressional action, some species of marine mammals may be driven to the brink of extinction. The survival of eight groups of animals is at stake here—whales, porpoises, dolphins, seals, walrus, sea otters, polar bears, manatees.

The bill now before us would give them meaningful new protection, directing the Secretaries of Commerce and Interior to draw up limitations on their capture, killing or harassment. The limitations would take into account these factors: the population of the species, the marine ecosystem in which it exists, the conservation of fishery resources, the economic and technological feasibility of implementation. Once the new standards are made final, the Commerce and Interior Departments may grant permits for taking marine mammals only if the means of taking them are wholly consistent with the standards. Anyone seeking a permit, for example, must demonstrate plainly and unequivocally that his actions would not threaten the species involved. Even when an applicant cites overpopulation as justification for a permit, the Interior or Commerce Department must first consider transferring animals to another site.

All applications for permits, moreover, must be published in the Federal Register—giving protesters ample opportunity to seek judicial review.

The penalties for violating this bill's provisions would be stiff: up to \$10,000 in fines for a civil violation, up to \$20,000 in fines or up to a year in prison for a criminal violation.

To further discourage violations—the provisions of H.R. 10420, like those of

most conservation laws, are not easily enforced—the bill would place an outright ban on the importation of any ocean mammal that meets any of the following criteria: pregnant when taken, nursing or less than 8 months old, taken from a depleted or endangered species, taken in a way considered inhumane.

Even further, the bill would establish a Marine Mammal Commission to keep abreast of the problem and would make research grants available for its study.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. UDALL).

It is a good amendment—one which is necessary if we really wish to protect ocean mammals. However, I would prefer a moratorium of 10 years rather than 5 years on the killing of ocean mammals.

Senator HARRISON WILLIAMS has introduced a bill providing for a 10-year moratorium. During the course of the Senate hearings, most of the marine experts who appeared before that committee expressed support of the bill embodying the 10-year moratorium. This included Victor B. Scheffer, author of the "Year of the Whale," and Dr. Roger Payne who recorded the record, "Songs of the Humpback Whale."

A number of very convincing arguments were made by these witnesses as to the necessity of a period in which random killing and interference with the animals should be prohibited; and that this period should be certainly no less than a minimum of 10 years.

There is now evidence of a dramatic deterioration of the marine environment. Quantities of residual pesticides and other toxic chemicals have been released into the marine environment, and are making their way into the complex marine food webs.

There is evidence that the reproductive and behavioral interference resulting from pesticide poisoning which has depleted the U.S. population of brown pelicans, falcons, and other birds, may now be affecting marine mammals. A causal connection is now well established between endemic abortion among California sea lions on certain channel island rookeries, and extremely high levels of DDT and PCB's. The afflicted population winters in the area of a Montrose chemical plant where insecticides are manufactured, and where agricultural runoff is high. Similar reproductive interference is suspected in stellar sea lions.

Many species of seals and whales are showing very high levels both of pesticide residues and of heavy metals such as mercury, cadmium, and chromium.

Vast amounts of these poisons are present in estuaries and coastal areas from previous as well as current discharges. They tend to work gradually through the food webs and concentrate in high-level consumers. It is feared that this process is only beginning. If all further release of poisons were to be halted tomorrow, the situation would get far worse before it got better.

Furthermore, given the present lack of knowledge and considering that the effects of poisoning may not peak for sev-

eral decades, it is absurd to consider 5 years as an adequate period for gaining needed information. It requires from 6 to 10 years for most of the mammals being considered here to reach minimum reproductive age.

Mr. Chairman, I am doubtful that there is any rational basis for asserting that knowledge now exists to manage most marine mammal populations. Simple analogies based on wildlife management cannot be taken seriously. If we are going to "manage" these animals, we had better know what we are doing, and obviously we do not.

The great whales have been virtually exterminated while being "managed," and the slaughter is continuing at the hands of the Russians and Japanese. It is especially important for the sake of these magnificent mammals that we set a strong example for foreign governments. A 10-year period would be consistent with the resolution this House has already passed, calling upon the international community to impose a 10-year moratorium on the killing of whales, to permit the gravely endangered and depleted stocks of whales to recover.

If the 10-year estimate is in error, it errs in being too conservative. A great deal is at stake here. What we do may have a great deal to do with whether a number of species of magnificently adapted, large brained mammals will be able to withstand the trials of this time. It may have a good deal to do, by the precedent it sets, in determining whether the marine environment remains viable.

In closing, Mr. Chairman, I would like to say this. Marine mammals are in difficulty not because we have failed to manage them properly, but because we have not managed ourselves properly. If we cannot halt our unrestrained population growth, and curb our aggressiveness, the oceans will not remain viable and the creatures being discussed here will not survive. Neither, very possibly, will we.

I believe the outcome may be dependent, finally, not on the development of scientific knowledge, however important this is, but upon the adoption of a standard of reverence for all life.

Mr. KYROS. Mr. Chairman, I rise in support of H.R. 10420, the Marine Mammal Protection Act of 1972. This is the second attempt by the House of Representatives to approve this much-needed legislation, and I am pleased that the bill has been considerably strengthened this time by the adoption of an amendment to establish a 5-year moratorium, during which no commercial killing or importing of marine mammals is permitted.

This amendment also contains a provision which will do much to assist the tuna industry in its search for a method of taking tuna that does not harm dolphins and porpoises at the same time. As we all know, some 200,000 of these delightful creatures have been accidentally drowned each year in the course of commercial tuna fishing.

The Marine Mammal Protection Act is a sound beginning to this country's efforts to preserve our endangered marine species. It has been estimated that ocean life has decreased by 40 percent



in the past 20 years, and we now realize that steps must be taken to preserve our rapidly diminishing marine mammal population. Animals have not been placed on this earth solely for man's use. The interrelationships of living things are so complex that we do not possibly realize their extent.

I am pleased with the prudent and responsible action of the House of Representatives in approving this measure, which will attempt to restore marine mammal stocks to full biological productivity.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to take this opportunity to reiterate my strong support for H.R. 10420, the Marine Mammal Protection Act, of which I am a coauthor.

When the bill narrowly missed receiving the requisite two-thirds vote when it was on the Suspension Calendar late in the last Congress, I indicated the importance of this measure's dual approach to the problem of endangered marine mammals. This proposal combines protection of the mammals with a greatly enlarged program of research to improve our ability to preserve these species.

Because time is of the essence in this situation, I hope that there will be no further delay in the enactment of this legislation and that the strong provisions of the bill as drafted and as approved by the Merchant Marine and Fisheries Committee will be retained.

In addition to the features of this bill as I outlined them to the House last December, let me point out the great value of the Marine Mammal Protection Act as a precedent for the protection and preservation of other animal species.

By combining protective conservation techniques with research programs, we are setting the stage for extending this concept to many other animal species whose numbers may not be as severely threatened as marine mammals but whose populations could benefit from additional protection and increased understanding.

While I regret the delay in approval of this legislation occasioned by the necessity to reconsider under the regular, more lengthy procedures of the House, I am confident that its passage today will urge the Senate to prompt action. We need this protection at the earliest possible date.

I would also like to take this opportunity to point out the efforts of thousands of concerned citizens throughout the country whose staunch support for this concept has prodded the Congress to act. An enlightened understanding of environmental issues on the part of a growing number of Americans is insuring the enactment of purposeful, effective legislation to protect and improve our natural resources.

I, for one, very much want to encourage this kind of citizen involvement.

Mr. RYAN. Mr. Chairman, there is significant need for the Congress to enact strong legislation to protect ocean mammals. Unfortunately, the legislation before us today—H.R. 10420—falls short of living up to its name, "The Marine Mammal Protection Act." For while the committee-reported bill does provide an

elaborate mechanism for the development of a permit system for the management of marine mammals, it does not go nearly far enough in providing restraints against unchecked commercial killing of such mammals as seals, porpoises, whales, polar bears, and other animals which are severely threatened by the rapacious nature of man.

It is my firm belief that, if the continued existence of these ocean mammals is to be protected, this legislation must be strengthened to include at least four essential features, and I will fully support any amendments to do so.

First, there should be a 10-year moratorium on the killing of marine mammals, with the possible exception only of the take of Proboscis fur seals, which is presently regulated by international treaty, and taking for native subsistence and scientific study. As Tom Garrett, wildlife conservation director of the Friends of the Earth, recently pointed out:

A hiatus of ten years in killing by U.S. citizens of marine mammals will help permit endangered and depleted populations to recover. It will set an example for foreign governments. It will allow a period of careful study, to monitor the effects of environmental pollution, and to develop some understanding of the behavior and population dynamics of the animals.

Second, I believe that there should be a ban on imports of the products of marine mammals. It is clear that the United States and its citizens do not bear the sole blame for the devastation of ocean mammals. For instance, Japan and the Soviet Union account for most of the world's whaling. Although it is not within this Nation's exclusive control to halt the slaughter of whales, polar bears, walrus, and other species, our actions can have an enormously powerful trickle-down effect. For example, while we engage in little whaling, we do account for about one-third of the consumption of whale products. If we close our doors to the importation of ocean mammal products, therefore, we inevitably must decrease the profitability of their destruction, and in turn, we increase the likelihood of cessation of that destruction.

Thus, we must ban the import of all ocean mammal products.

Third, there should be a 1-year deadline in which to eliminate the killing of dolphins and porpoises incidental to tuna fishing operations. It is estimated that each year some 250,000 dolphins are killed in purse sein nets by U.S. fishermen in the eastern Pacific alone. This is a tragic example of the effects of ruthless and unrestrained international competition for marine resources. This murderous undertaking must be ended.

And fourth, the act should be administered by a single agency—the Department of the Interior.

Perhaps the most graphic explanation of why such stringent legislation is imperative is the description of the slaughter which this country and others have perpetrated against the whale.

The whales are among creation's most intelligent creatures. They communicate with each other, using numerous sounds in their language. They demonstrate an

intense loyalty to each other, so that a school of whales will beach itself and thereby commit mass self-destruction in its efforts to come to the aid of a captured or beached brother. Certainly, man's hunting down these creatures cannot be condoned. It does not involve the extermination of a vicious, disease-carrying animal such as the rat, but rather the slaughter of a complex, intelligent and harmless animal of the highest order.

What has man succeeded in doing? In December 1968, the Committee on Rare and Endangered Wildlife Species of the Department of Interior's Bureau of Sport Fisheries and Wildlife compiled a list of "Rare and Endangered Fish and Wildlife of the United States." This compilation listed six large whale species of just American waters which are in jeopardy. Of the gray whale, 8,000 were estimated to be left in the California herd, as of 1965. The compilation listed "perhaps a few hundreds in the Atlantic" as remaining of the blue whale, and less than 1,500 in the Pacific herd. Less than 5,000 humpback whales remained in the North Pacific. As for the Atlantic right whale, the compilation stated that "possibly only a few hundreds persist." The same dire situation existed for the Pacific right whale. As for the bowhead whale, there were an estimated 1,000 in the Bering-Chukchi-Beaufort Sea population, with lesser numbers elsewhere.

The fate of the blue whale is a tragic object lesson of the pillage which has been committed. The blue whale is the largest creature ever to inhabit the earth. An adult blue whale measures up to 98 feet long and weighs perhaps as much as 160 tons. Even its newborn young are larger than a full-grown elephant and are reputed to consume more than one-half ton of milk daily.

At the beginning of this century, the blue whale population was over 100,000. Today, only a few hundred blue whales, perhaps as many as 3,000 according to some estimates, populate our entire planet. As Lewis Regenstein has written, in a recent article entitled, "The Vanishing Whales: Long Odds Against Survival," which appeared in the August 22 edition of the Washington Post:

There is serious doubt that enough males and females will be able to find each other over the great expanse of the ocean to enable the species to breed and perpetuate itself.

James Fisher, Noel Simon, and Jack Vincent have starkly identified the cause of the blue whale's demise in "Wildlife in Danger," at page 60:

The demise of the dinosaurs remains veiled in mystery and surmise, but there is no need to speculate on the reasons for the disappearance of the Blue Whale; the rapaciousness of man is wholly responsible. Seas and oceans comprise 70 per cent of the earth's surface, and one would have thought this ample habitat allowed more than enough space for the whale's survival, but pursuit of the whale has been so persistent that nowhere on the face of the sea or in its uttermost depths, however remote or vast or forbidding, is there any longer a true sanctuary beyond the reach of man's ruthless exploitation.

It may well be too late for the blue whale. The Asiatic gray whale population

has apparently disappeared. The largest known colony of nominally protected southern right whales was wiped out in 1962.

Threatened with imminent extinction are the humpback, the sei, the finback, the bowhead, the sperm, the gray, and the right whales. The frightening pace at which extinction is coming upon these species is indicated just by examining the figures for the estimated average population size of the fin whale, published by the International Whaling Commission:

1955-56	110,000
1956-57	101,700
1957-58	89,000
1958-59	88,600
1959-60	65,700
1960-61	59,700
1961-62	45,300
1962-63	40,000
1963-64	32,400

This need not be. Whales do not threaten man. There is no need of self-defense to kill them. They do not endanger our crops, crowd our territory. The commercial products which are derived from them are not unique: whale meat, used for dog and cat food and on mink farms, can easily be replaced by other meats; whale oil can easily be replaced by other products.

In simple terms, then, we are embarked on destruction—pure and simple.

Nor are whales by any means the sole victims of our rapaciousness. To document this we need only look at the fate of the polar bear.

The male polar bear averages about 900 pounds, although specimens twice as heavy have been recorded. It stands about 5 feet at the shoulders and is 7 to 8 feet or more long. The polar bear is found in the Arctic, distributed around the Pole. For much of the year, it lives on the pack ice of the Arctic Ocean. A magnificent animal—and again an animal which in no way threatens man—the polar bear, like the whales, is endangered. The largest and most flourishing white bear population is found in the Canadian Arctic where only 6,000 or 7,000 exist—possibly more than half the world's total. The bear population of Greenland, once high, has severely declined as a result of excessive hunting. Similar over-hunting has reduced the population in the Soviet sector of the bear's range.

Thus, we see a magnificent creature declining. He does not threaten man. He offers no commercially essential products. He is, however, a handsome trophy, and so he is sacrificed to those who mark their accomplishments by the number of heads mounted over their mantle.

Such wanton disregard for nature and the environment cannot be countenanced.

The Congress has an obligation to protect ocean mammals from the possibility of extinction. I urge my colleagues to support those amendments which would strengthen the bill before us in order to truly make it a "Marine Mammal Protection Act."

Mr. VANIK. Mr. Chairman, during

the past 35 years, 45 species of animals have been placed on the list of extinction. These animals have been lost from the face of the earth because of man's negligence. Accompanying this tragic number of extinct animals is a list of 233 species of animals on the "endangered" list.

In New York City alone there are more tigers than in all of India; but, the disillusioning point is that they are used for throw rugs.

Not only have our land animals been threatened, but also sea mammals.

H.R. 10420, the Ocean Mammal Protection Act, is not strong enough to protect our ocean mammals from man's abuse and possible extinction. I am hopeful that the Congress can enact stronger legislation.

This bill, which limits the importation of the products and byproducts of an endangered species will certainly help control the demand in the American market for such products, but it fails to take any step toward international agreements and understanding which would protect these animals. For example, the Japanese, Soviets, and a number of other nations are the principal nations involved in the hunting of many species of whales and seals, and their harvesting practices are largely at fault for endangering the continuation of these species.

Man is the only animal that kills more than he needs to survive.

I believe that it is time to develop strong legal protection to stop the needless killing of ocean mammals and other animals.

#### MAMMAL PROTECTION

Part of the act will be administered by the Department of Commerce, an agency of the Government which has always been dedicated to the development and exploitation of a resource—never its conservation. I will support any effort to place the administration of this bill solely with the Department of the Interior.

H.R. 10420 does not have any provision to protect dolphins. Today dolphins are being killed by man at a rate that soon will push three species of ocean mammals to the edge of extinction. The United States alone is responsible for the death of a quarter of a million dolphins a year. No one hunts the creatures for their flesh or their oil or their hides. The slaughter is the byproduct of the yellowfin tuna catch. The dolphins are threatened with extinction because of their natural affinity for the tuna and a recent product of man's inventive genius, the purse seine. This ingenious device can encircle an entire school of tuna. It also fences in schools of dolphins that travel with the fish. As the seine draws tighter the dolphins are caught, held under water and drowned. Because of this needless slaughter I will support the amendment that includes a moratorium on the killing of dolphins and porpoises.

An absolute moratorium on the killing of ocean mammals for at least 5 years and an import restriction on their hides is a needed amendment to make H.R. 10420 acceptable.

I will support any efforts to strengthen this legislation. Throughout the bill, more emphasis appears to be given to

the "harvesting" of animals on a "sustained yield basis" than to the actual proper place of these animals within our environment.

Although this legislation does not provide all of the safeguards I feel are necessary—with several strong amendments added I feel it is a step in the right direction.

Mr. DINGELL. Mr. Chairman, I have no further requests for time and reserve the balance of my time.

Mr. PELLY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".*

#### FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they contribute effectively to the health and stability of the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis. Further, measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and management of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of Congress that they should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, a secondary objective should be to maintain an optimum sustained yield.

#### DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock has declined to a significant degree over



a period of years and, if that decline were to continue, would result in that species or population stock being threatened with extinction and therefore subject to the provisions of the Endangered Species Conservation Act of 1969.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the animal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustained yield" means the sustained yield that results in a population of an optimum number of animals, keeping in mind the health of the ecosystem of which they form a constituent element.

(7) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(8) The term "population stock" or "stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(9) The term "Secretary" means—  
(A) the Secretary of Commerce as to all responsibility, authority, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and  
(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(10) The term "sustained yield" means a harvest equaling the net population growth of a species or stock at any selected population level.

(11) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

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

(13) The terms "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091-1094).

# TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

## PROHIBITIONS

SEC. 101. (a) Except as provided in sections 103 and 107 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international agreement to which the United States is a party and which was entered into before the effective date of this title;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this subsection; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or  
(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal.

(b) Except pursuant to a permit for scientific research issued under section 103(c), it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;  
(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted or endangered species or stock; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—  
(A) taken in violation of this title; or  
(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—  
(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or  
(B) the sale in commerce of such product in the country of origin of the product is illegal.

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner determined by the Secretary to be injurious to marine mammals, whether or not any mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any article imported into the United States before the effective date of this title;

(2) in the case of articles to which subsection (b) (3) of this section applies, to articles imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of articles to which subsection (c) (1) (B) or (c) (2) (B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such articles unlawful.

## LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, on the basis of scientific evidence demonstrating the need for limitations, shall prescribe such limitations with respect to the taking of animals from each species of marine mammal (including within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species or population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such limitations, the Secretary shall give full consideration to all factors which may affect the extent to which

such animals may be taken, including but not limited to the effect of such limitations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(d) Limitations prescribed to carry out this section must be made on the record after opportunity for agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe limitations under this section—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed limitations on such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such limitations; and

(4) any studies or recommendations made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such limitations.

(e) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

## PERMITS

SEC. 103. (a) The Secretary may issue permits which authorize the taking of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transfer a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary

which authorizes the taking of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking. Any person authorized to take a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d) (1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the taking proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable limitations established under section 102.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2), the Secretary may grant a hearing of record with respect to the application. If granted, such hearing shall be conducted on an expeditious basis.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, views, and arguments may be submitted pursuant to paragraph (2), the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant or party opposed to the permit may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section, or his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e) (1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5).

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal

Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) No permit shall be issued pursuant to this section for the taking of any marine mammal during the sixty-day period commencing on the effective date of the initial limitations prescribed pursuant to section 102 with respect to the species or population stock concerned.

(h) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(i) Consistent with the limitations prescribed pursuant to section 102 and to the requirements of this section, the Secretary may issue general permits for the taking of marine mammals, together with regulations to cover the use of such general permits.

#### PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than \$20,000, or imprisoned for not more than one year, or both. The Secretary of the Treasury shall pay to any person who furnishes information which leads to a conviction for violation of this subsection an amount equal to one-half of the fine incurred, but not to exceed \$2,500 for each violation.

#### VESSEL FORFEITURE

SEC. 105. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term "vessel" includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

#### ENFORCEMENT

SEC. 106. (a) Except as otherwise provided in this title, the Secretary shall enforce the

provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel or conveyance and to arrest such person;

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e) (1) Whenever any marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 104 (a) or (b). All marine mammals or marine mammal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 104 (a) or (b), in lieu of holding any marine mammal or marine mammal product, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3) (A) Upon the assessment of a penalty pursuant to section 104(a), all marine mammals and marine mammal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 104(b), all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as



he deems appropriate. Any other property or item so seized may, in the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product so seized—

(A) a civil penalty is assessed under section 104(a) and no judicial action is commenced to obtain the forfeiture of such mammal or product within 30 days after such assessment, such marine mammal or marine mammal product shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 104(b), such marine mammal or marine mammal product shall immediately be returned to the owner or consignee if the Secretary does not, within 30 days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 104(a).

#### EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal (other than a marine mammal classified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes and in accordance with traditional customs,

(2) is not accomplished in a wasteful manner, and

(3) is not done for purposes of direct or indirect commercial sale.

(b) Notwithstanding the provisions of this section, when the Secretary determines it to be in the interests of any species or stock of marine mammal, he may prescribe limitations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in subsection (a) of this section. Such limitations may be established with reference to species or stocks, geographical description of area included, season for taking, or any other basis related to the reason for establishing such limitations and consistent with the purposes of this Act. Such limitations shall be removed as soon as the need for their imposition has disappeared.

#### INTERNATIONAL PROGRAM

SEC. 108. The Secretary, through the Secretary of State, shall—

(1) encourage the entering into of bilateral or multilateral agreements with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(2) encourage the amendment of any existing international treaty for the protection of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this title;

(3) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, and included in the business of that meeting shall be (A) the signing of a binding international convention for the protection and management of marine mammals, and (B) the implementation of paragraph (2) of this section; and

(4) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

#### FEDERAL PREEMPTION; COOPERATION WITH STATES

SEC. 109. (a) Except as provided in subsection (b), no State may adopt any law or regulation relating to the taking of marine mammals or attempt to enforce any State law or regulation relating to such taking.

(b) The Secretary is authorized and directed to enter into cooperative arrange-

ments with the appropriate officials of any State for the protection and management of marine mammals; except that any such arrangements must be consistent with the purposes and policies of this title.

#### MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and management of marine mammals.

(b) The Secretary is authorized to make grants or provide other financial assistance to any State agency to enable such agency to develop and implement a State program for the protection and management of marine mammals which is consistent with the purposes and policies of this title.

(c) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States.

(d) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed \$1,000,000, one-half of such sums to be available to each Secretary.

#### REGULATIONS AND ADMINISTRATION

SEC. 111. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency in authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest and in a manner consistent with the purposes and policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

#### APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 112. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty or convention which may otherwise apply to the taking of marine mammals.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

#### AUTHORIZATIONS

SEC. 113. (a) There are authorized to be appropriated the sum of \$1,500,000 for each of the five fiscal years following the date of enactment of this Act to enable the Department of Commerce to carry out such func-

tions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated the sum of \$700,000 for the first fiscal year following the date of enactment of this Act and the sum of \$525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that title I of the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### AMENDMENTS OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc, the second being technical and conforming.

The CHAIRMAN. Are they both to title I?

Mr. UDALL. Yes, they are to title I, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. GROSS. Mr. Chairman, I reserve the right to object and do so in order to ask that the amendments be read before granting this request.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. UDALL: Page 35, between lines 15 and 16 insert the following:

(g) (1) For the purposes of this subsection, the term "moratorium" means the 5-year period commencing on the date of the enactment of this Act.

(2) Notwithstanding any other provision of this title, during the moratorium no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal products may be imported into the United States except in the following cases:

(A) Permits may be issued, and importations may be made, for purposes of display or scientific research if—

(i) the taking proposed in the application for any such permit, or

(ii) the importation proposed to be made, is first reviewed and approved by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act. The Commission and Committee shall approve any proposed taking or importation which will not be to the disadvantage of the species or population stock concerned and will be consistent with the purposes and policies of section 2 of this Act. If the Commission and Committee approve any proposed importation, the Secretary shall issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certification to the customs officer concerned.

(B) Permits may be issued which authorize such taking of marine mammals as may incidentally occur in the course of commercial fishing operations, but each such permit shall be subject to such conditions and regulations as the Secretary shall impose to insure that the permittee uses those techniques and that equipment which will produce the least practicable hazard to marine mammals.

(C) Permits may be issued for the taking of fur seals pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals and the Fur Seal Act of 1966. The Secretary is urged to take such action as may be necessary to obtain the agreement of the parties to the Convention to stop or reduce the taking of fur seals under the Convention during the moratorium.

(D) Skins of weaned seals may be imported into the United States solely for processing. Any seal skins so imported may be admitted into the United States only under bond requiring the exportation of such skins within 2 years after the date of importation. The bond required under this paragraph shall be in an amount equal to five times the domestic value of the unprocessed seal skins covered by the bond.

(3) Except for scientific research purposes as provided for in paragraph (2) (A) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 and no importation may be made of any such mammal.

And redesignate the succeeding subsections of section 103 accordingly.

Page 41, line 7, after the word "title" place a comma and include the following: "including section 103(g)."

Mr. UDALL. Mr. Chairman, I ask unanimous consent that the two amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

Mr. UDALL. Mr. Chairman, I rise at the request of the gentleman from Arkansas (Mr. PRYOR) to offer an amendment which he drafted and supports. Many of my colleagues are aware of the long, tireless, and sometimes lonesome fight that DAVID PRYOR has made to save the marine mammal, and if we succeed today in passing a strong protective bill it will in no small measure be a tribute to the strength and tenacity of this gifted public servant.

It will also be a tribute to the gentleman from Michigan (Mr. DINGELL) whose work on animal life conservation is well known and applauded throughout the country, and the members of the Merchant Marine and Fisheries Committee who have dedicated much time and effort to this difficult piece of legislation.

Mr. PRYOR believes, and I concur in his judgment, that the committee has delivered a basically sound, progressive bill, but one that must be improved in one important respect. It must include, with some exceptions, a moratorium on the killing of ocean mammals.

If the excellent and extensive hearings of the Subcommittee on Fisheries and Wildlife uncovered one fact of more significance than any other it is this: We know next to nothing about the marine mammals of the world. We are not now in a position to turn over to the Federal Departments the task of conserving and managing these precious species any more than we could insist that the Census Bureau project a population increase for the inhabitants of Mars. The knowledge and expertise are simply not at hand.

Thus in the amendment he drafted, the gentleman from Arkansas calls for

a 5-year moratorium for mammal life before Federal departments begin the selective issuance of permits authorized by this act. It would also shut off for 5 years the importation of mammals or products made from them. More importantly the moratorium would allow us a minimal period during which we could get to really know these strange and fascinating aquatic neighbors and head off the irreparable tragedy of extinction—a tragedy some believe would be the inevitable result of present policies.

In the spirit of true compromise, and in order to win broad support this year for the moratorium, Mr. PRYOR has allowed for four limited and supportable exemptions.

The first would permit the taking or importing of marine mammals for purposes of display and scientific research. This would permit legitimate scientists and institutions such as zoos to continue to study these mammals—subject, of course, to review and approval by the independent Marine Mammal Commission and Committee of Scientific Advisors established under title II. The criteria for review and approval are identical with those established in the original act: There may be no taking or importations which would be to the disadvantage of the species or stocks or not otherwise consistent with the purposes and policies of the act. The amendment goes further to establish procedures for the issuance of certificates to expedite customs clearance of such animals and products.

The second deals with the protection of porpoises and dolphins taken in the process of commercial tuna fleet operations. In hearings this issue was much discussed and I will not dwell upon it at length. It is a concession to the committee and the tuna industry which argue—persuasively to many—that the moratorium could drive them under a foreign flag or out of business altogether. I frankly discount those claims, but there are many in this Chamber who accept them and know a good deal more about the tuna business than I.

I must say that the effect of this exception to my amendment would leave the tuna industry in much the same position that it would have been under the bill as reported and that is progress. The committee bill requires tuna fleets to obtain permits which can be issued only after they have convinced the appropriate Federal agencies that their activities will minimize to the greatest extent possible hazards to marine mammals.

The third allows the continuance of the existing program for the management of north Pacific fur seals. An existing treaty signed by the United States, Japan, the Soviet Union, and Canada prohibits the taking of fur seals in the water, providing instead for a method of allocating the annual catch among the signatories. It is persuasively argued that diplomacy rather than unilateral termination of the treaty might bring more satisfactory results. I would hope and expect that through diplomatic channels, the other signator nations could be urged to halt the killing of fur seals in the north Pacific.

A final, limited exemption would be

granted the industry which processes the skins of juvenile South African seals. The argument is made that the Foake Fur Co. of South Carolina, which employs more than 200 people, would be driven out of business absent limited relief from the provisions of this amendment. The amendment would immediately close down the company's domestic market which accounts, I am told, for a substantial portion of its sales. Further, it would forbid the company from processing the skins of any mammal which is found now or in the future to be endangered. The one exception made is to allow the company to continue processing foreign skins on the condition that they are immediately exported from this country.

This final exemption is one for which Mr. PRYOR has relatively little enthusiasm, but one which he has reluctantly come to regard as necessary to the ultimate passage of this legislation.

There are two additional points I would like to make. First, this amendment does not in any way extinguish existing Alaskan Native rights, nor does it change the treatment accorded this special group by the committee bill. Second, it has never been Mr. PRYOR's intention in this legislative effort to set a precedent for Federal infringement on the rights of States to manage their own resident wildlife. The situation with respect to the marine mammal clearly called for extreme measures unquestionably requiring Federal action; I am told he would oppose such intervention in the case of the more common and well-understood animal life protected by State management programs.

Mr. Chairman, if Mr. PRYOR had his way—and if I had mine—a blanket moratorium would be placed on the killing of ocean mammals. That goal is not achievable this year; the House is not prepared to take that step in the face of strong and not unreasonable criticism from groups having a legitimate stake in this issue. I do hope and believe, however, that my colleagues recognize the need to approve the first protections Mr. PRYOR advocates. It is the minimum, and we can afford to do no less.

So, Mr. Chairman, I hope that my amendments will be adopted, and that we will be enabled to pass this important legislation today in this fashion.

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

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

Mr. DINGELL. Mr. Chairman, the gentleman from Arizona has been discussing the amendments on which the gentleman and I have had extensive discussions, and I am happy to say that I am willing to support these amendments. I believe they are desirable. The membership of the committee have been queried and have no objection to the amendments, except for one reservation by my good friend, the gentleman from Washington (Mr. PELLY) to the acceptance of the amendments. And I think, subject to the one point raised by the gentleman from Washington (Mr. PELLY) that the amendments are entirely satisfactory.

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



Mr. UDALL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I would like to ask for permission of the gentleman from Arizona to ask a question of the gentleman from Michigan in order to clarify certain language that is in the amendment, and that I know the gentleman has studied.

My question has to do with the permit which would be issued for the taking of marine mammals such as may incidentally occur in the course of commercial fishing operations.

I would ask the gentleman from Michigan (Mr. DINGELL) if it is his understanding that a general permit could be issued to the tuna industry rather than requiring each individual participant to apply for a permit.

Mr. DINGELL. If the gentleman will yield, the answer to that question, as in our previous colloquy, is "yes."

Mr. PELLY. I thank the gentleman.

Mr. UDALL. Mr. Chairman, I might say, as the author of the amendment, for purposes of the legislative history, that I would agree that some general action could be taken rather than requiring a great deal of specific paperwork, for each vessel or fishing expedition and a great number of specific permits being issued, just so long as we have the policy followed as it is set forth in the amendments.

Mr. DINGELL. If the gentleman would yield further, I would say to my friend that the policy is quite clear.

AMENDMENT OFFERED BY MR. PELLY TO THE AMENDMENTS OFFERED BY MR. UDALL

Mr. PELLY. Mr. Chairman, I offer an amendment to the amendments.

The Clerk read as follows:

Amendment offered by Mr. PELLY to the amendments offered by Mr. UDALL: In subsection (g)(2)(A) of the proposed amendment:

After the phrase "is first received" delete the phrase "and approved".

After the phrase "The Commission and Committee shall delete the word "approve" add insert in lieu thereof the word "recommend".

In the last sentence, delete the phrase "If the Commission and Committee approve any proposed limitation," change "the" to "The" and insert after the phrase "The Secretary shall" the phrase ", if approval for importation is granted by the Secretary,"

Mr. PELLY. Mr. Chairman, I offer this amendment to correct what I feel is a very basic defect of the concept embodied in this portion of the amendment offered by the gentleman from Arizona (Mr. UDALL).

Under the Udall amendment, authority to issue permits for scientific research would be taken away from the Secretary of the Interior and the Secretary of Commerce—as provided for in H.R. 10420 as reported out of the committee—and vested in two independent advisory bodies: the Marine Mammal Commission and the Committee on Scientific Advisers.

As the language is presently worded, prior approval of both of these advisory bodies must be obtained before a permit can be issued. Thus, the sole authority of the Departments of the Interior and Commerce would be simply to prepare the certification.

Section 202 of H.R. 10420 already provides that the Commission shall have the duty of conducting a continuing review of all applications made pursuant to section 103 of the bill for permits for scientific research and to make such recommendations as the Commission sees fit to the Department, of the Interior and Commerce on the merits of such applications. Nowhere in the body of H.R. 10420 nor the committee report is it indicated that the Commission or Scientific Advisers Committee would have any function or capacity other than an advisory one. This portion of the Udall amendment would completely vest issuance authority in an organization which is independent and completely nonaccountable to any administrative department of the Federal Government. Thus these two bodies would have the actual ability to completely thwart or expand any type of scientific research on a particular mammal species if it so desired with no accountability for its actions.

This concept violates every basic principle of governmental organization structure and represents a significant departure from the traditional role of advisory committees and commissions. I submit that the apparent purpose of the amendment is amply provided for by provisions in H.R. 10420, which requires that the recommendations of the Commission and committee be responded to by the Federal agencies within a short period of time indicating the reasons for the non-acceptance of such recommendations on the part of the agency.

Thus, through this mechanism, Congress and the public will be in a position to observe whether or not these scientific research permits are being used for the purpose for which they were designed—to gain more information upon which to improve the various marine mammal species—and not for purposes of commercial exploitation under the guise of scientific research. This provision in the Udall amendment would be flatly opposed by the administration and, if accepted by this body, may well raise possible difficulties in actual enactment of the legislation.

Acceptance of this portion of the Udall amendment would result in costly duplication of issuance authority procedures, staff, and processes; would hamper the efforts of the Departments of the Interior and Commerce, agencies charged with the specific and overall authority to administer H.R. 10420, in regulating, managing, and controlling marine mammal species on a comprehensive basis; and would materially hamper the activities of the Federal agencies and the Commission itself in obtaining sufficient information upon which to base limitations on the taking of marine mammals.

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

Mr. PELLY. I yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I think the suggestions made by the gentleman from Washington are wholesome and I think the gentleman from Arizona will probably be pleased to accept the amendment.

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

Mr. PELLY. I yield to the gentleman.

Mr. UDALL. Mr. Chairman, I think the procedure provided by that portion of my amendment to which your amendment is directed is cumbersome and is illogical to a large degree for the reasons the gentleman just outlined.

Mr. Chairman, I accept the amendment.

Mr. PELLY. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDERSON of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as the author of H.R. 10420, I rise in support of the amendment by the gentleman from Arizona and I would like to explain how it affects the committee bill. When the committee considered this amendment, I supported it; however, we were defeated.

First, like the committee bill, the amendment allows permits to be issued for the taking of a marine mammal for scientific research.

Second, like the committee bill, the amendment allows permits to be issued to commercial fishermen for the taking of marine mammals as may occur in the course of fishing operations provided that the fisherman uses those techniques which will produce the least practicable hazard to marine mammals.

Third, like the committee bill, the amendment allows permits to be issued for the taking of fur seals pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals.

Fourth, like the committee bill, the amendment allows the importation of the skins of older seals for processing. Unlike the committee bill, the amendment does not allow the sale of such skins in this country. Thus, I support this prohibition.

Fifth, like the committee bill, the amendment does not allow the killing of any endangered species.

Mr. Chairman, this amendment may clarify, but it does not alter the committee bill. Therefore, I support it and urge my colleagues to adopt it.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the Udall amendment as amended.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. BROOMFIELD. I would merely like to register my support for the Udall amendment. However, I would like to see the tenure of the moratorium extended, but to many members of the committee it seems like a 5-year moratorium is the extent to which they will agree.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. PELLY) to the amendments offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendments was agreed to.

AMENDMENT OFFERED BY MR. BEGICH TO THE AMENDMENTS OFFERED BY MR. UDALL

Mr. BEGICH. Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from Arizona (Mr. UDALL).

The Clerk read as follows:

Amendment offered by Mr. BEGICH to the amendments offered by Mr. UDALL: At the

end of subsection 3 of the amendment add a new section E to read as follows:

"Permits may be issued which authorize the taking of marine mammals by Indians, Aleuts or Eskimos for use in the production of traditional Native arts and crafts intended for commercial sale. Permits must be issued in accordance with the permit procedures of the Act, must avoid wasteful use, and must be subject to findings of endangered status as provided in section 107(b). Permits for this purpose may be issued to protect traditional and existing patterns of the Native arts and crafts industry, but not to promote commercial growth of this industry."

Mr. BEGICH. Mr. Chairman, yesterday, I circulated a letter to all my colleagues in this body, and it said very well what I want to say now. It read as follows:

MARCH 8, 1972.

DEAR COLLEAGUE: In the immediate future, the House will be considering H.R. 10420, the Marine Mammal Protection Act of 1971. Because the effects of this legislation, and more specifically some proposed amendments to it, will fall so heavily on the State of Alaska and its people, I am compelled to make some of my own feelings known in advance of the debate. This letter is addressed only to the most crucial of my concerns.

As reported from the Committee, H.R. 10420 makes findings on the status of ocean mammals, establishes a system of prohibitions relating to their taking, and establishes an elaborate permit system which will result in limited taking of certain mammals after specific findings of fact are made. Also, certain subsistence rights of Native Americans are protected. Finally, the bill establishes a Marine Mammal Commission authorized to undertake a comprehensive study of ocean mammals to provide the sort of information needed to make wise decisions for the future of this important resource.

Although I must say I have both general and specific differences with H.R. 10420, I believe it is basically sound legislation resulting from reasoned study and deliberation by the subcommittee and full committee. The bill avoids the unreasoned emotionalism which has at times removed this entire issue from our mutual ability to act responsibly.

Now, I have learned of various amendments which are intended. I strongly urge all Members to support the bill as prepared under the leadership of Congressman John Dingell, and resist efforts to add amendments which will take an unreasonable human toll to provide excessive additional prohibitions which were rejected by the committee as unnecessary to a sound bill.

The most harmful of these amendments would cut across all the terms of the bill to impose an absolute five, ten or twenty year moratorium on the taking of all ocean mammals, and make the fact-finding and permit process essentially meaningless.

Although I have not seen all proposed amendments, the best of them provide exceptions only for Native subsistence hunting and possibly for the terms of the North Pacific Fur Seal Convention, where permits may be given. I say bluntly that any amendment which does not at least do this much commits cultural genocide on Alaska's Natives and should be rejected. I repeat that it is my understanding that the most responsible amendments will avoid this approach.

Even with these exceptions, a moratorium creates a situation of cultural loss and economic hardship which I do not believe any Member can support. In effect, such a moratorium says to the Natives of Alaska that, without exception and without any chance for a permit based on rational fact-finding, the large portion of the Native economy based on arts and crafts made from ocean

mammals is simply terminated for five, ten or twenty years.

Consider these factors. The need for this small culturally-centered commercial activity is based on the cash economy brought upon the Natives, which has displaced large parts of the subsistence economy. Although it cannot be demonstrated that this activity makes any significant impact on the ocean mammals, it is a large and crucial part of the livelihood of a great many Alaska Natives.

In any case, these considerations of the merits are irrelevant under the moratoriums proposed. Even if these facts are found to be true, and a full investigation of all aspects of the problem supports a limited and controlled taking of some ocean mammals, the moratorium is absolute and controlling over the permit process wisely recommended by the Committee. It might also be worth noting that the insensitivity of the moratorium goes slightly further, in that during the five to twenty years that this Native enterprise is stopped, no alternatives for the economic or psychological welfare of these Native people is proposed.

In conclusion, I can only urge again that you support the bill as reported with its permit process. On December 18, 1971, the Alaska Native Land Claims Act became law. The central policy of that Act, in my view, was to provide a settlement which would encourage and permit continuation of Alaska Native culture to the maximum possible extent. Repudiations of that policy can come in many forms, and I submit that an insensitive moratorium is one of them.

Sincerely,

NICK BEGICH.

At this time, I am submitting an amendment to the amendment of Mr. PRYOR and Mr. UDALL which is designed to protect a crucial part of the economy of Alaska's Native people. Those of you who have seen the "Dear colleague" letter I submitted this morning will understand that my feelings run quite deeply regarding the issues of Native subsistence, the Pribilof seal harvest, and the Native arts and crafts economy.

I am hopeful that the issues of subsistence and the fur seals have been resolved as they should have been. Still remaining is the matter of the traditional arts and crafts Native industry. I do not have time to elaborate here, but my submitted statement will detail both the nature of this small industry and its crucial role in the economy and the culture of Alaska's Native people.

My amendment simply gives Alaska Native craftsmen or groups craftsmen, the right to gain a permit for ocean mammal taking under certain circumstances. They are:

To support Native arts and crafts production for sale.

The taking must be by Natives.

The arts and crafts must be traditional.

The taking may not be wasteful.

The taking of endangered species is forbidden.

The intent is to support traditional and existing arts and crafts enterprises, rather than promote commercial expansion.

Only this morning, I have learned that this amendment is acceptable to the environmental organization, Friends of the Earth. I now bring their letter of support to your attention, and express my appreciation.

FRIENDS OF THE EARTH,

Washington, D.C., March 9, 1972.

Hon. NICK BEGICH,  
House Office Building,  
Washington, D.C.

DEAR MR. BEGICH: Friends of the Earth would favor an amendment to permit the taking of marine mammals for use in traditional arts and crafts of Alaskan Natives, so long as the amendment prevents any expansion of this usage into large-scale commercial operations.

Such a provision would complement the provisions already in the bill, insuring that Native subsistence uses will continue, which we have supported from the outset.

Together, these provisions will reemphasize the principle that Alaskan Native cultures be protected and fostered. This is a principle that Friends of the Earth strongly supports, as our book *Earth and the Great Weather: the Brooks Range* intended to show.

Sincerely,

GEORGE ALDERSON,  
Legislative Director.

In conclusion, let me say that I believe my amendment affords you the opportunity to balance human and environmental considerations in sensitive measure. Can anyone believe they are really separate?

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

Mr. BEGICH. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. Under the committee bill and under my pending amendment, the Indians, Aleuts, and Eskimos of Alaska could continue to take these ocean mammals for subsistence purposes as they have traditionally done.

The further question was raised by the very able gentleman from Alaska about the limited use by the Natives of these ocean mammals for the continuance of their arts and crafts program, which has been a big element in their cash economy. One of the organizations most interested in this legislation, the Friends of the Earth, was opposed earlier to this kind of amendment, but they have given me a copy of a letter which they have addressed to the gentleman from Alaska today in which they accept this amendment. They find it acceptable, with the understanding that the amendment will not enlarge or permit large scale commercial exploitation of these ocean mammals by the Natives there. Is that correct?

Mr. BEGICH. That is correct.

Mr. UDALL. With that understanding, I would accept the amendment to my amendment offered by the gentleman from Alaska.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment, and I point out to my colleagues on the committee that, first of all, this amendment has just been presented today. The committee has not seen it. We have not had an opportunity to review what it is or what it does. The bill does very carefully provide that Natives may continue to take marine mammals for subsistence purposes. In so doing, this committee has gone rather more broadly than the gentleman from Alaska went in the Native claims legislation, and I would point out that this amendment is unacceptable because this sets up a situation that the committee considered very carefully and



found objectionable, and that is, commercial harvesting by the Alaskan Natives.

Now, lest there be any feeling that this committee is not considering the rights or the interests of the Alaskan Natives, it should be pointed out for the benefit of the gentleman from Alaska that the Alaska Native claims bill provided that all hunting rights and all Native rights of the Alaskan Natives were released. We gave the Alaskan Natives \$1 billion. We gave them 140 million acres of land on the assumption that they were not going to need to have these subsistence rights any longer. But we in this committee have not said, "No, you shall not be able to continue your ancient ways by engaging in subsistence hunting, subsistence use of marine mammals."

I do not believe, in view of what the Alaskans have given up and what they have gotten—\$1 billion and 140 million acres of land—that we need to shower further largesse on the Natives. Let them take advantage of the refuges they have there. Let them take advantage of the oil they have gotten under the refuges. Let them take advantage of the \$1 billion they have gotten. Let them take advantage of the 140 million acres of land.

Mr. Chairman, I think the amendment is a bad one. I shall not accept it.

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

Mr. DINGELL. I yield to the gentleman from Alaska.

Mr. BEGICH. Mr. Chairman, I am sorry that the amendment did not come to the direct attention of the gentleman from Michigan (Mr. DINGELL). As an amendment to the Udall-Pryor amendment, it was with those gentlemen and their staffs that I did substantial work, finally winning their approval.

Let me respond only briefly here to some of the earlier points made, however. First, this amendment is designed to make workable the results of the land claims rather than provide additional compensation. As I have stated, the theory of the claims bill was to confirm Native title to enough land to at least possibly allow, if not promote, the continued existence of Native culture under trying modern circumstances.

I submit this amendment today because the policy of that bill is defeated when the use of such land is restricted so as to make ownership of it meaningless. I do not use the word "give" in discussing the settlement, because I believe that it was "confirmed," and we should not act now to make it meaningless.

I would also make clear my own feeling that the settlement of the land claims bill does not operate as a price paid to eliminate other responsibilities to Natives in Alaska. It does not excuse us from providing education, health care, transportation, economic assistance and other help where it is needed just as it would by any person in an area of rural poverty and hostile environment.

Most important, the land claims settlement was not the starting point for the abandonment of culture, and the authorization for Congress to promote such abandonment. This amendment is designed to address itself to an activity which is integral to Alaska Native cul-

ture. If you remember anything I say in this debate, remember this: The arts and crafts industry of Alaska's Natives, modest in size and in environmental impact, is the best and most appropriate cultural response to the cash economy brought to them courtesy of the white man. It is a link, a bridge, a connection with the past. It is that part of subsistence hunting that must now be done in order to pay taxes to buy fuel oil, and to pay rents. To call it "commercial" in the harsh sense fails to understand. I believe it should be protected by my amendment.

Mr. DINGELL. I will say to my friend, the gentleman from Alaska, that we have provided for their subsistence needs. We have tried to consider their cash needs by giving them \$1 billion. I do not have before me at this particular minute how much we gave them in terms of land and how much in terms of cash, but with the oil royalties and everything else we gave them, we have many instant millionaires in Alaska now, and I think perhaps they can give up the wholesale carving of walrus tusks. I think we have given them enough.

I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. BEGICH) to the amendments offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendments was rejected.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arizona (Mr. UDALL) as amended.

The amendments, as amended, were agreed to.

#### AMENDMENT OFFERED BY MR. BIAGGI

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

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 25, on line 1, strike out the dash and all that follows thereafter down through line 8 and insert the following: "the Secretary of the Interior".

Page 45, line 12, after "other" insert "laws".

Page 45, between lines 22 and 23 insert the following:

"(c) On and after the date of the enactment of this Act, and notwithstanding any other provision of law or executive order, the Secretary shall have responsibility for the management and control of all marine mammals within the jurisdiction of the United States."

Page 49, line 11, strike out "of the Interior".

Mr. BIAGGI. Mr. Chairman, this amendment would transfer all authority from the Department of Commerce to the Department of the Interior. It is clear that if we are going to have protection of our ocean mammals, we must have the executive authority exercised by a Department that has a commitment to such protection. That Department is Interior.

The Deputy Administrator of the National Oceanic and Atmospheric Administration, Howard Pollock, testified before a Senate subcommittee that he does not see a real need for this bill. He feels that the only animals that need protection are those threatened with extinction or those likely to be threatened with

extinction in the near future. This means no protection for the porpoises, dolphins, or seals.

Moreover, the Department of Commerce is charged with promoting fisheries interests. It will be most difficult for the Department on the one hand to encourage the tunafish industry, for example, while it must pressure the tunafish industry to stop taking porpoises and dolphins.

The Department of the Interior is clearly the logical place for regulatory authority under this bill. They have enforced the Endangered Species Act with vigor. They were responsible for getting whales on the endangered species list and forcing Commerce to withdraw permits for whaling in the United States. As a result of their efforts there are no imports of whales into the United States.

Additionally they have just concluded preparation of a major case against illegal polar bear hunters and are in fact anxious to ban the killing of all polar bears.

The Department of Justice has just obtained indictments against poachers of alligators—an animal on the endangered species list. This was the result of extensive investigative efforts by the Department of Interior.

Most importantly, the Department placed the so-called eight species of spotted cats on the endangered species list. This means no more imports of leopards, tigers, and other such animals. With the end of the lucrative U.S. market, it is expected that killing of these animals will decline to near the zero point.

Mr. Chairman, I think this amendment is fair. It is logical. It should be passed.

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

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

Mr. DINGELL. I should like to commend my dear friend from New York for a very fine statement and for a very carefully, well-drafted, well-thought-out amendment.

I must say that this matter was considered in the committee, and in spite of the fact that I am in entire agreement with my good friend from New York the committee felt that the responsibility should be split between the Department of Commerce and the Department of the Interior.

I must make very clear to my good friend from New York I personally am in entire agreement with him. This matter should be handled by the Department of the Interior. I do not believe the Department of Commerce is any place where an important judgment like the preservation of major marine mammal species should be decided.

I believe that the public would be much better served by having the Department of the Interior make that decision, but I must say I must regretfully oppose the amendment so ably offered by my friend from New York.

Mr. BIAGGI. I want to thank the gentleman from Michigan, who has distinguished himself as a conservationist and whose reputation in that area in this House is without peer. Therefore, his per-

sonal support of this amendment is sufficient testimony to me that it is adequate, it is necessary, and it is sound.

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

Mr. BIAGGI. I am delighted to yield to the gentleman from Iowa.

Mr. KYL. I should like to direct a question to the gentleman in the well and to the chairman of the subcommittee. Would these two eminent gentlemen also think, then, that all this kind of legislation henceforth should go to the Committee on Interior and Insular Affairs of the House rather than to the Committee on Merchant Marine and Fisheries?

Mr. BIAGGI. Excuse me, but I could not hear the gentleman. Would he please repeat that?

Mr. KYL. I was wondering if the gentleman also thought henceforth all legislation of this kind should also go to the Committee on Interior and Insular Affairs rather than the Committee on Merchant Marine and Fisheries?

Mr. BIAGGI. I would rather not get into the area of that type of speculation in connection with any future legislation. What I am thinking in terms of is the legislation at hand, and comparative attitudes.

The Secretary of Commerce finds himself in a rather difficult position. The issue is so critical that I believe the ambivalence certainly should be removed. The Department of the Interior has clearly demonstrated its interest, its vigor, and certainly its sincerity in this direction.

Mr. KYL. If the gentleman will yield for one further comment, I merely ask this because the Congress is always willing to talk about reorganization of the executive branch to accomplish certain efficiency and other improvement, but we have always lagged behind in trying to do the kind of reorganization we need here.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

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

Mr. BIAGGI. I yield to the gentleman from Maine.

Mr. KYROS. I wish to associate myself with the remarks of the gentleman from New York, and I would suggest to the gentleman that since this legislation originated in the Committee on Merchant Marine and Fisheries I doubt that the Committee on Merchant Marine and Fisheries would lose jurisdiction if his amendment were adopted; namely, vesting the authority in the Department of the Interior.

I was very pleased to see again the insight that the chairman of our subcommittee had on this matter where he personally indicates he believes the Department of the Interior would be the place to unify all of our efforts in preserving and protecting marine mammals.

So I commend the gentleman from New York and associate myself with his amendment.

Mr. LENNON. Mr. Chairman, I rise in opposition to the pending amendment.

Reorganization Plan No. 4 of 1970 which created the National Oceanic and Atmospheric Administration transferred to that agency the various marine mammal programs which had heretofore been in the Bureau of Commercial Fisheries; to wit, jurisdiction in regard to the Whaling Convention Act of 1949, the Fish Seal Act of 1966, and the Northwest Atlantic Fisheries Act of 1950—which by its terminology applies to Hood and Harp seals.

Under its various authorities as to marine mammals, the National Oceanic and Atmospheric Administration is funded in fiscal year 1972 at approximately \$3,100,000 for personnel support, and approximately \$450,000 for marine mammal research funding. At the same time, the Department of the Interior, which retains jurisdiction over other marine mammals—sea otters and polar bears—has a total funding for its marine mammal programs for fiscal year 1972 of approximately \$130,000, including funding for personnel. Thus, the proposed amendment, purportedly reflecting the desirability for combining all marine mammal management in one agency, proposes to transfer their responsibilities of NOAA—with a \$3½ million funding level—to merge into the Department of the Interior program, at a present funding level of just over \$100,000.

Your attention is invited to the departmental reports in the hearing record of the Department of Justice—page 44, the Department of the Interior—page 39, and the Department of Commerce—page 27, all of which stated that the allocation of authority over marine mammals should remain as reflected in Reorganization Plan No. 4 and that the present division should not be disturbed until such time as the Congress may take action to create a Department of Natural Resources. The same position was supported by the Honorable Russell E. Train, chairman, Council on Environmental Quality, whose testimony was presented to the subcommittee by Dr. Lee Talbot on September 13, 1971.

This matter of management responsibility was carefully considered by the Subcommittee on Fish and Wildlife Conservation and during the subcommittee consideration a proposal similar to the present amendment was specifically rejected. An explanation of the committee position appears on page 13 of House Report 92-707. As a matter of fact, if an amalgamation of these programs under the responsibility of one agency is really desirable, it is my opinion that it should be amalgamated under the National Oceanic and Atmospheric Administration, with its lead agency responsibilities in ocean matters rather than under the land-oriented Department of the Interior.

I urge the rejection of the amendment. Now, does it not make more sense—does it not make more sense—that the agency which is funded and created by Congress to regulate the affairs relating to the oceans should have jurisdiction over matters which are in the oceans? Why should it be transferred to the Department of the Interior, along with the polar bears primarily.

Mr. Chairman, I urge the defeat of this amendment which was overwhelmingly defeated in the subcommittee and was not even brought to the attention of the full committee when the subcommittee reported this bill to the full committee.

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

Mr. LENNON. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I wish to associate myself with the views of the gentleman in the well. I do not think this is the time or the place or the way to transfer jurisdictional authority in the executive branch. The committee carefully considered this matter which is covered by the amendment.

Mr. Chairman, the net effect of this amendment would be to vest all jurisdictional administrative authority for the protection and conservation of marine mammals in the Department of Interior.

Under present statutory authority, jurisdiction over marine mammals is shared jointly by the Department of Commerce, in the case of seals, sea lions, whales, porpoises, and dolphins, and the Department of Interior, as to all other marine mammals, such as walrus, sea otters, polar bears, and manatees.

Under H.R. 10420, as reported by the committee, this present split of administrative authority is maintained. The rationale of the committee can be found on page 13 of the report.

Currently, the National Oceanic and Atmospheric Administration of the Department of Commerce is charged with a variety of responsibilities relating to the marine environment and the utilization and conservation of living marine resources pursuant to Reorganization Plan No. 4, October 3, 1970 (84 Stat. 2090), approved by this body on September 28, 1970. It was the feeling of the committee that the allocation of authority over marine mammals embodied in this plan should be maintained until such time as the proposal of the administration for the creation of the Department of Natural Resources has been acted upon. At that time, the administration of the marine mammal program would be merged into one. This feeling of the committee was supported even by witnesses from the Department of Interior, as indicated on page 180 of the committee's printed hearings, 92-10. The Department of Interior indicated that it was their position that the status quo, insofar as jurisdictional responsibilities are concerned over marine mammals, should be maintained with the eventual merging of the two areas once the Department of Natural Resources is formed. Thus, the very Department in which the amendment proposes to vest total authority over marine mammals does not want that authority and would prefer that things stay the way they are.

The official position of the administration pertaining to jurisdictional responsibilities for administration of the provisions of this act is contained in the Federal agency report of the Department of Commerce, cleared by OMB, on page 33 of the committee report, and the Federal agency report of the Department



of Interior, cleared by OMB, on page 43 of the committee report.

Both agencies recommended that the current status quo jurisdiction split between the Department of Interior and the Department of Commerce be maintained pending the creation of the Department of Natural Resources—a measure which is currently pending in this Congress.

The theory behind the proposed amendment is that the Department of Interior would be more conservation and protection oriented. That theory is wrong. The administration of the Pribilof Island seal rookeries has been lauded by conservationists worldwide as being a key factor in the saving of these seals and increasing their numbers substantially—by the utilization of scientific management and control techniques and appropriate population dynamic approaches—all done by NOAA. In the area of mammals taken incidental to commercial fishing operations, the National Marine Fisheries Service, under NOAA, has made recent significant strides in reducing this level of incidental taking by the implementation of various techniques of fishing and new equipment and gear through a joint industry-Government program. This new technique has lowered porpoise mortality by 75 percent. Transfer of this regulatory function would present the administrative nightmare of diluting expertise in the commercial fishing area between two agencies regulating one industry—duplication of personnel, staffing, regulations, et cetera, in such areas as fishing seasons, gear and net restrictions, and other innovative techniques developed by both agencies—if this amendment is adopted.

I submit to this body that adoption of this amendment will only serve to further dilute the strong conservation effort which this committee favors in insuring that our marine mammals are provided with the appropriate environmental and governmental climate to propagate and multiply.

I urge its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The question was taken; and on a division (demanded by Mr. LENNON) there were—ayes 20, noes 35.

Mr. BIAGGI. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID

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

The Clerk read as follows:

Amendment offered by Mr. REID: On Page 36, after line 2, insert the following:

"(j) Notwithstanding any other provision of this section, after the expiration of one year beginning on the date of the enactment of this Act, it shall be unlawful to use, on or in connection with any commercial fishing vessel subject to the jurisdictions of the United States, any means or methods of fishing whereby any ocean mammal could be injured or killed in the course of or incidental to commercial fishing operations."

Mr. REID. Mr. Chairman, as I indicated in a letter to my colleagues, this

amendment will establish a 1-year cutoff date after which time no dolphin or porpoise can be killed incidental to the capture of tuna which is carried on by the fishing industry.

Mr. Chairman, there is much evidence that these friendly and intelligent mammals are being decimated because of commercial fishing practices, particularly in the eastern intertropical Pacific area.

The problem, as many Members know, is that commercial fishermen now use highly efficient purse seines with 4-inch holes to catch schools of tuna, which swim behind and underneath the porpoise schools, perhaps to take advantage of the porpoise's ability to locate bait fish by natural sonar. These seines are four to five times more efficient than using long lines and bait, but they encircle porpoises as well, and too many die before they can be released.

I have been informed by Dr. Carlton Ray of the Smithsonian Institution that well over 200,000 common dolphins, and spotted porpoises die each year in the purse seines of the United States, and there is considerable evidence that porpoise schools are becoming smaller than are normal to the mammals. According to Dr. Allen Longhurst, perhaps one of the world's principal authorities, for reasons we do not understand porpoises that are caught in purse seines do not jump out of the nets. The danger arises when the tuna boats back down to draw in their nets. The porpoises navigate by natural sonar, and the proximity of the encircling nets apparently confuses them. Once encircled, porpoises swim around wildly, and then gather together in a group, and sound to the bottom of the net, where many of them get their snouts enmeshed in the 4-inch holes in the nets, and ultimately drown. Others become so frightened that they go into shock and rigor, and also drown.

These mammals become highly distressed when one of their fellows becomes injured, and will not leave it, which is possibly an explanation as to why some porpoises will not leap out of the nets while others are still trapped.

The National Marine Fisheries Agency, NOAA, has recognized the severity of this situation, and has been spending much time and energy in trying to solve the problem. A net has been devised and made available consisting of 2-inch holes instead of 4-inch holes, making a tighter net so that the snouts of the porpoises cannot become enmeshed.

However, NOAA does not presently have the authority to mandate that private tuna fleets use these new nets, and their usage would not solve the problem to any acceptable degree since it is projected that they would cut tuna mortality by only a little more than 50 percent.

Under the committee bill, it is my understanding that the Secretary could mandate as part of the permit process the use of these improved nets, but it is clear that the nets must be protected with other safety features such as an escape hatch, or an acoustic device in the net to emulate a killer whale's call. The killer whales are their natural enemies, and many scientists, including Dr. Long-

hurst, feel that the device imitating killer whale calls along the leadlines of the purse seines would stimulate porpoises to avoid the nets.

The purpose, therefore, of this amendment, is to allow the permit system, and improvements thereon, to function and to work for 1 year, but thereafter there would be a flat ban on the killing of porpoises or dolphins incident to the fishing industry's endeavors.

I am very conscious of the hard work of the committee, and particularly the chairman, the gentleman from Michigan (Mr. DINGELL) in this area. However, I feel that the choice we have before us today is whether we are going to insist that the incidental killing of 200,000 to 400,000 porpoises per year is halted by a flat ban, or whether we are to condone the decimation of porpoises by perhaps less than modern fishing practices and procedures. By choosing the former, we would be insisting that fishing technology come up with appropriate devices, acoustics, and nets to insure that this incidental slaughter is halted.

The question here is whether we are going to do something to prevent porpoises and dolphins from ultimately sharing the fate of the blue whale and the humpback whale. Further, it is imperative that the Department of State do all that it can internationally to insure the cooperation of the tuna industries in other countries, such as Japan, in saving the porpoise and dolphin from possible extinction.

I believe my amendment gives an appropriate period of time for the creation of a workable new system. But it then says that after that time is up there should not and must not be any further killing of porpoises or dolphins.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York (Mr. REID).

This amendment would have the net effect of completely destroying this country's commercial fishing industry. The incidental taking of just one porpoise in just one net of one boat would be prohibited 1 year after enactment. Operation of an industry under this requirement is hopeless.

I fully understand the emotionalism surrounding many of the issues presented by this complex bill. However, I, and I am sure, a majority of the Members of the House, have no intention of abdicating their responsibility by reacting, without prior thought and analysis, to the concept embodied in this amendment.

Let us look at the facts. The replacement value of this tuna fleet of 140 vessels is conservatively estimated at \$160 to \$165 million. In 1971, the ex-vessel value of all tuna and tuna-like fish landed in the United States by the U.S. tuna fleet of all sizes was approximately \$100 million. In 1970, the wholesale value of the canned tuna and tuna-like pack and other processed tuna products was about \$383 million. The retail value of the canned tuna packed in 1970 was slightly over \$500 million. The wholesale value in 1970 of tuna and mackerel meal and tuna and mackerel oil, nonfood products,

was about \$3.9 million. In 1970, the wholesale value of animal food products derived from fish, of which tuna is a significant source, was about \$105.2 million.

The biological fact that the proposed amendment cannot escape is that it is not possible for a law to separate tuna from porpoise. The adoption of this amendment would result in the demise of a domestic tuna fleet which provides over 40 percent of the tuna annually processed for the U.S. market. This amendment suggests that the United States give up its competitive advantage, in the utilization of purse seine techniques, and expect U.S. moral leadership to persuade foreign industries to do the same. Such a suggestion is totally unrealistic as well as inequitable. The amendment will not prevent the Japanese from taking tuna utilizing the porpoise and purse seine technique, nor will it prevent any other foreign country, for that matter.

The amendment suggests that the protection of ocean mammals is given greater priority than the harvest of ocean food fish. Such a conflict has been caused by the biological fact that tunas are associated with porpoises, and by the technological fact that porpoises must be captured in order to capture tunas.

The proposed amendment asks the U.S. tuna fleet and its vessel captains to risk their livelihood and investment of a lifetime due to the outlawing of the purse-seine method of fishing for tuna.

The goal of the amendment is desirable. I and every member of the committee also feel that the Department of Commerce and the commercial fishing industry should do everything which is technologically feasible to reduce the level of incidental taking to the lowest possible. Significant strides have been made recently in substantially reducing the porpoise mortality rate by the use of new innovative fishing techniques, smaller mesh sizes of nets, and transmitting the sound of the killer whale in the water around the tuna nets—the killer whale is a natural enemy of the porpoise.

In January 1972, then Secretary of Commerce Stans announced that the utilization of these new techniques has lowered the mortality rate by 75 percent in tests conducted jointly by the U.S. tuna fleet, National Marine Fisheries Service of NOAA, and the U.S. Navy.

The real question which must be asked is whether the goal is practicable? The answer is "No." In establishing such an objective within too short a time span, you are creating too great a risk of investment for U.S.-flag tuna vessel owners.

Financial hardship and difficulties in establishing the needed lines of credit will become unavoidable. Even with a further extension of the time period provided for in the amendment, it will be technologically impossible to develop new techniques of purse seining which will insure that not one single porpoise is killed inadvertently.

In short, the net effect of this amendment, if adopted, will be to drive one of the most viable and strongest fishing industries of the United States to begin operation in such foreign countries as Mexico, thus resulting in a tremendous loss of employment within the tuna

industry and allied support industries, further increasing our balance-of-payment problem due to the resultant increase of importation of tuna products from vessels operating under foreign flags, and subjecting the United States to possible price increases for tuna on a wholesale and retail level due to an inability on the part of the United States to affect the competitive price of tuna.

In addition, adoption of the amendment would completely nullify the vast number of public laws now on the statute books which have been passed by this Congress and others in the past, and which were designed to build and maintain a competitive commercial fishing industry in the United States.

In short, unilateral action on the part of the United States, in the adoption of this proposed amendment, will not remove the biological fact that porpoises are associated with tunas, and that a law cannot create a technology to eliminate completely the accidental capturing of porpoises in order to capture tunas. Under the Tuna Convention Act of 1950, this country has a firm international commitment and duty to regulate the tuna industry in order to properly protect and conserve this valuable natural resource. Adoption of this amendment would destroy my and this country's firm belief that Government action with respect to the problems associated between porpoises and tunas be complementary to an existing regime of management concerning both species.

I urge my colleagues to join me in opposition to this amendment and thus legislate by commonsense and rational analysis.

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

Mr. PELLY. I yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I think the gentleman from New York has offered this amendment in good faith. I am satisfied he is trying to do what is good.

I would say that the committee considered very carefully the point raised by our friend in his amendment and it was our determination that the way best to handle the problem to which the gentleman from Washington addresses himself now is through the permit device to require that the Secretary issue permits requiring the most modern technology in terms of providing for the maximum amount in porpoise escapement. That is the direction in which the committee bill is aimed. It is our purpose to minimize to the greatest degree possible the porpoise kill.

But it is also our intention to not, as the amendment offered by our good friend, the gentleman from New York, would do, export the American tuna industry. Because if you stop Americans from fishing with the kind of tools and the kind of equipment that they are using or would use under the bill to the most modern technology, you are going to send the American tuna fleet to Japan and South America where there is great pressure at this time to put them.

It is our hope that the gentleman from New York and the House and our colleagues will support the attempt of the

committee to require the use of new equipment which is now in being and which will reduce to a small percent, maybe 3 or 4 percent, the kill now going on in terms of porpoises and dolphins killed in connection with the tunafishing activities and to take such steps as to utilize that equipment and utilize it in the best possible fashion. That is the purpose of the permit program.

Mr. Chairman, I commend and thank our good friend, the gentleman from Washington for his very helpful comments.

Mr. PELLY. I should first like to respond to the gentleman from Michigan and then I shall be happy to yield to others. The members of this committee should recognize that everything is being done in order to minimize the taking of porpoises when they are caught in nets.

Mr. DINGELL. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. PELLY was allowed to proceed for 1 additional minute.)

Mr. PELLY. This is a great industry that employs a great many Americans in factories where tuna is canned, and, with the employment condition of the country at the present time, I do not think this is any time for us to deal them a death blow.

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

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

Mr. REID. I thank the gentleman for yielding. I know he speaks with great authority on the subject of the tuna industry. It is my understanding, however, that it would be possible to develop alternative methods. Scientists believe there are some modifications in the purse seine that would be feasible. I would say that the present loss of about 200,000 porpoises and dolphins a year is too high. The best solution is the simplest. Set a cutoff date. The industry would then have to alter its purse-seine operations to meet the legal reality or find some other way of catching tuna.

I thank the gentleman for yielding.

Mr. PELLY. I just want to say in response to the remarks of the gentleman from New York that there is no documentation as to the number of porpoises that are taken incidentally in these nets, but I do know a great deal of care is being given to reduce the number, and I am sure, when you consider the number of Americans who would lose their jobs, it would be very ill advised to take the kind of action proposed right now.

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

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

Mr. KYL. Is it not true that those engaged in the tuna industry themselves are most concerned about the conservation of porpoises because they actually use them to find schools of fish?

Mr. PELLY. I would say to the gentleman that the fishing industry has done everything they can to try to conserve



the actual number of dolphins accidentally taken.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. KEITH. It would seem to me, Mr. Chairman, the kind of amendment that is before us now can best be considered on an international basis through the use of the Law of the Sea Conference that is coming up in 1973. There are many nations of the world fishing without great concern for conservation practices. Just this morning I heard on the radio a report of a fleet of 74 Soviet vessels off the shore of Canada doing what they have done off the shore of Cape Cod in the recent past—sweeping the world's oceans clean of millions and millions of pounds of fish, utterly in disregard of good international conservation methods.

As the Delegate from the House to the Law of the Sea Conference, along with my colleague from Minnesota (Mr. FRASER), I intend to bring the point that has been made by my colleague from New York to the attention of that Conference in an effort to further encourage them to adopt on an international basis sound conservation practices that we need so much if we are going to stop the trend, of complete depletion of fish by resources not only for the sake of the fishery resource itself, but for the sake of mankind for all time.

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

Mr. KEITH. I am glad to yield to the gentleman from New York.

Mr. REID. I thank the gentleman for his comments. I very much appreciate the initiative he has taken in the past, and if he can be the instrument to encourage not only the Department of State but other nations really to zero in on appropriate procedures of seizure which would stop the killing of porpoises and dolphins, I think it would be a great step forward.

As has been pointed out, one of the principal countries to which this is a practice is Japan, where they purposely kill porpoises and dolphin for watch oil. So I welcome very much the statement of the gentleman.

Mr. KEITH. I thank the gentleman. I think there is a parallel that can be seen. Unilateral disarmament has not worked. Unilateral action of this sort, while setting a fine example, would probably not in the long run be as effective as what we hope we can follow with the Law of the Sea Conference.

Mr. ANDERSON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment which, in effect, would put our domestic tuna fisherman out of business.

First, this amendment would not stop the killing of porpoises; rather, it would result in a greater number drowning in the nets of foreign fishing vessels which do not have regulations such as those established in the bill H.R. 10420.

Second, if this amendment were adopted, it would drive our larger tuna vessels to foreign shores, where they would register and hire a foreign crew. The smaller operators would be forced to go out of business.

Third, if this amendment were adopted, it would further increase our adverse balance of trade on fishery products. Last year, we had an adverse balance of trade of frozen fishery products of approximately three-fourths of a billion dollars. Roughly \$100 million of this is in the importation of frozen tuna.

Finally, Mr. Chairman, let me assure the House of Representatives that the tuna fisherman is concerned about the killing of porpoises which are accidentally caught in their nets. They are moving rapidly to prevent the inadvertent killing of porpoises.

The bill before us today would require that each vessel use those techniques which would produce the least practicable hazard to the porpoise. Those techniques and future research will greatly reduce the number of porpoises that are killed by the tuna fisherman.

Mr. Chairman, rather than drive the fleet to foreign countries where they are not regulated, let us establish a law which would, first, protect the porpoise and, second, allow our domestic tuna fleet to continue operations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The question was taken; and on a division (demanded by Mr. REID) there were—ayes 17, noes 47.

So the amendment was rejected.

#### AMENDMENT OFFERED BY MR. BIAGGI

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

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 28, between lines 22 and 23, insert the following:

"(d) (1) Notwithstanding any other provision of this Act, after the expiration of two years from the effective date of this title, unless otherwise determined by the Secretary under paragraph (2) of this subsection, no method of commercial fishing shall be employed which results in the injury or killing of porpoises or dolphins incident to the capture of the fish. Upon the effective date of this title no method of commercial fishing shall be employed which is not certified by the Secretary as being consistent with the goal of eliminating such injury and killing. The Secretary shall promulgate and regularly update regulations implementing this subsection, and shall, in cooperation with other Federal agencies, undertake to assist in the development of new technological means of capturing fish in such a way as to eliminate injury or death to porpoises and dolphins. Federal inspectors shall be appointed to periodically accompany vessels engaged in commercial fishing operations before and after the expiration of the two-year period to assure compliance with the provisions of this subsection and the regulations issued pursuant thereto. Separate funds shall be set aside sufficient for the study, under the supervision of the Marine Mammal Commission, established pursuant to title II of this Act, of alternative commercial fishing methods in order to aid in steadily reducing such injury and killing and in achieving complete reduction by the expiration of the two-year period.

(2) After the expiration of the two year

deadline referred to in paragraph 1 of this subsection the Secretary may extend such deadlines for one year periods, up to and including three such periods, after notice and public hearings in each instance, if he finds that:

(a) There has been discovered or proposed no economically competitive alternative technology or fishing method which would eliminate the injury or killing of porpoises and dolphins incident to the capture of the fish. For the purposes of this section "economically competitive" refers to any technology which would not be economically ruinous to the fishing industry in question, and does not imply that such technology or method must confer on such industry an economic advantage.

(b) Every effort has and is being made by the fishing industry in question to eliminate totally the injury and killing of porpoises and dolphins incident to the capture of the fish. Only those vessels may continue to operate during a one year extension period which employ the existing economically competitive technology or fishing method which is most effective in reducing such injury and killing.

Mr. BIAGGI. Mr. Chairman, this amendment meets all the objections of both sides on this issue and is fair to everyone—the public, the tuna fisherman and, most importantly, the ocean mammals.

The conservation groups have argued that a 1-year deadline is essential to end the killing of porpoises and dolphins incidental to catching tuna fish. The industry has argued that to do so would force them into an uncompetitive position in world fishing markets. They would have to close their doors or conduct operations in another country.

To me, 1 year is perhaps too rigid. Thus my amendment would set a 2-year deadline. At the end of this period the industry can ask for a 1-year extension after public hearings. It can then ask for two additional 1-year extensions—again after public hearings.

This gives the industry up to 5 years to find a better way of catching tuna without killing the estimated 250,000 porpoises and dolphins every year. At the end of that period if no solution is found, the industry can come back to Congress for a further extension when the whole act is up for renewal.

The public is protected at each step along the way since it prevents the tuna industry from sitting back and waiting for someone to hand them the solution. They must actively seek an answer since it is now in their best interests to do so.

The hearings procedure will permit full airing of the issue before the public eye.

This amendment is fair and just to all parties concerned. It is a unique compromise that assures the public that proper steps will be taken to end the killing of porpoises and dolphins incidental to taking of tuna fish.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York (Mr. Biaggi) is a most valued Member of this body and a very fine member of the subcommittee, and I have great affection and respect for him. I must, however, point out this is a most complicated amendment, as its length and the time the Clerk has taken to read

it would indicate to the membership of the body.

I believe it is a good faith attempt to improve the bill, but I would point out to the Members that the committee has never seen it. We have never had an opportunity to review the complexities and all the intricacies of the amendment. I believe it would be very bad for us to adopt, on the floor, an amendment which has not been carefully considered.

As pointed out earlier, the bill provides an adequate mechanism for the protection of marine mammals. As I and other colleagues have pointed out, it is our intention, and the bill so provides, that the number of dolphins taken incident to commercial fishing operations should be held to the lowest level possible.

So, for that reason, it is my hope our colleagues will reject the amendment offered by our friend from New York.

Mr. PELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York (Mr. Biaggi).

This amendment would have the net effect of completely destroying this country's commercial tuna fishing industry. The incidental taking of just one porpoise in just one net of one boat would be prohibited. Operation of an industry under this requirement is hopeless.

I fully understand the emotionalism surrounding many of the issues presented by this complex bill. However, I, and I am sure a majority of the Members of the House, have no intention of abdicating their legislative responsibility by reacting, without prior thought and analysis, to the concepts embodied in this amendment.

Let us look at the facts. The replacement value of this tuna fleet of 140 vessels is conservatively estimated at \$160 to \$165 million. In 1971, the ex-vessel value of all tuna and tuna-like fish landed in the United States by the U.S. tuna fleet of all sizes was approximately \$100 million. In 1970, the wholesale value of the canned tuna and tuna-like pack and other processed tuna products was about \$383 million. The retail value of the canned tuna packed in 1970 was slightly over \$500 million. The wholesale value in 1970 of tuna and mackerel meal and tuna and mackerel oil, nonfood products, was about \$3.9 million. In 1970, the wholesale value of animal food products derived from fish, of which tuna is a significant source, was about \$105.2 million.

The biological fact that the proposed amendment cannot escape is that it is not possible for a law to separate tuna from porpoise. The adoption of this amendment would result in the demise of tuna purse seiners which provide over 40 percent of the tuna annually processed for the U.S. market. This amendment suggested that the United States give up its competitive advantage, in the utilization of purse seine techniques, and expect U.S. moral leadership to persuade foreign industries to do the same. Such a suggestion is totally unrealistic as well as inequitable. The amendment will not prevent the Japanese from taking tuna utilizing the porpoise and purse seine

technique, nor will it prevent any other foreign country, for that matter.

The amendment suggests that the protection of ocean mammals is given greater priority over the harvest of ocean food fish. Such a conflict has been caused by the biological fact that tunas are associated with porpoises, and by the technological fact that porpoise must be captured in order to capture tunas.

The proposed amendment asks the U.S. tuna fleet and its vessel captains to risk their livelihood and investment of a lifetime on the judgment of a Secretary as to whether the purse seine method of fishing for tuna is consistent with the goal of eliminating the injury or death of porpoise.

The goal of the amendment is desirable. I and every member of the committee also felt that the Department of Commerce and the commercial fishing industry should do everything which is technologically feasible to reduce the level of incidental taking to the lowest level possible. Significant strides have been made recently in substantially reducing the porpoise mortality rate by the use of new innovative fishing techniques, smaller mesh sizes of nets, and transmitting the sound of the killer whale in the water around the tuna nets—the killer whale is a natural enemy of the porpoise.

In January 1972, the then Secretary of Commerce Stans announced that the utilization of these new techniques has lowered the mortality rate by 75 percent in tests conducted jointly by the U.S. tuna fleet, National Marine Fisheries Service of NOAA, and the U.S. Navy.

The real question which must be asked whether the goal is practicable? The answer is "No." In establishing such an objective within too short a time span, you are creating too great a risk of investment for U.S.-flag tuna vessel owners. Financial hardship and difficulties in establishing the needed lines of credit will become unavoidable. Even with a further extension of the 2-year and 5-year periods provided for in the amendment, it will be technologically impossible to develop new techniques of purse seining which will insure that not one single porpoise is killed inadvertently.

The remainder of the amendment duplicates what is already provided for under H.R. 10420. H.R. 10420 gives the Secretary authority to promulgate regulations in this area. H.R. 10420 permits the Secretary to utilize the technique of on-board Federal inspectors. The set-aside provision of the amendment for funds, controlled by the Marine Mammal Commission, to research alternative fishing techniques is within the inherent authority of the Secretary of Commerce and the Commission under section 110, marine mammal research grants, and section 207, title II pertaining to the funding authorizations for the Commission.

In short, unilateral action on the part of the United States, in the adoption of this proposed amendment, will not remove the biological fact that porpoises are associated with tunas, and that a law cannot create a technology to elimi-

nate completely the accidental capturing of porpoises in order to capture tuna. Under the Tuna Convention Act of 1950, this country has a firm international commitment and duty to regulate the tuna industry in order to properly protect and conserve this valuable natural resource. Adoption of this amendment would destroy my and this country's firm belief that government action with respect to the problems associated with porpoises and tunas be complementary to an existing regime of management concerning both species.

I urge my colleagues to join me in opposition to this amendment and thus legislate by commonsense and rational analysis instead of emotional zeal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Biaggi).

The amendment was rejected.

AMENDMENTS OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ECKHARDT of Texas: On page 37, strike out lines 1 through 16, and on page 39 strike out lines 1 through 7.

Mr. ECKHARDT. Mr. Chairman, it is with great reluctance that I come here with an amendment at this time, knowing the excellent competency of this committee in this general field. However, with respect to the question of administrative fines and forfeitures, considerations other than those of conservation and marine control are involved.

Let me point out to the Members the penalties provided under this act, are, first, penalties provided for any violation, whether intentional or not, which may be imposed administratively by the Secretary—in most instances, the Secretary of the Interior—up to a maximum of \$10,000. The Secretary may remit or mitigate the fine, and then he may seek enforcement of the fine in court. He brings his action in court if the person who has been fined does not pay up.

Now let us suppose that the person who is alleged to have engaged in a violation—perhaps accused of having cruelly taken a seal in violation of the act—claims that he did not violate the act and that he acted perfectly lawfully. He says, "I want to go to court, and I am not going to pay the fine unless it is proved in court that I violated the act." All right. All the Secretary has to do is invoke the forfeiture provisions of section 105 which provide:

Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture.

Then he is given authority on page 39 to send out his agent, and not the court's agent, and seize the vessel and take it out of operation, out of the fishing trade for instance, and hold the vessel in port.



Now, who is going to contest a \$10,000 fine if he has a half a million dollar vessel under arrest and stands to lose it as the price for litigating his case? There is no due process there. The Secretary has the effective final say. He has a gun to the back of the person who is alleged to have violated the act.

Why do we need forfeiture in this act? We have a \$10,000 fine for even an unintentional violation. We have a provision for a \$20,000 fine for a knowing violation.

It seems to me that the additional penalty of forfeiture is unnecessary and extreme.

Now, I assume that if a person does not pay the \$10,000 or the \$20,000 fine, the ship would be subject to seizure as surety for the payment of the fine even if no specific provision to that effect were contained in the bill.

In other words, you could arrest the ship to secure the obligation which has been incurred by the ship, but this is something quite different from forfeiture.

The thing I object to is forfeiture as a lever to force a person accused of this offense to relinquish his right to due process.

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

Mr. ECKHARDT. Yes, I yield to the gentleman from New York.

Mr. CELLER. I also notice that under the provisions for penalties we have the following language:

Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary—

I take it the Secretary of Commerce—may request the Attorney General to institute a civil action in a district court.

However, there is no proceeding established to protect the interest of the litigant, but when it comes to the vessel forfeiture, we do not have anything in there that provides for judicial process, nothing that would indicate the right of the defendant to call witnesses or the right of the defendant to give any evidence as to the ownership, as to the purpose for which he was navigating the ship. There seems to be quite an inconsistency there between sections 104 and 105.

I wonder whether or not the authors of the bill, although they might have "right" on their side, were aware of that fact?

Mr. DINGELL. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in opposition to the amendment which has been offered by my good friend, the gentleman from Texas (Mr. ECKHARDT).

Mr. Chairman, I would point out that the language that is the subject of the two amendments offered by my good friend from Texas is practically standard boiler plate language. It has been adopted by the House and the Senate in connection with the endangered species law, which law was taken directly from the admiralty laws of the United States. It is a matter with which my good friend of the Judiciary Committee is familiar, because he has similar provisions in many

of the statutes under the jurisdiction of his committee.

I would point out the fact that it is different from the narcotics seizure provision in that the seizure does not take place until such time as there has been a conviction. The forfeiture is not final until that time. Under admiralty law bond may be posted and so forth so that title to the vessel is not taken and so the vessel may continue to be used, subject to the wishes of the court and subject to the appropriate understandings with the Secretary.

It is not our purpose to have an unduly harsh law, but it is my view that if we are going to have legislation designed to protect marine mammals, we necessarily must make it very plain that we intend to have strong enforcement measures available for their protection. Therefore, for that reason the provision for seizure and forfeiture is included in the bill.

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

Mr. DINGELL. Yes, I yield to the gentleman from Texas.

Mr. ECKHARDT. The gentleman has said this is not intended to be applied until after conviction, is that correct?

Mr. DINGELL. That is my understanding. This is in conformity with standard admiralty law.

Mr. ECKHARDT. The gentleman will note on page 39 it says that the agent of the Secretary may seize any vessel—

Mr. DINGELL. That is right.

Mr. ECKHARDT. There is this further language:

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed;

Mr. DINGELL. That is right; but the title to the vessel does not pass until after conviction.

Mr. ECKHARDT. But you seize the vessel even if it reasonably appears that a violation occurred—not just after a violation has been shown to have occurred.

Mr. DINGELL. That, I point out to the gentleman, is standard admiralty legislation.

Mr. ECKHARDT. If that is standard admiralty legislation, that is also star chamber proceedings in my book.

Mr. DINGELL. I thank the gentleman. I would point out that this legislation and these provisions have been in the bill since the time that it was introduced, and there has never been any question raised about these provisions by any person in any portion of the proceedings before the committee.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. DINGELL) there were—ayes 15, noes 37.

So the amendments were rejected.

Mr. RONCALIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not use the full 5 minutes, but in the presence of the ranking minority member of the Com-

mittee on the Judiciary (Mr. POFF) and the eminent chairman (Mr. CELLER) and my good friend Mr. JOHN DINGELL, chairman of this committee, I think it is appropriate that I take a minute to recognize what I think is a dangerous pattern developing in this legislation.

Several months ago in passing the law on the preservation of endangered species inland, we passed a law raising the penalty against a sheep owner from 6 months and a \$500 fine for killing an eagle to a mandatory 2 years in jail and a mandatory \$5,000 fine, \$2,500 of which shall be presented to the neighbor who snitches on him.

We are paying informers to do the job that livestock inspectors ought to do, and other Federal officials charged with the protection of livestock.

Now we have a bill before us, my fellow lawmakers, which pays again half of the fine up to \$2,500 to a neighboring fisherman who will snitch on his neighbor if he finds him killing a mammal of an endangered species.

I think this is a dangerous precedent. I think it is against due process. I hope that the members of the Committee on the Judiciary and the rest of my colleagues will serve notice now that this ought not be the pattern of legislation in this free country of ours.

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

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

Mr. ECKHARDT. Mr. Chairman, I wish to compliment the distinguished gentleman from Wyoming and I join in the views of my colleague. I think I am one who has a 90 percent voting record favorable to conservation groups, but I do not mind lowering that record if the balance is the balance between due process and conservation.

Again I compliment my colleague for his position on this subject.

Mr. RONCALIO. I thank the gentleman from Texas.

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

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

Mr. SEIBERLING. Mr. Chairman, I too join the distinguished gentleman in the well, and the distinguished gentleman from Texas, on this subject. I too yield to no one in my record as a conservationist, but when we get to the point where we are seizing private property without due process it seems to me we have gone too far, and I will vote to oppose any such excessive use of power.

Mr. RONCALIO. Mr. Chairman, I thank my good friend, the gentleman from Ohio (Mr. SEIBERLING). The gentleman expresses the opinion of many of the ranchers in the State of Wyoming who feel that when they cannot protect their private property—that their private property is being confiscated for the supposed public good without due process.

I thank both the gentlemen for their statements.

The CHAIRMAN. There being no further amendments to Title I, the Clerk will read.

The Clerk read as follows:

## TITLE II—MARINE MAMMAL COMMISSION

### ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

### DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their management, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable

in connection with the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the conservation and management of marine mammals, and suggest appropriate international arrangements for the conservation and management of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

### COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) Members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of

Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

### COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202, together with the responses made to these recommendations.

### COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

### ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed \$100 per diem); and

(5) incur such necessary expenses and exercise such other powers, as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

### AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed \$1,000,000. Not less than three-fourths of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3).

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

### AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 46, strike out line 10 and all thereafter down to and including line 21 on page 53.

Mr. GROSS. Mr. Chairman, I will try not to take the 5 minutes because I know



the members of the House T and T club, out on Thursday, back on Tuesday, are anxious to get the club on the road, this being Thursday afternoon.

Earlier this afternoon there were references to concern and emotion. I am becoming increasingly concerned about the lack of emotion in behalf of the taxpayers of this country.

This bill, and I have not heard the figures mentioned even once this entire afternoon, carries a spending tag of some \$20½ million. I think that figure is right, and I stand to be corrected if it is not accurate.

So this is not a small spending bill. The worst feature of it is the creation of a commission on whales and an advisory committee on whales at a cost of \$5 million over the life of this legislation.

It seems to me that with all of the commissions and advisory committees of one description and another that we have in this Government; with the Department of Interior and the Department of Commerce already in this field, and with the hundreds of millions of dollars to be spent upon environment and ecology, that we ought to effect some kind of saving around here in programs of this kind.

My amendment will simply strike out the commission and the advisory committee and save the taxpayers over the life of this bill \$5 million.

That is all it will do, simply strike out title II, which is the provision providing for these setups.

I hope some day there will be the recognition in this House that we are in dire financial circumstances in this country. I understand the gentleman from Arkansas (Mr. MILLS) will call up on Monday, for final action, the bill to increase the debt ceiling. I assume the House will approve the increase to \$450 billion and then in June or July of this year you will be confronted with still another increase due to this and other profligate spending.

Now somewhere along the line, someone is going to have to practice a little economy in this Government and pay off something on that debt. There is only one way in the world that you are ever going to do anything about decreasing the debt ceiling, and that is to pay something on it. There is only one way you are going to stop the spending of \$22 billion a year in interest on the Federal debt, and that is to pay something on the debt; to reduce it. That is the only way.

In the name of fiscal responsibility I urge the adoption of my amendment to effect a minor saving in this bill.

Mr. DINGELL. Mr. Chairman, in order to save the time of the committee, I rise in opposition to the amendment offered by my good friend, the gentleman from Iowa.

The matter that the gentleman raised was considered with care in the committee. Title II is an essential part of the whole bill. It is necessary to make the whole bill work. It provides three quarters of the funds the gentleman complains about go to research on marine mammals and on to the humane methods of taking them, how to keep the population stocks up, and what the level

of taking is going to be for maintaining the optimum population levels.

The bill actually provides in terms of total expenditures on marine mammals a most modest increase over the present level of expenditures.

Mr. Chairman, I hope that the committee will reject the amendment.

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

Mr. DINGELL. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Is not research presently being carried on?

Mr. DINGELL. That is correct. This part of the bill reallocates the way the bulk of the resources are being expended for research in this area.

Mr. GROSS. I will say to the gentleman that I am not opposed to the preservation of whales or any other mammals, but I am opposed to creating more and more bureaucracy in this Government. We are overrun with it now.

Mr. DINGELL. I share the gentleman's concern. We have sought to channel this money almost entirely into research, and virtually none into the creation of a bureaucracy. If the gentleman will read the language he is trying to strike, he will see that is what we have sought to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 13, noes 39.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. BEGICH. Mr. Chairman, it is with the utmost reluctance that I rise in final opposition to H.R. 10420. I intend to vote against it, and I must confess that I take no pleasure in doing so. If the Members will indulge me, I would like to set out in detail my reasons for opposition, and the reasons why it gives me no pleasure.

It gives me no pleasure, Mr. Chairman, because I support wholeheartedly the intent and objectives of this legislation, and have done so from the very beginning. I recognize that the ocean mammals are a valuable resource threatened by a broad range of dangers. I believe that both immediate protection and long range study of this entire area of concern are essential components of a sound legislative solution. Moreover, I believe the committee has done a thorough and professional job in the hearings, in the report and in drafting. I might note that my support of the committee's work was indicated when H.R. 10420 came on the Suspension Calendar. I supported it fully at that time, as reported by the committee.

As reported from the committee, H.R. 10420 makes findings on the status of ocean mammals, establishes a system of prohibitions relating to their taking, and establishes an elaborate permit system which will result in limited taking of certain mammals after specific findings of fact are made. Also, certain subsist-

ence rights of Native Americans are protected. Finally, the bill establishes a Marine Mammal Commission authorized to undertake a comprehensive study of ocean mammals to provide the sort of information needed to make wise decisions for the future of this important resource.

Although I must say I have both general and specific differences with H.R. 10420, I believe it is basically sound legislation resulting from reasoned study and deliberation by the subcommittee and full committee. The bill avoids the unreasoned emotionalism which has at times removed this entire issue from our mutual ability to act responsibly.

In addition to all of this, it is my own State, and its people and resources, where the impact of this legislation will fall most heavily. That impact, should it have contained the virtues which I had hoped, would have been welcome. For many years in the Alaska State Senate, I worked to accomplish the objectives stated here today. In that period, and since then, I felt that I gained special knowledge and interests regarding marine mammals. I wanted to vote for this bill today.

I intend to set out my reasons for being unable to do so, but first I must say that there were some important points won for Alaska today, in spite of determinative defeats and omissions.

First, the subsistence rights of Native Alaskans were protected. Second, the Pribilof Islander's harvest of fur seals under the North Pacific Fur Seal Convention was protected. Third, certain agreements with regard to the manner of subsistence hunting were established. Fourth, the right of Natives to sell arts, crafts, and products made from the by-products of animals taken for subsistence purposes was broadened and specified. Fifth, the fisherman of Alaska gained tremendously from understandings reached here today on the matter of permits to take ocean mammals that become tangled in commercial fishing gear.

Some of these things were already in the bill, others were agreed upon only yesterday, and others had to be done today on the floor. I am pleased that at least these things could be accomplished for the people of Alaska. They do credit to the bill and its sensitivity.

I am pleased that this was done, but what was left undone leaves me no alternative but to vote against the bill. I could not do otherwise and answer the many Alaskans who will suffer hardships under the bill. I have no choice but to vote against the bill as it has been amended, and now awaits the final vote. Because I have said so much in all my arguments in dissent today, I will say less now than I could and perhaps should.

Of overriding importance in forcing my vote against this bill was the adoption of the moratorium feature added as an amendment here today. Nearly all of my objections relate to this central moratorium measure.

I must simply say that the moratorium proposal does in no way improve this bill, but rather limits it, narrows it, and creates an inability to act which

does no credit to basic precepts of environmental thought.

The permit process contained in the committee bill stopped the killing of ocean mammals and placed the burden of proof on those who wanted to resume any killing or any harvest to prove that such taking was in accordance with the objectives of this act. To gain such a permit, a thorough process was established. I would not have opposed measures to improve the permit process. The point is that where rational, thorough study by responsible people and agencies resulted in the conclusion that some limited taking of ocean mammals was in conformity with the goals and policies of this legislation, then a permit could be granted.

Under a moratorium, the same finding could be made, proving beyond a doubt that limited taking was desirable, and a permit could not be granted because the moratorium was absolute.

Considerations of the merits are irrelevant under the moratorium. Even if the facts are found to be true, and a full investigation of all aspects of the problem supports a limited and controlled taking of some ocean mammals, the moratorium is absolute and controlling over the permit process wisely recommended by the committee.

To ease the tragic effects of the moratorium, some exceptions were provided. Those provided were so obvious as to foreclose any alternative but inclusion. In a letter to my colleagues yesterday, I disclosed my feelings on these more obvious points in saying:

I have learned of various amendments which are intended. I strongly urge all Members to support the bill as prepared under the leadership of Congressman John Dingell, and resist efforts to add amendments which will take an unreasonable human toll to provide excessive additional prohibitions which were rejected by the committee as unnecessary to a sound bill.

The most harmful of these amendments would cut across all the terms of the bill to impose an absolute five, ten or twenty year moratorium on the taking of all ocean mammals, and make the factfinding and permit process essentially meaningless.

Although I have not seen all proposed amendments, the best of them provide exceptions only for Native subsistence hunting and possibly for the terms of the North Pacific Fur Seal Convention, where permits may be given. I say bluntly that any amendment which does not at least do this much commits cultural genocide on Alaska's Natives and should be rejected.

I am glad that some exceptions were made, but they do not eliminate the absolute nature, the blindness, of a moratorium. The most serious omission will simply mean human hardship for Native Alaskans. That omission was the failure of the moratorium to make an exception allowing a permit for the taking of ocean mammals for traditional arts and crafts sold commercially.

Without such an exception, the moratorium says to the Natives of Alaska that, without exception and without any chance for a permit based on rational factfinding, the large portion of the Native economy based on arts and crafts made from ocean mammals is simply terminated for 5 years.

Consider these factors: The need for this small culturally centered commercial activity is based on the cash economy brought upon the Natives, which has displaced large parts of the subsistence economy. Although it cannot be demonstrated that this activity makes any significant impact on the ocean mammals, it is a large and crucial part and crucial part of the livelihood of a great many Alaska Natives. I am unwilling to tell the many Natives in Alaska who must discover immediately a new source of income, and incidentally a new cultural plan, that I voted for the legislation that stopped them from continuing their traditional crafts.

I am also deeply concerned that one of the exceptions to the moratorium is so paradoxical in its language that it may create still another hardship for Alaskan Natives. This is the exception allowing permits for the fur seal harvest under the North Pacific Fur Seal Convention.

This Fur Seal Convention has been often cited as one of the best examples of international cooperation for resource conservation. My own information indicates that this convention is responsible for the recovery and health of the fur seal herd which was nearly decimated by high seas hunting earlier in this century. The harvest is also the sole economy for over 600 residents, mostly Natives, of the remote Pribilof Islands. I am well aware that the committee which prepared this bill is aware of the merits of this convention and the harvest, and I command this exception.

Still, in the second sentence of the exception, its purpose and meaning is threatened when the Secretary is urged to follow only a policy of reduced harvest or no harvest at all—a mandate that the only acceptable management tool is reduction or stoppage of the harvest. Although the sentence only "urges" the Secretary to act, and thus has only limited authority, I am concerned that its inclusion serves to defeat rather than enhance the legislation, since most environmentalists know that modern-day management often requires a selective harvest, sometimes of some magnitude, to ultimately benefit an animal population. This is the case specifically with the fur seal herd, where the harvest has ranged between 30,000 and 85,000 over 10 years, and the herd has increased each year and been maintained at optimum size.

I certainly share the view that in a natural state, natural selection is the best policy. However, we all know that in the modern world, this is no longer a luxury we can always afford. Specifically in the case of the fur seals, a growing high seas herring fishery which is beyond the control of the United States threatens the food source for the fur seals. Where food for only 300,000 fur seals is available for a herd of 400,000, the feeding process is not so selective as to insure that only 100,000 will perish. In such a case, a selective, and perhaps even increased harvested is necessary in some years. Yet the language in the amendment operates against this tool when it is necessary.

I was also prepared to offer an amendment to create an exception for sport-hunting permits. To be honest, I did not

do so because it would have lost badly; I was told it would lose badly; and the gesture was secondary to the real need for change. The amendment read as follows:

Permits may be issued for the taking of marine mammals by the method of sport hunting, as controlled by the law of specific states, where specific findings are made in the permit consideration procedure under this Act that selective and limited harvesting is in accordance with the findings and policy of this Act, and that such harvesting can be reasonably accomplished by properly limited sport hunting.

This amendment was directed to the attention of every Member who allowed sport hunting for any species of any animal or bird in his state, including deer, rabbits, ducks, geese, or other animals. Each one should understand that the basic premise of such hunting is that it is a management tool to control animal populations at the best level for the health and growth of that population.

To not adopt such an amendment as an exception to the moratorium means that sport hunting is being rejected absolutely as an alternative for management purposes in the case of all ocean mammals, no matter what the facts show, or the needs are, for the next 5 years. This is the heart of the problem with the moratorium amendment, as it forbids action for 5 years even on reasoned findings.

My amendment was simple and straight forward. It did not provide an automatic permit; it did not attempt to soften the permit or factfinding process; it did not in any way resolve the extent to which sport-hunting permits might be allowed for any species. What it did do was say that where all the evidence indicates that such a permit serves the purposes and objectives of H.R. 10420, then it can be issued, rather than being blocked by a blind and absolute moratorium.

I simply cannot believe that a permit should be impossible to get where rational consideration indicates it is advisable. The permit process proposed in the bill as reported is a complete and worthy one. Why should it be ignored by a nearly absolute moratorium which does no sensitive justice to the cause it attempts to serve?

I believe that to reject this amendment, and to deny even the chance for a sport hunting permit where the facts support it, a profound statement is made in favor of such a moratorium on hunting, without exception, in other States. Would you be willing to invoke an absolute 5-year moratorium on hunting all of the species in your own area, even where sound management indicates otherwise? That such an amendment would have been badly beaten, as it would have been, is wrong. Quite frankly, my own objections to the amended bill could continue on for some time, and I regret it is so. I believe the bill fails to distinguish adequately between species and adopts a generalized approach which is inconsistent with its purpose. I believe it repudiates, to a large extent, the policy of the Alaska Native land claims settlement. I believe the bill is insensitive to rational State-Federal relationships, paying them only a nod in section 109. Few State



powers could be so clear as that to regulate the fish and game within a State.

Still, in the final analysis, I regret having to oppose the bill because I believe in its objectives. It is its methods which compel me to vote "No." These methods are devoid of human values in far too many cases, and too generalized to avoid substantial hardship for many Alaskans.

Some of those Alaskans have tried to tell me of the hardships, and in the end, this is the reason I am voting "No." I make their statements available to you here as the best argument I could make.

I include the following:

ANCHORAGE, ALASKA,  
March 9, 1972.

Representative NICK BEGICH,  
House of Representatives,  
Washington, D.C.:

We of the village of Point Hope are against any part of bill 10420 that will not permit us to continue our culture and livelihood. Please respect our desires to continue living in our traditional ways.

JOHN OKTOLLIK,  
Mayor, Point Hope, Alaska.

ANCHORAGE, ALASKA,  
March 9, 1972.

Representative NICK BEGICH,  
Washington, D.C.:

This copy sent to representatives Pryor and Udall: Re marine mammal bill 10420 the Alaskan Natives have lived in harmony with nature for over ten thousand years. Please allow the continued use of marine mammals in our culture and economy. In many areas there are no viable alternatives our harvest is small but its importance is great.

HENRY TIFFANY,  
Alaska Native Arts and Crafts Coop.  
JUNEAU, ALASKA.

GAMBELL, ALASKA,  
March 6, 1972.

Representative NICK BEGICH,  
House of Representatives  
Washington, D.C.:

We in this area are still on subsistence living. The sale of seal skins, walrus ivory and articles made from these raw materials are our only source of income. We the people of Gambell strongly protest the passing of the bill banning the hunting of sea mammals for the next ten years. The bill is outrageously unfair.

JOHN APANGALOOK,  
President, Gambell Village Council.

JUNEAU, ALASKA,  
March 8, 1972.

Hon. NICK BEGICH,  
U.S. House of Representatives, Longworth  
House Office Building, Washington,  
D.C.:

The Alaska Department of Environmental Conservation is deeply disturbed by the attempts to remove section 107, H.R. 10420, which permits subsistence hunting, from the sea mammals bill. Unless it is assumed that natives and native culture are not a part of the environment, the removal of this section of the bill must be considered, from the overall, as an anti-environmental approach since it would be the death knell of the Eskimo culture.

The Eskimo culture is based on hunting. The old chiefs were the best hunters in the villages, their stories and their dances glorify the hunt, the youngsters respected and wanted to grow up to be great hunters and when the hunting was poor the people died. The Eskimos were and are a sea people hunting sea mammals. If this bill passes without permitting subsistence hunting, it will emasculate the Eskimos' manhood and for what other than a sop to Western mans environmental guilt feelings.

From other environmental considerations, the annual catch of bowhead whales by the villages of Point Hope, Wainwright, and Barrow, the only villages with one exception in the last 20 years taking whales, has ranged from one or two to nineteen. The average is about nine or ten. The bowheads appear to be increasing in numbers and they and the Eskimos are certainly in equilibrium with their environment in the northern seas.

The situation with polar bears is similar, the Native catch has ranged from a few to a high of about 75 in 1969 per year probably averaging about 20. It is the harvest of several hundred per year by non-natives using airplanes that has placed the pressure on the bear population. The walrus situation is a bit more of a problem and perhaps authorization to limit the catch is needed. Elimination of a catch, however, would destroy the Eskimo culture on St. Lawrence Island. Any prohibition against the Eskimo, Aleut, or coastal Indians catch of hair seals is environmentally uncalled for as the hair seals, the butter of the north, and the natives have co-existed in equilibrium and still do with their environment for centuries.

I recommend using extreme efforts to retain the subsistence hunting in the sea mammals bill. To do otherwise will be a blow to conservation and will destroy a culture as we have destroyed so many before.

MAX C. BREWER,  
Commissioner, Department of Environ-  
mental Conservation.

ANCHORAGE, ALASKA,  
March 9, 1972.

Representative NICK BEGICH,  
House of Representatives,  
Washington, D.C.:

Copy sent to Pryor, Udall and Speaker of the House Carl Albert.

We are urging you to reconsider your House bill number 10420 effecting the hunting of sea mammals that will drastically effect thousands of Eskimos who depend on the sea mammals for their livelihood. We believe your bill may have been influenced by some earlier TV documentaries that do not pertain to the way the Eskimo hunts. The natives have been taking the mammals for hundreds of years and according to the Fish and Game Department they are actually increasing. Perhaps you should direct your bill toward international views where we believe each spring the Soviet and Japanese come into the Bering Sea with their ships vs. our skin boats.

PETER SEGANNA,  
President, King Island Village Council.

ANCHORAGE, ALASKA,  
March 9, 1972.

Representative NICK BEGICH,  
House of Representatives,  
Washington, D.C.:

Copy sent to Pryor and Udall.

Natives of Alaska live off the land and sea animals. We hunt these animals for subsistence food only and with this bill 10420 you are completely cutting off our daily food. If this bill is to be passed a similar bill should be introduced to ban all commercial fishing in the United States waters. Remember our people have to eat and natives live 100 percent on our own food. We hunt under adverse weather conditions in order to survive.

IRA COUNCIL OF SHISMAREF,  
BILL BARR,

President.  
CLIFFORD WEXIOUANA,  
Vice President.  
HERBERT NAYAKPUK,  
Member.

ANCHORAGE, ALASKA,  
March 8, 1972.

Representative NICK BEGICH,  
Washington, D.C.:

AFN resolution whereas the Alaskan native people are dependent upon wild life re-

sources in Alaska for subsistence and whereas native utilization of renewable resources for subsistence purposes necessitates commercial production and sales to accommodate a forced cash economy and whereas any restrictions imposed against subsistence utilizations of Alaskas renewable resources by Alaskan natives will cause great human suffering and elimination of our cultural and artistic activities now therefore be it resolved that the board of directors of the Alaska Federation of Natives Incorporated duly assembled on this 8th day of March 1972 expresses violent opposition to any and all sea mammal bills under consideration by the United States Congress which would restrict Alaskan native activities in the utilization of Alaskas renewable resources.

DONALD R. WRIGHT,  
President, Alaska Federation of Natives.

ANCHORAGE, ALASKA, March 9, 1972.  
Representative NICK BEGICH,  
Washington, D.C.

As president of the Alaska Historical Society, a private statewide organization, I urge you consider carefully the provisions of the marine mammal bill H10420 which would preclude our Native peoples from taking marine and ocean mammals which has been their traditional practice. Our reasons for this request are: (1) their taking of such mammals forms a significant part of the coastal economy of this State, (2) in many coastal communities there is no viable economic alternative, (3) their traditional use of such animals forms an extremely important link in their cultural heritage that includes their folk art forms such as ivory carving, baleen work, skin sewing, etc., (4) in the overall picture their littoral harvest of such mammals is insignificant to the extensive pelagic harvest by non-natives (mostly commercial hunters from other countries). Alaska Representative Nick Begich can furnish additional details.

RICHARD W. MONTAGUE,  
President, Alaska Historical Society.

NOME, ALASKA,  
March 9, 1972.

Hon. NICK BEGICH,  
Congressman for Alaska, Longworth Office  
Building, Washington, D.C.:

Following is the text of my telegram sent to Congressman Dingell from Michigan, Congressman Pryor from Arkansas, and Congressman Udall from Arizona. Please work toward scheduling hearings at a date convenient to allow Alaskans sufficient time to testify; the end result being that those provisions which are harmful to Alaskans will be removed from the legislation introduced by these men.

"Regarding your pending legislation relating to the hunting of sea mammals; request that hearings be scheduled at a date convenient to allow Alaskans sufficient time in which to testify.

Passage of this legislation would be detrimental to the livelihood of many Alaskans, particularly the Natives in the rural areas where the subsistence economy is still prevalent and will remain so for some time to come. Our people are dependent on the sale of byproducts such as hides, ivory, native made garments, tools, etc. to provide the very basic necessities for their families. Loss of this income through passage of this legislation will have the direct effect of creating a welfare State. The side effects will further harm the economy of the entire State of Alaska. Many shops sell exclusively Alaskan Native art, jewelry, clothing, etc., all of which are made from sea mammal byproducts. Loss of these items will reduce tourism. The overall economic effect will be extremely harmful.

Finally, consider this; cultural genocide is every bit as condemning as systematic extermination. Legislation such as this will be destroying a way of life."

JIM BELL,  
Director, Inupiak Development Corp.

ANCHORAGE, ALASKA,  
March 9, 1972.

Re Marine mammals bill, House Bill 10420.  
Representative NICK BEGICH,  
House of Representatives,  
Washington, D.C.:

The people living on the coast of Alaska that will be most effected by this legislation, have survived from the food and products of these mammals for centuries. The walrus and seal and oograks of Alaska are not yet near extinction at this time to be so protected. Instead of interrupting a culture in transition, let's begin to manage the animals in such a way as to increase their number, rather than to decrease. Let's begin to manage these animals in such a way as to not give these people any more problems.

LYNN CHAMBERS,  
Director of Arts, Department of Economic Development of Alaska.

NOME, ALASKA,  
March 3, 1972.

Re Marine mammal bills proposed.  
Representative NICK BEGICH,  
House of Representatives,  
Washington, D.C.:

We, the Arctic Native Brotherhood, request the hearing date for March 7th be postponed until such time as a hearing could be held in our area, to discuss the impact of this bill which will affect our subsistence, our livelihood, and our cultural way of life.

JEROME TRIGO,  
President, Arctic Native Brotherhood.

BERING STRAITS NATIVE ASSOCIATION,  
Nome, Alaska, March 3, 1972.

Re Marine mammals bills proposed.  
Representative NICK BEGICH,  
House of Representatives,  
Washington, D.C.:

We, the Bering Straits Native Association consisting of 18 villages located on the Bering Sea coast, request your consideration in our behalf. The passage of these bills would greatly limit our only source of income and livelihood, and for some people the sole source of our livelihood. We are totally against the passage of this bill without due consideration of the Bering Straits Native people. We request a hearing in our area and will be pleased to testify on our behalf.

JEROME TRIGO,  
President.  
MARTIN L. OLSON,  
Vice President.

ANCHORAGE, ALASKA,  
March 8, 1972.

Representative NICK BEGICH,  
Washington, D.C.:

Cook Inlet Chapter, Alaska Conservation Society, supports legislation protecting sea mammals from commercial and sports hunting at this time. Management of species can not be accomplished if threatened or overutilized. We oppose ban on subsistence hunting which must be allowed on closely regulated basis to protect livelihood of few Alaskans who depend on sea mammals to live.

ROLLIN DAL PIAZ,  
President.

ST. PAUL ISLAND, ALASKA,  
October 8, 1971.

Hon. Senator MIKE GRAVEL,  
U.S. Senator for Alaska,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR GRAVEL: This letter is to request your assistance in dealing with a serious problem that has arisen on the Pribilof Islands. Since it involves a threat to Congress' stated policy as to the Islands' future, I am sure that you will share my concern.

As you are well aware, the Fur Seal Act of 1966 mandated that self-determination be

the goal of the people, and that there was to be cooperation by all federal agencies. The language and clear intent of the Act called for a reduction of the federal presence on the Islands, the building of a viable municipal government capable of taking over many municipal services now run by the National Marine Fisheries Service, and for the creation of a strong and independent community. The history of the Act made it clear that Congress had decided that the years of domination by the NMFS (and its predecessor, the Bureau of Commercial Fisheries) was to be replaced by a government selected by the Islanders themselves. In keeping with this goal, the residents of St. Paul Island decided in an election on June 21, 1971, to incorporate under Alaska law as a fourth class city: the City of the Aleut Community of St. Paul Island.

After that election, at which a five man city council was selected, it was clear that the new city would require assistance in planning and implementing its take over of municipal services and other city functions. At the request of the city council and on the advice of Robert Robertson, head of the National Council on Indian Opportunity of the Office of the Vice President, I discussed the need for technical assistance with the consulting firm of Marshall Kaplan, Gans & Kahn in San Francisco. At the city's request, the firm prepared a contract for technical assistance and one of its staff members returned with me to St. Paul Island in mid-September. The city council met, discussed the consulting contract, and then unanimously approved a resolution authorizing the city council president to sign the contract, which he did.

During the following week, and at the request of the council, the consultant drafted a Code of City Ordinances for the new city government, began a feasibility study of the proposed city take over of municipal services, and began to assist the council in preparing its testimony on the various fur seal bills now pending in Congress. Members of the council recognized the need for this and other assistance, and suggested a number of areas in which help would be required in coming months.

Despite the clear need of the St. Paul city council for outside assistance of this type, the consulting contract was strongly opposed by several employees of NMFS who were on St. Paul at that time. At a public meeting called to consider the draft Code of Ordinances, Hal Drinkall and Helen Saale, both on the staff of the NMFS Regional Office in Seattle, opposed the consulting agreement which the council had approved. Mr. Drinkall also stated that it was foolish of the people on the council "to pay for what it could get free," i.e., free technical assistance from federal agency representatives. Although it was pointed out that the need for true independence and self-determination required that the city have access to independent legal and planning advice, Mr. Drinkall continued to attack the council's approval of the contract.

At a meeting of the city council a few days later, Mr. Drinkall stated, without any foundation, that the council had "illegally" approved the contract and that instead of hiring consultants, the council should rely on him and other federal officials for advice. Mr. Drinkall also made veiled threats to the city council president that if his advice were not taken, the transfer of land and buildings from NMFS to the city—a transfer required by the Fur Seal Act—would be "jeopardized." This certainly is a clear and obvious indication that NMFS really wants to continue their paternalistic attitude with the total operations of the Islands. This certainly is not in tune with section 206 of the Fur Seal Act which strongly calls for greater self-sufficiency and self-determination of the people.

I am sure that you share my outrage at

these acts. They violate both the spirit and the letter of the Congressional mandate contained in the Fur Seal Act. They indicate that federal policy decisions are being thwarted by federal employees in the field. But, most important, they reveal a callous indifference to the need of St. Paul residents to build a local government that truly reflects their own goals. It appears to be a deliberate attempt to perpetuate the dependency that has been imposed on the residents of the Pribilofs for generations. Whatever the stated objectives of the National Marine Fisheries Service, it seems clear that many NMFS employees regard the Pribilof Islands as their own private fiefdom, in which they intend to oppose any steps which the Islanders may take toward meaningful self-sufficiency.

You have, on many occasions, shown the depth of your interest and concern in helping the residents of the Pribilof Islands gain meaningful independence. At this critical period for the Islands, we need assistance from many sources, both public and private. I hope you will be able to help guarantee that we can make those choices freely, without pressure or threats from NMFS staff. Any assistance you could give to the residents of St. Paul in this regard would be deeply appreciated.

Sincerely yours,  
PATRICK PLETNIKOFF.

ALASKA HISTORICAL SOCIETY,  
Anchorage, Alaska, March 3, 1972.  
U.S. Representative NICK BEGICH,  
House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN BEGICH: For your information, I'm enclosing the text of a telegram which I sent Senator Hollings yesterday.

Our Society is concerned about the possible exclusion of our Native peoples from their traditional use of ocean and marine mammals as a result of pending legislation in Senator Hollings's subcommittee on oceans and the atmosphere.

The use by Natives of such mammals as part of their folk culture should, we feel, be preserved, as this use constitutes an important cultural link with their heritage.

The Society is encouraging Senator Hollings to hold additional hearings, in Washington, but ideally also in Alaska, so that various groups certainly including the Native peoples may furnish additional testimony.

On behalf of the executive board of the Society, I request your consideration of this matter and an appropriate follow up with Senator Hollings. We appreciate your efforts on this score.

Sincerely,  
RICHARD W. MONTAGUE,  
President, Alaska Historical Society.

ANCHORAGE, ALASKA.  
Senator ERNEST HOLLINGS,  
Subcommittee on the Oceans and Atmosphere, Senate Office Building, Washington, D.C.:

As president of the Alaska Historical Society, a statewide group, I urge you to give consideration to holding additional hearings on the group of bills now in your subcommittee relating to ocean and marine mammals. Our Society is concerned lest legislation lead to the exclusion of our Native peoples, Eskimos, Aleuts and Indians, from their traditional use of such mammals, which would include their folk art forms such as ivory carving, baleen work, skin sewing, etc. This use is a strong link for these peoples with their cultural past. Their use of such mammals is insignificant in the overall picture but most important to them as people. I would urge you obtain more Alaska Native input on this question.

RICHARD W. MONTAGUE,  
President, Alaska Historical Society.



The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, pursuant to House Resolution 878, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment. The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ANNUNZIO. 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 362, nays 10, not voting 59, as follows:

[Roll No. 70]

YEAS—362

Abbott	Burton	Dent
Abourezk	Byrne, Pa.	Derwinski
Adams	Byrnes, Wis.	Dickinson
Addabbo	Byron	Dingell
Alexander	Cabell	Donohue
Anderson,	Caffery	Dorn
Calif.	Carey, N.Y.	Dow
Anderson, Ill.	Carney	Downing
Andrews	Carter	Drinan
Annunzio	Cederberg	Duncan
Arends	Celler	du Pont
Ashley	Chamberlain	Dwyer
Aspin	Chappell	Eckhardt
Aspinall	Clancy	Edwards, Ala.
Baker	Clark	Edwards, Calif.
Barrett	Clausen,	Esch
Belcher	Don H.	Eshleman
Bennett	Clawson, Del.	Evans, Colo.
Bergland	Clay	Evins, Tenn.
Betts	Cleveland	Fascell
Bevill	Collier	Findley
Biaggi	Collins, Tex.	Fish
Blester	Colmer	Fisher
Blackburn	Conable	Flynt
Blanton	Conte	Foley
Blatnik	Conyers	Ford, Gerald R.
Boggs	Corman	Ford,
Boland	Cotter	William D.
Bolling	Coughlin	Forsythe
Brademas	Crane	Fountain
Bray	Culver	Frelinghuysen
Brinkley	Daniel, Va.	Frenzel
Brooks	Daniels, N.J.	Frey
Broomfield	Danielson	Gallagher
Broomman	Davis, Ga.	Garmatz
Brown, Mich.	Davis, S.C.	Gettys
Brown, Ohio	Davis, Wis.	Giammo
Broyhill, N.C.	de la Garza	Gibbons
Broyhill, Va.	Delaney	Goldwater
Buchanan	Dellenback	Gonzalez
Burke, Mass.	Dellums	Goodling
Burleson, Tex.	Denhelm	Grasso
Burlison, Mo.	Dennis	Gray

Green, Oreg.	McKinney	Sandman
Green, Pa.	McMillan	Sarbanes
Griffin	Mahon	Satterfield
Griffiths	Mallory	Saylor
Grover	Mailliard	Scherle
Gubser	Mann	Schneebell
Gude	Martin	Schwengel
Hagan	Mathias, Calif.	Scott
Haley	Mathis, Ga.	Sebelius
Halpern	Matsunaga	Selberling
Hamilton	Mayne	Shibley
Hammer-	Mazzoli	Shoup
schmidt	Meeds	Shriver
Hanley	Melcher	Sikes
Hanna	Metcalfe	Sisk
Hansen, Idaho	Miller, Ohio	Skubitz
Hansen, Wash.	Mills, Ark.	Slack
Harrington	Mills, Md.	Smith, Calif.
Harsha	Minish	Smith, Iowa
Harvey	Mink	Smith, N.Y.
Hastings	Minshall	Snyder
Hathaway	Mitchell	Spence
Hays	Monagan	Springer
Hébert	Moorhead	Staggers
Hechler, W. Va.	Morgan	Stanton,
Heckler, Mass.	Morse	James V.
Heinz	Mosher	Steed
Helstoski	Moss	Steele
Henderson	Murphy, N.Y.	Steiger, Ariz.
Hicks, Mass.	Myers	Steiger, Wis.
Hicks, Wash.	Natcher	Stephens
Hillis	Nedzi	Stokes
Hogan	Nelsen	Stratton
Hoffield	Nichols	Stuckey
Horton	Nix	Sullivan
Hosmer	Obey	Symington
Howard	O'Hara	Talcott
Hungate	O'Konski	Taylor
Hunt	O'Neill	Teague, Calif.
Hutchinson	Patman	Teague, Tex.
Ichord	Patten	Thompson, Ga.
Jacobs	Pelly	Thompson, N.J.
Jarman	Perkins	Thomson, Wis.
Johnson, Calif.	Pettis	Thone
Johnson, Pa.	Pickle	Tiernan
Jonas	Pike	Udall
Jones, N.C.	Pirnie	Ullman
Karh	Poage	Van Derlin
Kastenmeier	Podell	Vander Jagt
Kazen	Poff	Vanik
Keating	Preyer, N.C.	Veysey
Kee	Price, Ill.	Vigorito
Keith	Price, Tex.	Waggonner
Kemp	Purcell	Waldie
King	Quie	Wampler
Koch	Quillen	Ware
Kuykendall	Rallsback	Whalen
Kyl	Randall	Whalley
Kyros	Rangel	Whitehurst
Landgrebe	Rees	Whitten
Landrum	Reid	Widnall
Latta	Reuss	Wiggins
Leggett	Rhodes	Williams
Lennon	Roberts	Wilson, Bob
Lent	Robinson, Va.	Wilson,
Link	Robinson, N.Y.	Charles H.
Long, La.	Rodino	Winn
Long, Md.	Roe	Wolff
Lujan	Rogers	Wright
McClary	Roncallo	Wyatt
McCloskey	Rooney, N.Y.	Wyder
McClure	Rooney, Pa.	Wyllie
McCollister	Rosenthal	Wyman
McCormack	Rostenkowski	Yates
McCulloch	Roush	Yatron
McDade	Roy	Young, Tex.
McEwen	Roybal	Zablocki
McFall	Ruppe	Zion
McKay	Ryan	Zwach
McKevitt	St Germain	

NAYS—10

Abernethy	Michel	Runnels
Begich	Montgomery	Schmitz
Gross	Passman	
Hall	Rarick	

NOT VOTING—59

Abzug	Dowdy	McDonald,
Anderson,	Dulski	Mich.
Tenn.	Edmondson	Macdonald,
Archer	Edwards, La.	Mass.
Ashbrook	Ellberg	Madden
Badillo	Erlenborn	Mikva
Baring	Flood	Miller, Calif.
Bell	Flowers	Mizell
Bingham	Fraser	Mollohan
Bow	Fulton	Murphy, Ill.
Brasco	Fuqua	Pepper
Burke, Fla.	Galifianakis	Peyser
Camp	Gaydos	Powell
Casey, Tex.	Hawkins	Pryor, Ark.
Chisholm	Hull	Pucinski
Collins, Ill.	Jones, Ala.	Riegle
Curlin	Jones, Tenn.	Rousslot
Devine	Kluczynski	Ruth
Diggs	Lloyd	Scheuer

Stanton,	Stubblefield	White
J. William	Terry	Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mikva with Mr. Ashbrook.
Mr. Kluczynski with Mr. Burke of Florida.
Mr. Casey of Texas with Mr. Terry.
Mr. Dulski with Mr. Peyser.
Mr. Ellberg with Mr. McDonald of Michigan.
Mr. Fulton with Mr. Bell.
Mr. Flood with Mr. Bow.
Mr. Jones of Tennessee with Mr. Camp.
Mr. Macdonald of Massachusetts with Mr. Devine.
Mr. Miller of California with Mr. Rousslot.
Mr. Jones of Alabama with Mr. Mizell.
Mr. Stubblefield with Mr. Lloyd.
Mr. Murphy of Illinois with Mr. Erlenborn.
Mr. Madden with Mr. J. William Stanton.
Mr. Mollohan with Mr. Ruth.
Mr. Anderson of Tennessee with Mr. Archer.
Mr. Pepper with Mr. Powell.
Mr. Fraser with Mr. Riegle.
Mr. Fuqua with Mr. Young of Florida.
Mr. Bingham with Mr. Dowdy.
Mrs. Chisholm with Mr. Baring.
Mrs. Abzug with Mr. Pucinski.
Mr. Diggs with Mr. Galifianakis.
Mr. Brasco with Mr. Hull.
Mr. Hawkins with Mr. Scheuer.
Mr. White with Mr. Badillo.
Mr. Collins of Illinois with Mr. Curlin.
Mr. Edmondson with Mr. Gaydos.
Mr. Flowers with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. PELLY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may revise and extend their remarks on the bill H.R. 10420.

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

There was no objection.

#### CONFERENCE REPORT ON H.R. 12910, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS of Arkansas submitted the following conference report and statement on the bill (H.R. 12010) to provide for a temporary increase in the public debt limit:

CONFERENCE REPORT (H. REPT. No. 92-910)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

WILBUR D. MILLS,  
AL ULLMAN,  
JAMES A. BURKE,  
MRS. GRIFFITHS,  
JOHN W. BYRNES,  
JACKSON E. BETTS,  
H. T. SCHNEEBELL,

Managers on the Part of the House.

RUSSELL B. LONG,  
CLINTON P. ANDERSON,  
HERMAN TALMADGE,  
WALLACE F. BENNETT,  
CARL CURTIS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE  
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment added a new section 2 to the bill providing that expenditures and net lending during the fiscal year ending June 30, 1973, under the Budget of the United States Government were not to exceed \$246,300,000,000.

The new section 2 also contained provisions for the President to propose reservations from expenditure and net lending during such year whenever he determines that this limit may be exceeded. After a 30-day period, unless the Congress has rescinded appropriations or other obligatory authority during such period in an amount at least equal to the proposed reservations, the President may make the reservations set forth in his proposal.

The Senate amendment also added a new section 3 to the bill providing for modifying the limitation of \$246,300,000,000 (1) by reason of Congressional action or inaction on Presidential requests for appropriations and other budgetary proposals, (2) by reason of other Congressional action which affects budget outlays, (3) by reason of budget outlays for 4 specified items appearing in the 1973 Budget (the items designated "Social insurance trust fund", "National service life insurance trust fund", "Interest", and "Farm price supports") which exceed the amount budgeted therefor, and (4) by reason of amounts by which receipts from 2 specified items (the sale of certain financial assets and the lease of lands on the Outer Continental Shelf) were less than the budget estimates therefor.

The Senate recedes.

WILBUR D. MILLS,  
AL ULLMAN,  
JAMES A. BURKE,  
MRS. GRIFFITHS,  
JOHN W. BYRNES,  
JACKSON E. BETTS,  
H. T. SCHNEEBELI,

*Managers on the Part of the House.*  
RUSSELL B. LONG,  
CLINTON P. ANDERSON,  
HERMAN TALMADGE,  
WALLACE F. BENNETT,  
CARL CURTIS,

*Managers on the Part of the Senate.*

BILL TO INCREASE PUBLIC DEBT  
LIMIT

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

Mr. MILLS of Arkansas. Mr. Speaker, the conference report that we have just presented for printing under the rules has to do with the increase in the national debt ceiling.

The conference report is identical in all respects with the bill that passed the House recently to supply additional borrowing authority until June 30th next.

Under the rules of the House, unless I could obtain unanimous consent, as all Members know, we would not be per-

mitted to call up the conference report until next Wednesday.

It will be my intention to ask unanimous consent sometime during the course of business on Monday to consider the conference report in spite of the rule requiring the 3-day layover, since it is identical with the House-passed bill and since there is an emergency existing.

## LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

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

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

Mr. BOGGS. In response to the inquiry of the distinguished minority leader, we have completed the legislative program for this week, and I will ask that we go over to Monday.

The program for next week is as follows: The chairman of the Ways and Means Committee has just announced that he will seek unanimous consent for consideration of the debt ceiling conference report on Monday.

In addition, Monday is District Day. We have scheduled four bills:

H.R. 13533, reimbursements to utilities of relocation costs;

H.R. 9802, District of Columbia share of reservoir costs;

H.R. 11773, prohibit release of policemen's addresses and telephones; and

H.R. 12410, evidentiary use of prior inconsistent statements by witnesses.

On Tuesday, we have scheduled the urgent supplemental appropriations bill for fiscal year 1972. I am told that that includes four or five items, including unemployment compensation.

On Wednesday we have scheduled H.R. 11417, the National Railway Passenger Corporation review—that is Amtrak—subject to a rule being granted.

On Thursday and the balance of the week, H.R. 9615, additional immigrant visas, under an open rule, with 1 hour of debate.

Mr. GERALD R. FORD. Would the distinguished majority leader answer this question if he can: Next week is the third Friday. Under our agreement, on the first and third Fridays we can anticipate legislative business. In light of this schedule, would the gentleman feel the prospect for a Friday session is good or bad?

Mr. BOGGS. In response to the gentleman, in the light of this schedule which the gentleman has just looked at, it would be my judgment that there would certainly not be a session next Friday.

Mr. GERALD R. FORD. I thank the gentleman from Louisiana.

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

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

Mr. BOGGS. The gentleman will recollect that it was our statement, in which the gentleman concurred, that Friday sessions would be held if there were legislation to be scheduled and that if legislative business were not available, we would not have a session. That, in fact, is the situation at this time.

Mr. GERALD R. FORD. In this instance, I mention that so that Members will not get in the habit of thinking that on Fridays 1 and 3 we will not have sessions.

Mr. BOGGS. The gentleman is entirely correct. This is no precedent. It depends entirely on the availability of legislation.

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

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

Mr. GROSS. I suppose it is entirely fitting to consider the debt ceiling bill on Monday which will put it ahead of the so-called urgent supplemental appropriation bill. Yes, I suppose it is fitting and proper to see that the debt ceiling is raised substantially before the spending of more millions is approved through the Supplemental Appropriation bill.

I do note that the bill to further devalue the dollar has been pulled from next week's program. First, it is proposed that on Monday the House will consider and approve the Ways and Means Committee bill to raise the debt limit to \$350 billion, and then the appropriation spending bill will come right along and absorb all the elbow room that was provided by raising the ceiling. Then, in the near future, Congress will devalue the dollar some more. The procedures that we go through here are quite interesting.

Mr. BOGGS. Is the gentleman addressing his observation to me or to the gentleman from Michigan?

ADJOURNMENT OVER TO MONDAY,  
MARCH 13, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business scheduled for Wednesday next be dispensed with.

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

There was no objection.

CHALLENGE FOR BIPARTISAN HELP  
FOR FOOD PRODUCERS AND  
CONSUMERS

(Mr. MELCHER asked and was given permission to address the House for 1



minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, in this election year agriculture, Congress, and politics are woven together on the Washington scene and are of vital interest to our country.

And it is in this context that now that the dock strike is over, and I voted to end it, I hope Secretary of Agriculture Earl Butz will quit using the strike as a screen to deny any responsibility for our lousy low-grain prices. In speech after speech, the Butz line has been to blame the strike and to use it as a whipping boy, veering off, I suspect, on a political tangent.

When the Secretary used the figure of a billion dollars to measure the loss of agricultural sales during the strike, I must take his calculation with a grain of salt. Now he has retreated down to \$700 million. Other administration officials refer to \$200 million in sales and others mention \$600 million referring, we must assume, not only to exports but to imports of food products.

But trade on agricultural products is a two-way street and the Butz statements have not mentioned that imports of foreign agricultural products were cut off during the period of the strike also. He has not mentioned the drop off in imports for foreign meats, which total annually more than \$1 billion; the loss of the portion of \$100 million in foreign dairy product imports; the temporary stoppage of importing fruits and vegetables, sugar, and other food products all of which have total annual cost paid to foreign producers of billions of dollars.

There is no question that we would like to sell more export grain to ease our surpluses but—and this is a big but—we want to sell it at a decent price, not at the cut-rate market prices which grain farmers face now.

The job at hand now is to correct the basic fault of the low grain markets first of all by establishing decent price floors through an increase in loan rates on wheat, corn and other feed grains by 25 percent just as my amendment does which passed the House last December.

What we need now is bipartisan cooperation, not politics, not divisiveness, not agriculture against labor and not producer against consumer. That, after all, would be the worst disservice to agriculture.

Leadership demands presentation of solid facts, Mr. Speaker, and I challenge Secretary Butz to align himself for the best interest of agriculture to support our legislation to increase loan rates for grain.

It took cooperation from Democrats and Republicans to gain House approval of this amendment which would add \$1.5 billion a year to farm income and which would stimulate the sluggish economy. However, we had to almost claw our way over the opposition of the Department of Agriculture. They fought us all the way, and Dr. Butz was able to get the bill shelved for the present in the Senate Agriculture Committee.

But we have not given up the fight because it is just too important. Our

Senators are going to make another try at the 25 percent increase in loans bill, stripped of the Strategic Reserve feature and moved up from the 1971-72 crops to the 1972-73 crop years.

We are hopeful that the prospect of continuing tragically low grain prices will persuade both the Senate and the Secretary of Agriculture that floor prices for grains should be increased by raising the loan rates and that the bill is approved. Certainly we are going to have to move with determination to keep grain farmers solvent.

But unfortunately every move the Agriculture Department has made recently is clumsy and freezes or depresses farm prices rather than improving them. Two separate Department of Agriculture functions illustrate this currently:

First, their handling of grain buying and selling is a case in point. The much publicized corn purchase program was halted in mid-February before it even got going. The Department actually sold more grain sorghum into the market than the amount of corn it bought out of the market. Termination of the purchase program, small as it was, means that farmers will have to sell their grain at very low prices when they have to clear out storage space this summer for the next crop. Reseal barley has been called out of Government storage, supposedly to meet the Department's commitment to two big grain companies to provide them with oats and barley at about half price so they will ship some U.S. corn to Russia. This will prevent the Russian sale from strengthening the commercial oats and barley market. Similar dealing in the wheat market could result if millions of bushels of Government-owned wheat from Montana and the Dakotas which were recently positioned at Portland and the Gulf are dumped in cut rate export sales.

A second case in point deals with meat import quotas and the lack of adequate inspection and supervision by the Department of Agriculture of meat sent to the United States from foreign meat packing plants cited to Congress in February by the Comptroller General. Instead of heeding the General Accounting Office report which documented the lack of sanitation and questioned the wholesomeness of millions of pounds of imported meat products, the Department is preparing to increase the volume of meat imports and to depress cattle, sheep, and hog prices.

I believe the first step that the Department should be taking at this time is to clean up the inspection of imported meats and make sure that every pound of it is wholesome, sanitary, and with no harmful chemical residues. However, right at the time the GAO report was being reviewed, Dr. Clayton Yeutter, in charge of meat inspection as Administrator of the Consumer and Marketing Service, was shifted from that position to become director for agriculture of the Committee To Reelect the President. Dr. Yeutter was just getting a start in his efforts to clean up meat inspection but was sidetracked last December in order to permit him to rev up the political

engines to round up the farm vote for the President in this election year.

His departure from the Department comes as the GAO report submitted to Congress shows that meat still has come into the country from foreign plants which were found unfit to ship to the United States after a determination of fitness had been made.

This was like a bad dream to me because early in 1970 I cited the glaring shortcomings of the inspection of foreign meats. The system now is sort of a diplomatic immunity from the strictly enforced U.S. requirement.

I urge Secretary Butz and his staff in the Agriculture Department to be constructive and completely honest with both consumers and producers.

Bipartisan cooperation is needed to protect both the interest of consumers and producers. No one wants to continue relaxation of consumer protection for wholesomeness and sanitation such as on meats, and consumers are not benefitting from low farm prices such as the drastically low grain prices. Despite the 20 to 30 percent drop in grain prices, food is no cheaper. It is a paradox where the farmers are hurt but the consumers do not benefit.

All these things point up the need for cooperation in an effort to work toward common goals for the betterment of food production. I hope Secretary Butz will accept the challenge of these great tasks. Getting behind our legislation to increase the loan rates for grains which would improve grain producers' income in the marketplace would be a significant and meaningful first step toward that goal.

#### INTERNATIONAL NARCOTICS TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, we have witnessed this past year an amazing increase in public awareness of the death and human misery caused by the plague of narcotic abuse. Each day we read in the papers of an unprecedented narcotic haul made by ever-more sophisticated drug enforcement agents, and we are assured by one Government agency or another that domestic and military addiction are on the wane.

Unfortunately, there is little evidence that this is the case. I wish to insert in the RECORD a study which updates my report of last October, to the House Foreign Affairs Committee, entitled "The International Narcotics Trade and Its Relation to the United States." This supplemental study reveals new facts concerning the extent of narcotic addiction among our civilian population, as well as among GI's returning from Vietnam, and outlines the most significant programs relating to the international scene, which have been established since the publication of my original report.

Mr. Speaker, I trust that the contents of this study will prove helpful in remedying the lethal narcotics scourge.

The report follows:

WASHINGTON, D.C.,  
March 7, 1972.

HON. THOMAS E. MORGAN,  
Chairman, House Foreign Affairs Committee,  
Washington, D.C.

DEAR MR. CHAIRMAN: I am attaching herewith a supplemental report to the study I submitted on October 24, 1971 entitled *The International Narcotics Trade and Its Relation to the United States*. This report updates figures and statistics on the domestic and military situations, and reveals new information of direct concern to the Committee's efforts, on the legislative front, at controlling the lethal spread of drug addiction.

This supplemental report also contains an update presentation of the State Department's attempts to amend the Single Convention on Narcotic Drugs—the major international narcotics pact—in such a way as to tighten existing controls on the illicit drug traffic. Finally, this study covers steps anticipated by the United Nations Division of Narcotic Drugs, as well as a number of sorely-needed drug suppression programs instituted by the United States Government since the time my earlier report to the Committee was published.

I trust that this material will be of use to this committee in its continuing search for answers to the complex narcotics problem.

Sincerely,

SEYMOUR HALPERN,  
Member of Congress.

SUPPLEMENTAL REPORT ON THE INTERNATIONAL  
NARCOTICS TRADE AND ITS RELATION TO THE  
UNITED STATES

INTRODUCTION

The plague of narcotics abuse continues to spread through our country with relentless speed. America has thus far failed to muster the limitless energies residing in its public and private sectors to mount an all-out campaign against drug addiction.

It was thought at one time that the flurry of legislative and executive activity in the area of narcotics control during 1970 and 1971 would prove adequate to the problem. It is not difficult to see how inaccurate that estimate has proven to be.

Since the time of my report last October to the Foreign Affairs Committee, entitled: *The International Narcotics Trade and Its Relation to the United States*, many developments have taken place in the domestic, military and international aspects of the drug abuse problem. The following supplemental report updates developments in all three of these areas.

DOMESTIC

Over the past several months, I have been compiling a new inventory of the extent of the addiction problem as it exists in the United States today. Despite the fact that \$920,000,000 worth of narcotics were confiscated by government authorities in 1971—three times the amount (\$302,700,000) seized during the previous year—there has been no let-up whatsoever in the quantity or quality of the heroin supply in this country, the annual consumption here being 5-6 tons.

The purity of heroin has recently decreased in New York and other big cities; however, it is interesting to note that the purity level has increased in the smaller cities and towns—perhaps a calculated attempt by traffickers to hook more victims and quickly open new markets. This steady supply in the face of rising seizure totals can only be explained by large stockpiles of heroin currently existing in the United States, and by the ever-increasing quantities pouring in from new transshipment points, particularly from Latin America.

Even more unsettling is the fact that the total number of narcotics addicts in the

United States has grown considerably in the last year, despite increased law enforcement and addict rehabilitation efforts. The latest official estimate soon to be released by the Bureau of Narcotics and Dangerous Drugs will reveal that there are presently over 400,000 addicts in the United States. The figure was reached through computerized, scientifically conducted methods, and has already been determined. The total represents quite a substantial increase over last year's H.E.W. estimate of 250,000 addicts and the BNDD figure of 330,000. This is further proof that the United States has the largest addict population in the world although not a single ounce of opium poppy—the source of heroin—grows in the U.S.

According to confidential sources, a rough estimate of the new official total can be determined in the following way—the BNDD's own network of agents and researchers keep an exact tally of the month-by-month number of officially reported addicts on a nation-wide basis. The figure for December 1971 was 82,294. BNDD standard procedure is to multiply the officially reported number by five to get the estimated total, since they have found through past research experience that there are three to five unreported addicts for every one reported. If, then, by taking the average, there are four addicts for each of the 82,294 reported in December, then it can be assumed that there are approximately 411,470 drug addicts in the nation today.

The addict population in New York City alone is estimated today as being at least 150,000 and possibly as high as 200,000—a figure corroborated by the city's Addiction Services Agency. 27,000 addicts are currently undergoing treatment in public and private facilities, compared with 18,000 under treatment as recently as last August. Another startling fact is that there are approximately 32,000 narcotics addicts presently on the New York City welfare rolls.

MILITARY

In addition to this rise in the overall addict population, I have compiled new evidence that there are approximately 60,000 addicted Vietnam veterans who have returned to our communities—a figure which first appeared in my above-mentioned narcotics report. As of this past November, after the Veterans Administration had established 32 drug treatment centers—an increase of 27 over the previous year—V.A. medical personnel had treated 9,542 addicted ex-GI's. Of this number, 6,014 were Vietnam vets. It is safe to assume that only one out of ten has come forward for such treatment, which would even be a conservative estimate. Thus, if that ratio applied, the true number of addicts who have returned from the Armed Forces would surpass the staggering estimate of 60,000 and the total number of G.I.'s could well be over 90,000—based on the over 9,500 who have been treated by the V.A. alone in the past year.

Experts contend that these 60,000 to 90,000 ex-GI addicts could 'turn-on' as many as 3,000,000 others in the next five years. American society today. The implications are even more frightening, however, when it is realized that a great number of these addicts will be females of child-bearing age. One out of four of the nation's addict population are females. This can only aggravate the rapidly growing problem of heroin-addict babies being born, in ever-increasing numbers, to females who maintain their habit during pregnancy.

Babies born of heroin-addicted mothers are themselves addicted to heroin, and begin withdrawal within the first fifteen hours after birth. The number of such heroin-addicted babies born in New York City alone has risen from 200 in 1966 to 550 in 1971. Detoxification, as with adults, takes ten to twenty days. In more than a few instances,

the babies must remain in the hospital for as long as forty days due to complications, even after withdrawal, and usually at public expense.

Thus, the latest victims of the tragic spread of narcotics addiction in America today are innocents who have not yet even been born. Now that even our unborn children are liable to fall prey to this horrible plague, perhaps we will resolve to attack the drug abuse crisis on every front.

INTERNATIONAL

Whereas little progress has been made in remedying the lethal spread of drug abuse among our domestic population and among our servicemen stationed abroad, there have recently been several hopeful signs on the international scene.

At the time of my study mission and subsequent report entitled *The International Narcotics Trade and Its Relation to the United States*, I found that the United Nations had failed miserably in its responsibilities to combat the ever-mounting crisis in international narcotics traffic.

The U.N. has had the machinery to control the production, processing and exporting of narcotics, but it has not used the tools it has to do the job. Its role has been ineffective and virtually meaningless.

I was horrified by the failure of the U.N. Commission on Narcotic Drugs, the U.N. Division on Narcotics, and the International Narcotics Control Board to keep pace with, and to cope with the illegal cultivation and illicit flow of narcotics throughout the world.

The International Narcotics Control Board—the executive arm of the U.N. drug control operation, has not been keeping pace with developments on the international drug scene and seems prone to maintain a policy of "live and let live" rather than offending member States by pointing a finger at any failure to adhere to treaty requirements. Had such groups as the INCB been utilizing the tools they have, for example, countless tons of Turkish-produced opium would never have reached our shores, for over a decade now, in the form of heroin.

Two developments in the field of international drug control have been revealed to me, since the publication of my report, by U.S. State Department and U.N. officials. These initiatives are aimed at bringing about an improvement in the overall international picture.

First, the U.N. Economic and Social Council has scheduled, at United States request, a plenipotentiary council for March of this year to act on a number of amendments which our government will offer in order to make a viable instrument of the 1961 Single Convention on Narcotic Drugs, which my mission found sorely lacking in authority and enforcement power.

The Convention, agreed to by over 80 nations 11 years ago, is the basic international treaty governing activity in narcotic drugs, and was intended to limit drug production and processing to legitimate scientific and medical purposes through national control systems and through the harmonization of legal supply and demand in international drug trade. Under the current provisions of the Single Convention, the International Narcotics Control Board is empowered to do little more than make recommendations. Such a weak arrangement is ill-suited to the problems being caused today by black market agents and syndicates dealing in the production, processing and transshipment of hard narcotics—especially heroin. The limited authority granted the INCB 11 years ago is grossly insufficient to stem the international flow of illicit narcotics today.

Back in 1961, we sought to protect, by common action, those not yet affected by the addiction to which only a relative few had fallen victim. In 1972, the picture is quite different. Today we are confronted by



a spreading contagion against which no country has been able to pose a defense.

The United States delegates to the plenipotentiary session this month will attempt to put teeth into the Single Convention by means of a series of amendments:

(1) Articles 19 and 20 will be amended to require member States to submit estimates of their intended poppy cultivation and opium production, and then, accurate reports on what actually occurred. Under the present agreement, statistical returns on the past year's poppy cultivation are available to the Board only on a voluntary basis. The Board has been hampered in recent years by a lack of adequate access to these production figures.

(2) Article 14 will be amended to allow the Board to conduct an investigation within a member State whenever there is need to ascertain a matter of fact relating to traffic in narcotics.

(3) Article 14 will be further amended to permit the Board to act on information which it has gathered (and thoroughly evaluated), from sources other than the interested State or a U.N. organ—as at present. These sources might include other States, university scholars, expert individuals and organizations in the drug field.

(4) Articles 12, 19, 24 will be amended, and a new Article 21 proposed, to ensure that States have adequate supplies of narcotic drugs for medical and scientific purposes, but that strict licensing and controls be invoked and enforced to prevent any drugs in excess of this level from becoming available to the illicit market. These provisions would empower the Board to confirm or modify State estimates on poppy cultivation, opium production or other drug activity, and would commit States to adhere to the Board's estimates.

This would be the first time that all drug activities would be effectively monitored by an expert, centralized body.

(5) Article 14 is further amended to expand the Board's present authority which is now limited merely to recommending a partial or total drug embargo on any State found to be in violation of the Convention. The proposal mandates the imposition of such an embargo.

(6) Article 36 of the Convention will be amended to facilitate extradition for drug offenses enumerated in that Article.

These proposals, although late in coming, are commendable and deserve the full support of the American people. Hopefully they will be approved at this month's plenipotentiary session. If the 1961 Single Convention on Narcotic Drugs is to remain riddled with loopholes, and if the International Narcotics Control Board is left to its dilatory and cautious ways, then not only the United States, but all societies of the world will continue to be threatened at their very roots by the scourge of narcotics addiction.

A second new and promising development on the international narcotics scene is the response being made by the United Nations itself, which may study mission report severely criticized for not having exercised greater controls on the continually worsening international narcotics situation.

The U.N. is at last taking steps to make the special Fund for Drug Abuse Control an effective weapon in the fight against narcotics.

I was notified this week by C.W.A. Schurmann, Personal Representative of the Secretary-General, United Nations Fund for Drug Abuse Control, of sweeping new initiatives which will be implemented beginning next month. The U.N. spokesman revealed to me the specifics of a new world-wide comprehensive plan for concerted action against drug abuse which has just been developed by the Division of Narcotic Drugs of the U.N. Secretariat.

This plan is composed of two parts—one containing the principles and guidelines for the campaign against drug addiction, the other consisting of a list of 160 projects envisaged under the plan at a cost of \$95 million.

The plan has been analyzed and has just been approved by the Specialized Agencies of the United Nations and other international organizations, and by the U.N. Commission on Narcotic Drugs. The Fund lacks sufficient finances to put all the projects included in the plan into action, but an initial program of operations—comprising 59 projects at a cost of \$1,783,000—is under way for immediate implementation.

An important project in the program attempts to institute drug abuse control operations in Thailand. Just this past December, a U.N. mission visited Bangkok and was able to conclude an agreement with the Thai Government calling for measures in the areas of a) opium cultivation replacement; b) drug addict treatment, rehabilitation and social integration; c) law enforcement; d) drug education and information.

The total cost of this phase of the program is estimated at \$2,084,000, of which \$693,780 has been set aside for this first year. The counterpart expenditure by the Thai Government was fixed at \$5,163,200, of which \$1,552,680 was appropriated for the first year. Operations under this program are already under way. It has been coordinated with the program the United States is carrying out in Thailand.

For the U.N. drug fund projects to be successful, there must be more contributions than have so far been forthcoming. The total number of pledges and payments of contributions to the Fund to date amounts to only \$2,822,034. \$2,000,000 of this amount represents the United States contribution, half of which has already been paid.

United States representatives at the United Nations must take every opportunity to promote such coordinated attacks on the ever-growing, international trade in hard narcotics.

The above information relates to activities being conducted through United Nations channels. During the time since the publishing of my report on the international drug trade, there have been a great number of improvements in the United States' own efforts to stem the flow of drugs which make their way into this country from foreign lands. Several of these initiatives are listed below:

(1) the creation, by the President, of a Cabinet Committee for International Narcotics Control. The Committee includes the Secretaries of Defense, Agriculture, the Treasury, the Director of the CIA, the Attorney-General, the U.S. Ambassador to the United Nations, and is chaired by the Secretary of State.

(2) the appointment of Narcotics Control Coordinators to those U.S. Embassies in countries which are affected by the drug problem—whether they are producing, processing, or transiting narcotics.

(3) a step-up in law enforcement activities which has brought about a doubling, over a two-year period, of the narcotics seizures made by the Customs Bureau; also, there is a new enforcement officer career field within the Bureau of Narcotics and Dangerous Drugs to specialize in curbing the illicit diversion of legitimate drugs.

(4) an increase in the Customs Bureau staff from 9,200 in 1968 to 14,000 in 1971, in addition to a rise in special agents from 300 to 1,000.

(5) the development by the Customs Bureau of a program designed to interdict narcotics smuggling by the use of aircraft equipped with sophisticated sensor devices and supported by tactical ground operations.

In addition to these innovative programs,

I recently became aware of a most promising development in our policy concerning the operations of the international financial institutions. The appended letter from Nelson Gross, who was appointed by President Nixon as Senior Advisor and Coordinator for International Narcotics Matters at the State Department, reports that recommendations 58-60 of my report on the *International Narcotics Trade and Its Relation to the United States* were referred to the National Advisory Council for possible action.

These recommendations read as follows:

"(58) The United States should instruct its Governor at the Asian Development Bank to propose that agricultural programs designed to eliminate poppy cultivation be given high consideration. The U.S. Governor could ask that a guideline memorandum be sent to the officers of the bank regarding loan preference for programs so designed, consistent with the Articles of Agreement of the Bank.

"(59) The United States should seek through the multi-lateral auspices of the World Bank a series of guidelines which would provide incentives, in the form of favorable loan arrangements, to nations which are recognized for taking effective measures against the cultivators and processors of opium, hashish, or cocaine. The United States should stand ready to assist all international programs for crop substitution, retraining and resettlement.

"(60) The United States should consider the establishment of special funds under the Asian Bank and the Inter-American Bank to provide positive incentives in the form of available funds for nations seeking technological and economic assistance to eliminate the sources of narcotic traffic."

The National Advisory Council then established a special inter-agency working group to discuss ways of implementing these three proposals. This informal task force includes representatives from the Departments of Agriculture, State, Treasury (Customs Bureau) and Justice (Bureau of Narcotics and Dangerous Drugs). The group has held three working sessions and soon expects to submit to the Council a report on its own findings and recommendations for action.

The discussion of this working group centered around the drug control potential of the multi-nationally owned Asian Development Bank and Inter-American Development Bank, as well as the three U.N.-connected organs of the World Bank: the International Development Association, the International Bank for Reconstruction and Development and the International Finance Corporation.

The agency representatives have been specifically debating various economic alternatives to poppy production and ways of inducing target countries to participate in such programs. One alternative discussed has been the granting of loans for crop substitution programs which might include technical assistance in switching to alternative crops, and road construction in order to facilitate the marketing of new crops produced in mountainous regions. A second project for which loans may be offered involves the installation of telecommunications systems in those rural areas which have traditionally produced opium or cocaine. Such a communications network would greatly enhance present efforts both at education and enforcement.

Another interesting proposal suggested by the State Department would instruct the Agency for International Development to assist countries involved in the production, processing or transshipment of narcotics with the development of anti-drug projects for loan application purposes. Under this plan, AID would finance such feasibility studies on a cost-free basis.

Finally, thought has been given to backing

a policy of refusing development bank funds to any country which fails to cooperate in current international narcotics control efforts. It should be emphasized here that all of these proposals are policy options—none of which has yet been accepted by the inter-agency working group.

As I stated in my report on international narcotics trade, there are a number of approaches in the struggle against drug abuse which the United States and the world community have heretofore overlooked. The economic incentives at the disposal of the international financial institutions are a prime example. I am truly hopeful that the National Security Council will see fit to recommend constructive changes, in our policy toward the World Bank, Inter-American Bank and Asian Bank—changes which will result in tighter controls over a flourishing illicit market in hard narcotics.

Such efforts as these are promising signs that our society has become acutely aware of the danger in its midst, but a handful of program improvements is no cause for complacency. There is much yet to be done, both by the United States in unilateral and bilateral initiatives, and by all the nations of the world through multi-lateral, U.N. cooperation. We can only hope that a strengthened Single Convention, a flourishing U.N. Fund for Drug Abuse Control, and innovative programs sponsored by our own government will succeed in stemming the relentless spread of narcotics addiction throughout the world.

DEPARTMENT OF STATE,  
Washington, February 3, 1972.

Hon. SEYMOUR HALPERN,  
U.S. House of Representatives.

DEAR CONGRESSMAN HALPERN: I read with interest recommendations 58-60 in the report of your Special Study Mission on the International Narcotics Trade.

I brought these recommendations, which raised the possibility of the involvement of the international financial institutions in the narcotics control effort, to the attention of the National Advisory Council which has established a special inter-agency working group to consider the feasibility of your recommendations. The group has had three meetings and will be rendering a report to the Council.

We shall inform you of the conclusions reached.

Sincerely yours,

NELSON GROSS,  
Senior Adviser and Coordinator for International Narcotics Matters.

#### CAPITOL BUILDING EXTENSION APPROVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, yesterday, March 8, 1972, is already a memorable and historic day in the life of this beloved Capitol Building and a day which we will all remember throughout the history of the country, because the day signaled the final approval of the plan to proceed with the extension of the west central front of the Capitol, the extension we debated in this Chamber and approved some years ago.

This day is comparable in history to August 15, 1958, when, after great debates, voting, and a barrage of publicity, a similar extension of the east central front was finally approved. Today, when we and the millions of visitors look at the beauty, dignity, and stability of the

east front, we wonder what the discord in the 1950's was all about.

Mr. Speaker, the Commission for Extension of the U.S. Capitol should be commended. This represents the leadership of the Congress, from both sides of the aisle, and from both the House and Senate. Their decision has put into motion the long considered and very necessary project. This is a sparkling example in the life of the Congress where statesmanship and good judgment have triumphed over partisanship and weak-kneed decisions. So I salute our esteemed Speaker, the Honorable CARL ALBERT, chairman of the Commission; the Honorable HALE BOGGS, the majority leader; the Honorable GERALD R. FORD, the minority leader; the Honorable SPIRO T. AGNEW, President of the Senate; the Honorable MIKE MANSFIELD, majority leader of the Senate; the Honorable HUGH SCOTT, the minority leader of the Senate; and the Honorable George White, the Architect of the Capitol.

It should be noted, Mr. Speaker, that this was no decision made by absentee or proxy voters. Every member of the Commission was present and every member voted in favor of proceeding with the final planning of the project. This unanimous vote, and what that vote represents among the representatives of the American people, cannot be overlooked by those who might be inclined to oppose the west extension.

I would also commend the Appropriations Committees for providing the funds and establishing the procedures in the Legislative Branch Appropriation Act, 1970, which made possible this decision to proceed. It is sad that our late colleague, the Honorable George Andrews, who handled the bill on the floor, is not here today to enjoy this moment with us and the numerous other Members of the House who championed this cause.

Some of my colleagues will recall that after the extension project was authorized in 1955, I was then one of those who felt strongly that extension of the historic east and west fronts was a mistake, but I did not just sit back and criticize. I put on a pair of coveralls and climbed all through the building, both exterior and interior. For the first time, I could see the deterioration and defacement of the once proud architecture of the original small Capitol as envisioned by Washington and Jefferson. I could see also where previous annexes had been constructed. The Chamber in which we stand today is one of those annexes. Then I began an extensive study and research of the history of the building. My eyes began to open and I was forced to reverse my previous position and become one of the champions of extension of the old central section. Frankly, I was amazed to find how many changes had occurred in what might properly be called the evolution of the Capitol. Still, the changes have never hurt the building; they have enhanced it. If that were not so, why do our citizens and visitors from abroad so respect and admire the building and why does the building so effectively symbolize the greatest deliberative institution in

the world today—the representative of the people of America—the Congress of the United States?

We who are privileged to serve here now often think of the Capitol as it is today. I wish each of you would go down to the Office of the Architect of the Capitol and see the small, take-apart model he has there showing the growth of the Capitol from its beginning in 1793 to the present time. I think you would be awed by these changes and how all of them have served the Congress and the people of this country, and how they were made over a period of more than 160 years with such good taste.

I will highlight these changes.

First. Original north wing: Begun 1793—completed 1800; Senate occupied from 1800-59; House occupied 1800-01; 1804-07; Supreme Court occupied 1801-1935; Library of Congress occupied 1800-24.

Second. Two-story Senate Chamber converted to separate stories with Supreme Court occupying lower Chamber from 1810-60.

Third. Temporary structure at location of Statuary Hall occupied by House from 1801-04.

Fourth. South wing completed in 1807—Occupied by House 1807-57.

Fifth. Both north and south wings, and 1-story wooden connecting passageway, burned in 1814 and reconstruction was completed in 1819.

Sixth. Central section begun in 1818 and completed in 1829: Library of Congress occupied two stories of west central front 1824-97; altered to provide office spaces after 1897.

Seventh. Present Senate and House wings begun in 1851 and completed in 1859.

Eighth. Old low dome replaced from 1856-65.

Ninth. West central section reconstructed following a fire in 1851.

Tenth. Terraces on north, south, and west added 1884-92.

Eleventh. Gas explosion in old north wing required reconstruction in 1898.

Twelfth. Replacement of original wood roof over the Statuary Hall wing and the Old Supreme Court wing with steel and concrete in 1902.

Thirteenth. Complete remodeling of Senate and House Chambers, 1949-51, substantially as they appear today.

Fourteenth. East front extension constructed 1958-62.

Fifteenth. Interior alterations and changes 1958-72.

Now, to get to the specifics, why should the west front be extended rather than patched-up in place? The answers are really rather simple: the extension is the best way to preserve that old deteriorating section; it is the best way to complete the building architecturally; it is the best way to provide additional space for the Congress near the chambers, which will insure for many years the continued use of this building for legislative purposes; and it is the best way to provide needed facilities for the public.

We in the Congress rely heavily in the day to day operations on precedent. For the west extension, we have a valid and most appropriate precedent. We have



only to look at the east extension. The House would be in a dismal condition today with respect to the operations near the chamber if the Congress had not proceeded with the east extension in 1958.

Mr. Speaker, I have nothing but praise for the Commission who has had the foresight and courage to proceed with the west extension. I applaud them for their unanimous discussions and express the hope that they will have the support of the great majority of the House membership as they proceed with this expansion in the interest of the people of this great country which we have the honor and responsibility to serve.

#### TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. 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 great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Charles Goodyear of the United States revolutionized the world of transportation and industry with the development of vulcanized rubber in 1844.

#### MEAT IMPORT QUOTAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I was surprised and disappointed this morning by the announcement that the Department of Agriculture will raise the quotas on meat imports for 1972, to an amount over 6 percent above the voluntary restraint level of 1971. This decision obviously was prompted by recent increases in meat prices and is obviously in response to consumer complaints. However, I find the decision shocking because it is not responsive to all of the facts underlying recent price increases. Last week I received a letter from the Secretary of Agriculture in which he enclosed certain information which he stated:

... shows that farmers are producing an adequate supply of wholesome food with a modest increase in the returns to farmers.

The information he enclosed clearly demonstrates that the beef prices reached in January served only to help farmers catch up for the great lag suffered during the last 20 years. Although live cattle prices are just now back up to 1951 levels, farm food prices increased only 7 percent during that 20-year period. And during the same period, money paid the wage earners increased 340 percent, business and professional income advanced 200 percent and dividends went up 300 percent.

As Secretary Butz stated:

While farm prices have finally climbed back to levels of twenty years ago, those are much cheaper dollars. Meantime, farmers are paying 2.3 times higher wages for help; farm machinery prices are nearly twice as high; production expenditures doubled; and farmers' debts have increased five times over levels of twenty years ago.

With these facts in mind, we can appreciate that, compared to the rise in the cost of living generally, beef is a real bargain. And I must regretfully conclude that the Department's action today will result in a flood of meat imports and depressed prices paid to producers. It will clog up the domestic market for the benefit of importers and foreign producers to the detriment of the American consumer and cattle industry.

Mr. Speaker, our beef producers are entitled to fair treatment, and it is obvious that they cannot expect such treatment if the Department shows favoritism toward the foreign meat producers by allowing this new flood of imported produce.

It is doubly difficult for me to understand the Department's action only 3 weeks after the Comptroller General of the United States released a report concerning the current standards for inspecting imported meat. I commend this report to the attention of my colleagues, and wish to point out very briefly the conclusions of the GAO concerning the need for better inspection and improved methods of administration for foreign meat imports. Briefly, the GAO concluded that the Consumer and Marketing Service of the Department of Agriculture has not:

First, established adequate sampling plans and criteria for inspecting some products;

Second, monitored adequately or coordinated import inspection activities to insure maximum uniformity; and

Third, established an adequate program for training inspectors.

These are precisely the deficiencies which I pointed out last year when I introduced H.R. 5843 to provide for a more effective inspection standard for imported meat and meat products. At that time I pointed out that the confidence of the American consumer in the purity of imported meat is simply not justified. As an example, to inspect the 11,000 foreign plants which are certified to import meat into the United States, the U.S. Department of Agriculture has only 15 veterinarians who serve as foreign review officers.

At hearings by the House Agriculture Committee in 1970, sufficient evidence was presented to show that protective measures to insure wholesome standards for imported meat are lacking and that the American consumer is not assured of an acceptable standard of wholesomeness. Unfortunately, at the hearings, the Department of Agriculture adamantly insisted that its standards were sufficient, and that no corrective legislation was needed. Yet 1 year later, in its reply to the GAO report, the Administrator of the Consumer and Marketing Service, in effect, concurred in the GAO's assessment of the deficiencies of the program, and promised that the administration of the program would improve considerably in the near future.

The weaknesses which the GAO noted are basically the same which my bill was designed to correct. One additional plus of my bill, however, is the fact that to insure complete fairness for the American producer, the full cost of strengthen-

ing our inspection standards abroad would be borne by the foreign nations and producers who stand to gain so much by the Secretary's action today.

At the time of the introduction of my bill I was pleased to include 29 of my colleagues as cosponsors. In view of the facts I have just noted, I personally find the Department's promises to the GAO report to be quite hollow and, in view of the grossly preferential treatment being afforded to the foreign producers by the Secretary of Agriculture today, I believe it timely to again focus attention on my bill and I solicit the support of all of the Members of the House who feel as I do, that the American cattleman and consumer are being shortchanged by the Department of Agriculture's action today.

#### THE TELEPHONE PRIVACY ACT—I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, on February 21 I introduced in the House the Telephone Privacy Act, which would allow individuals to place a "no solicitors" sign on their telephones.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

Passage of the Telephone Privacy Act will significantly reduce the use of the telephone as a tool for invading an individual's privacy. In recent years there has been a dramatic rise in the use of the telephone as a personal and inexpensive advertising medium. Magazines, newspapers, laundries, undertakers, and many other businesses have increasingly turned to the telephone to call long lists of potential customers, often taken right out of the telephone book.

The telephone privacy bill is quite practical, easily enforceable, would serve to increase the privacy of tens of millions of Americans, and would involve no cost to the Government. The bill rests on one important assumption: that an individual has the right to privacy in his home. In other words, he has the right to place a "no solicitors" sign on his telephone, just as he has the right to place one on his door.

Even though both the AP and UPI reports on this legislation were quite small, I have received an enormous amount of

correspondence from all over the country from individuals who are justifiably tired of being constantly solicited over the telephone. Many of these letters describe far better than I could the importance of passing the Telephone Privacy Act. Starting Monday, and continuing for the next few days, I will include in the RECORD five or six of these letters. I trust that my colleagues will find them informative.

Today, I would like to include in the RECORD two things: an editorial on the bill from the Cleveland Plain Dealer, a most distinguished newspaper; and the text of the Telephone Privacy Act itself.

Those two items follow:

[From the Plain Dealer, Feb. 23, 1972]

#### NO SOLICITORS

We are in accord with the beliefs of a Wisconsin congressman who feels that individuals should be able to exercise some control over who is allowed to phone them.

U.S. Rep. Les Aspin, D-Wis., has introduced a bill in Congress to regulate telephone soliciting, a nuisance that has annoyed just about every telephone owner at one time or another.

Aspin's Telephone Privacy Act would permit persons to tell the telephone company they do not want to be bothered by commercial telephone soliciting. Firms doing business this way would be required to use a list of agreeable potential customers supplied by the telephone company.

Charities, polls and other nonprofit organizations, as well as individuals or companies with whom an individual has an existing contract or debt, would be exempt.

If more than 10 complaints were received against a company, its officers would be liable to criminal prosecution.

Aspin said of his bill: "Just as an individual has the right to control who enters his home, he would equally have the right to control what kinds of telephone calls he receives."

Aspin's bill will undoubtedly get squawks from business lobbies but there are many persons who would welcome the opportunity to put a "no solicitors" sign on their telephones.

#### H.R. —

A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls.

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 "Telephone Privacy Act".

SEC. 2. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

#### "PROHIBITION OF CERTAIN UNSOLICITED TELEPHONE CALLS"

"SEC. 224. (a) (1) No person may make any unsolicited commercial telephone call to any telephone if the person who is the subscriber for such telephone has given notice, in accordance with subsection (b), that he does not wish to receive unsolicited commercial telephone calls.

"(2) No person may employ, or contract for, any other person to make any telephone call in violation of paragraph (1).

"(b) (1) Any person who is a telephone subscriber and who wishes not to receive unsolicited commercial telephone calls may notify the telephone company which provides telephone exchange service for such telephone that he does not wish to receive such calls. The Commission shall prescribe regulations—

"(A) specifying the manner in which such notification shall be given.

"(B) specifying the manner in which telephone companies shall make available to persons making unsolicited commercial telephone calls the names and telephone numbers of persons who do not wish to receive such calls, and

"(C) specifying the times at which and manner in which a subscriber may give or revoke such notification. Regulations under subparagraph (C) shall require that a subscriber be given the opportunity to give such notification whenever a telephone is installed, and not less frequently than annually thereafter.

"(2) No telephone company may make any charge to a subscriber for the service of listing him as not wishing to receive unsolicited commercial telephone calls.

"(c) (1) Any person who violates subsection (a) of this section shall be fined not more than \$1,000, or imprisoned not more than 30 days, or both. For purposes of this paragraph, each telephone call in violation of subsection (a) shall constitute a separate offense, but no person may be imprisoned for more than 6 months for any related series of violations.

"(2) No person may be prosecuted under paragraph (1) for a violation of subsection (a), unless (A) during the calendar year during which such violation occurred, the United States attorney for the judicial district in which such prosecution is brought has received at least ten written complaints of violations of such subsection by such person and (B) each of such ten complaints is made within fourteen days after the violation complained of.

"(d) For purposes of this section:

"(1) The term 'unsolicited commercial telephone call' means a commercial telephone call other than a call made—

"(A) in response to an express request of the person called, or

"(B) primarily in connection with a debt payment of which, or a contract performance of which, has not been completed at the time of such call.

"(2) The term 'commercial telephone call' means (under regulations of the Commission) any call made for business purposes by or on behalf of any business enterprise, other than a call made by an organization described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1954 on its own behalf, by a political organization, or by a public opinion polling organization.

"(3) The term 'telephone company' means any carrier (whether or not engaged in interstate or foreign communication) which provides telephone exchange service."

SEC. 3. (a) Section 2(a) of such Act is amended by striking out "The provisions" and inserting in lieu thereof "Subject to section 224, the provisions".

(b) Section 2(b) of such Act is amended by striking out "section 301" and inserting in lieu thereof "sections 224 and 301".

SEC. 4. The amendments made by this Act shall take effect on such date or dates (not later than 18 months after the date of enactment of this Act) as the Federal Communications Commission shall prescribe by regulation.

#### HUD CIRCULAR DESIGNED TO LIMIT POOR IN PUBLIC HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 5 minutes.

Mr. MITCHELL. Mr. Speaker, as a result of a complaint, I recently requested from the Department of Housing and Urban Development its current policy regarding admissions criteria for public housing. One of the current trends, it

seems, is to admit first those persons with the highest incomes in order to shore up "revenues."

Although HUD's official response has not yet reached me, I have been provided with the following editorial by the National Tenants Information Service, which elucidates the dangerous implications of the widespread adoption of such a policy. Not only would public housing help most those who needed it least, but the tendency to judge all of the poorest among us as the troublemakers rather than on their individual merit is a shocking affront to individual civil liberties in this country.

I submit the editorial in its entirety:

ON HM 7465.12—THE HUD CIRCULAR DESIGNED TO LIMIT POOR IN PUBLIC HOUSING

(EDITOR'S NOTATION: These notes are the consensus of our editorial staff with special assistance from Samuel Abbot, formerly a Washington, D.C. legal service attorney, now residing in New Haven, Connecticut.)

The U.S. Department of Housing and Urban Development has issued a circular (which has the force of law) HM 7465.12 (see August 1971 *Outlook*) which restricts the poorest of the poor from public housing. HM 7465.12 will force or keep out the very poor and in some cases replace them with moderate income people.

HUD has in effect mandated that local housing authorities should choose two-parent family applicants over one-parent family applicants, and should favor over-income families.

The U.S. Department of Housing and Urban Development (HUD) circular 7465.12, Housing a Cross Section of Low-Income Families in Low-Rent Public Housing—we believe that this circular is unlawful. It rests on two premises: (1) that vandalism and crime are more likely to be committed by the poorest families in public housing Cor. in the community, in general, and (2), that financial problems of housing authorities should be solved, at least in part, by admitting tenants who can pay higher rents at the expense of those who can't, thus leading to an increase in public housing revenues, and an increase of people who can't afford to be housed, even in public housing.

From the beginning of the concept of a national public housing system, back when the 1937 Housing Act was being debated, the principle that public housing is for the poorest of the poor was established. Strong floor statements were made in the Congress to that effect. The lowest income group, the neediest, were to be given priority. This is reflected in Section 2(2). In 1949 Section 10 (g)2 was added to the Act. This section requires that priority for public housing be established for displaced families, with consideration of urgency of need, housing condition and source of income. This certainly reaffirms the neediest first policy of the Act. Public housing is the primary relocation resource for urban renewal displacement. The two programs are yoked together. A rent range requirement in public housing might jeopardize the urban renewal program by eliminating relocation resources for the poorest of the poor.

The special subsidies in Section 10, provided in 1961, 1964 and 1968, reflect congressional action to remedy what was viewed as a problem that significant portions of the eligible population were too poor to afford public housing. Congress, in seeking to remedy this, sought to preserve the program for the neediest. The Brooke Amendment, from the Senator Edward Brooke's (R-Mass.) floor statement in introducing its original form in the U.S. Senate, reflected as much concern for people who could not afford to get into public housing as for tenants al-



ready in who were faced with rent increases. The Brooke Amendment (1969) and the 1970 Modification, and the Sparkman Amendment (for Senator Sparkman, Dem-Ala), taken together provide financial relief for housing authorities to solve their fiscal problems.

The HUD rationale is clearly a refusal to spend federal money that Congress has specifically authorized to be spent (except where a local housing authority's annual contribution is at the statutory maximum). Another vulnerable point of the Circular is constitutional. Cases like *Thomas v. Housing Authority of Little Rock* would seem to bar, as a matter of substantive due process, the automatic exclusion of certain classes of tenants or applicants, i.e. those with incomes below a minimum who cannot, under Brooke, be made to pay more than 25% of income and this amount is less than the operating expenses attributable to their unit. The Circular's attempt to get around the 12-17-68 Circular is unpersuasive and conveniently overlooks the fact that the Circular simply stated constitutional requirements. Once the fiscal justification is removed, the ugly reason remains: poor people, painted with a gross statistical brush, cause more crime and vandalism. This is, if anything, even more objectionable. Under *Thomas* an applicant should be judged as an individual family and not as a member of a statistical group. Similarly a tenant should be evicted for his anti-social conduct and not that imputed to his income group.

A close examination of the Circular reveals that something even more nefarious than applying rent ranges for admissions priorities is contemplated: Paragraph 3(c)(2) reads with Paragraph 4—and the sudden shift to occupancy standards as opposed to admission standards, suggest that HUD is trying to persuade local authorities to adopt minimum incomes for continued occupancy and evict tenants who do not meet them.

#### "ACCELERATED PUBLIC WORKS": EMPLOYMENT A LA WPA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, 2 years ago during the 91st Congress, I announced here on the floor my growing concern for the rising rate of unemployment in many parts of our country. At that time the previous year's—1969—rate was only 3.5 percent. However, many factors signaled adverse changes in this unemployment climate.

At that time, I introduced legislation calling for an "Accelerated Public Works" program to create employment in hard-hit communities by providing Federal funds in these areas to build much needed permanent facilities. This proposal would have provided jobs in those communities for the unemployed brick-and-mortar people—the carpenters, the brick layers, the electricians, the laborers, the engineers, and so forth. The suggested plan, designed to head off high unemployment rates, would make these areas more attractive to industry and aid in cleaning up our rivers. Sewer systems and water purification plants have traditionally received high priority in this type of program.

Many of my colleagues joined me in cosponsoring this legislation, including Congressman George Fallon who was serving as chairman of the House Public

Works Committee; ranking member JOHN BLATNIK; and many other members of this great committee that has produced some of the great legislation of our time. It is with a sense of pride that I recall my service with these gentlemen on this committee.

Senator JENNINGS RANDOLPH, chairman of the Senate Public Works Committee, cosponsored the proposal in the Senate. Unfortunately, my legislative proposal did not receive a hearing during 1970.

Last year, here on this floor, I again brought to the attention of my colleagues my concern and again offered my "Accelerated Public Works" proposal, recalling that the previous year's unemployment rate—1970—of 4.9 percent. I was later joined by over 150 Members of the House and Senate in cosponsoring this legislation. These Members included Chairman BLATNIK and others serving on the House Public Works Committee, as well as Chairman RANDOLPH, of the Senate Public Works Committee, and many of his colleagues.

Chairman BLATNIK and his committee took our APW proposal and improved upon it by expanding the benefits to more communities and increasing the authorization to \$2 billion.

The committee-reported bill passed the House by a vote of 320 to 67, passed the Senate by a substantial margin, only to be vetoed at the White House.

Today, I am joined by approximately 100 of my colleagues in reintroducing H.R. 13300 which was first introduced on February 2 of this year. Again, I wish to call attention to the rising rate of unemployment during 1971. With eight of the 12 months in 1971 recorded as 6 percent or higher—whether one uses the new math, the old math, seasonally adjusted, unadjusted, or an abacus from Peking—the 1971 unemployment average will come out at least 6 percent—not even counting those who have quit looking for work.

Last week the news media chronicled the optimistic report that unemployment had dropped two-tenths of 1 percent—5.7 percent—in February. However, close examination of this report reveals that total employment did not increase. Total unemployment decreased. The answer to this was supplied by AFL-CIO spokesmen who related what many of us already knew. They noted that many of the Nation's unemployed had become discouraged after remaining on the unemployment rolls for so many months and have not found it fruitful to reregister for jobs. Last week's press left much of the public under the impression that we have "turned the corner" and are, indeed, on the road to full employment. Time Magazine last week notes that the administration has considered moving the goal posts and no longer considers a 4-percent unemployment rate as full employment, and suggests that a 5-percent rate would be more credible.

I recall the Bureau of Labor Statistics of July 1971 that reflected a June unemployment rate of 5.6 percent and I recall, too, the optimistic administration comments that followed. Later, this report was adjusted upward to a 5.8-percent rate. The Bureau of Labor Statistics has long been made up of a group of dedicated professionals making every effort

to reflect accurate data to the American people. I wish to announce to my colleagues that this highly respected Bureau celebrated an anniversary this month. Yes, it was 1 year ago this month that the Bureau held its last monthly press conference to announce the unemployment situation. The administration called a halt to this monthly conference which was designed to "tell it like it is." It was determined the administration spokesmen could better interpret the data for the American public. Too bad. However, as always, the American public does get "the word"—eventually—good or bad.

The legislation my cosponsors and I introduced today will increase financial assistance to the highest unemployment areas designated as "special impact areas" to \$475 million. Expansion of authorizations contained in Public Law 92-65 will provide immediate useful work in hard-hit communities.

Public Works Committee Chairman BLATNIK, who also serves as chairman of the Special Subcommittee on Economic Development, is currently holding hearings designed to update portions of the Public Works and Economic Development Act of 1965. As this is the basis of Public Law 92-65, I believe I can speak for all 100 of my cosponsors in requesting the chairman and his distinguished committee to hear and consider the proposal we introduced today.

Mr. Speaker, there are those who might say we have adequate authorization and only need an administration request for funds to be followed by adequate appropriations. Well, my cosponsors and I do not wish to sit idly by awaiting something to happen. With the cooperation of the Public Works Committee, things will happen leading to progressive action toward curbing unemployment through "Accelerated Public Works."

#### RETIREMENT OF THE HONORABLE THOMAS G. ABERNETHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, it was with mixed emotions that I learned our colleague, TOM ABERNETHY, of Mississippi's First District, today announced that he would not seek reelection.

I am saddened by the fact that Tom's extraordinary talents for service to his State and Nation in this body will not be available much longer. His integrity, candor, wit, and dedication over a period of 30 years are deeply appreciated by we who have served with him. That enviable record is permanently stamped in the history of the U.S. House of Representatives.

On the other hand, Mr. Speaker, I can well understand the gentleman from Mississippi's desire to spend some leisurely time with his charming wife Alice, his three wonderful children, and his six spirited grandchildren. He has given four decades of his life to public service and now deserves less demanding responsibilities. He has truly earned the right to partake more fully of life's

pleasantries in an environment of relaxation and contentment.

TOM ABERNETHY should be secure in the knowledge that he has faithfully served his people.

Mr. Speaker, I insert at this point the gentleman's announcement of his retirement in the RECORD:

WASHINGTON, D.C.,  
March 9, 1972.

DEAR FRIENDS OF THE FIRST CONGRESSIONAL DISTRICT OF MISSISSIPPI: I will not be a candidate for re-election to the United States Congress. When the current session adjourns, Mrs. Abernethy and I are going home—to stay! While we have enjoyed our service in Washington and will depart with some regret and sadness, we happily look forward to daily living in Mississippi.

My decision not to seek re-election was actually made early in December and confided to my family and a very few close friends. In the interest of my District I determined that my intentions should not be made public until Congressional Redistricting had been concluded.

For almost 37 consecutive years now I have been daily identified with public service in behalf of the people of our State—7 years as a District Attorney and 30 years as a Member of the United States Congress.

In 17 successive Democratic Primary elections I have had the good fortune to win each time—in 9 of such primaries without opposition. I have encountered opposition only 4 times in 17 successive general elections. To have my candidacy endorsed so often, and frequently so overwhelmingly, and in three Districts of widely different alignments, is something for which I am humbly grateful.

The United States Congress offers a tremendous opportunity for public service; but, believe me, the assignment is not easy. To successfully serve here requires something more than desire. The competition is keen. The hours are long. The work is tedious and heavy. The job is year-round. Nothing is accomplished by a Member of Congress simply because he is a Member. He has to move out and fight for it! Otherwise his name will soon appear on the usual long biennial list of political casualties.

A Congressman is associated daily with able Members from all sections of the country. They are of diverse views, philosophies and interests. To succeed here one must gain their attention, cooperation and respect. In gaining such, I have lived and worked by the Golden Rule. My word has been my bond. I have never misled or deceived one of my colleagues. I feel, in fact, I know I have had their respect and they have had mine.

On all issues I have, with courteous respect for the views of others, unswervingly applied my deeply conservative philosophy. I have made some mistakes; but none were deliberate. While the quality of my record is for the people to judge, I shall leave behind a service record of which I am deeply proud.

In a few weeks I will reach my 69th birthday. Mrs. Abernethy, my faithful partner in life who has seen me through many trying experiences and who has inspired me to battle all the way, and I are fortunate to be enjoying exceedingly good health. We have some good years ahead. Our desire is to live them out in Mississippi; and we intend to remain active.

We have three children of whom we are very proud. Because of our service here they were necessarily required to spend almost all of their young lives and obtain their elementary and high school education in the Washington area. They never caught "Potomac Fever." They eagerly returned to Mississippi for their college education. They married Mississippians and all now reside happily with their respective families in

Jackson. We yearn to see them and our six little grandchildren more often.

I am grateful for the privilege of serving so long in this high position and trust I have measured up to the expectations of thousands of Mississippians who have honored me over these many years.

Sincerely and gratefully yours,  
THOMAS G. ABERNETHY.

### THE STATE OF THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, make no mistake about it; the economy of this country is still in deep trouble.

A look at the record for the past year gives pause for thought. The balance-of-payments deficit was the largest in history, the Federal budget deficit for 1972 broke all records since World War II, this country had its first trade deficit since 1888, the dollar was devalued for the first time since 1934, the President sent the Congress the largest request for an increase in the national debt since 1943—\$50 billion, and unemployment reached a 10 year high.

The hopeful words that continue to flow out of the White House no matter what the indices say are no guarantee that a rosy economy is just around the corner.

Far from it. If past predictions from the administration are any indication, we have little cause to ready ourselves for rejoicing. A year ago, Mr. Nixon and his advisers predicted a growth in the real GNP of 4½ to 5 percent. It turned out to be 2.7 percent; Federal tax income revenue was \$20 billion less than projected. Even with the price freeze there was 4.3 percent inflation in 1971.

The President predicted an \$11.6 billion budget deficit and a reduction in unemployment to 4.5 percent by mid-1972. The budget deficit turned out to be \$39 billion and it looks as if unemployment will be no longer that 5.5 percent by mid-1972.

Continuing unemployment is of foremost concern to me. The official unemployment rate of 5.7 percent does not tell the whole story. In addition to these 5 million individuals who have no jobs and are actually seeking work, there were 780,000 so-called discouraged workers—people who want a job but have given up looking because they feel no jobs are available for them. The true story is that the unemployment rate is 6.6 percent.

There is still another important group—people who want full-time work but are only working part time. According to official Bureau of Labor Statistics estimates there are 2,676,000 such individuals. If these men and women are added to the first two categories, the real unemployment rate is close to 10 percent.

The state of unemployment is the 12th largest state in the United States.

Five million men and women in this country are seeking work. That is more people than the entire population of Connecticut. In fact, only 11 of our States have populations larger than 5 million people.

The unemployment line would stretch from Washington, D.C., to Salt Lake City, Utah. If those 5 million people were standing in line—giving each person a 2-foot space—that line would extend for 2,000 miles. That is a greater distance than from Bangor, Maine, to Miami, Fla.

It is sad to think of the millions of jobless Americans seeking work but excluded from a place in our economy. No leadership is being given by the administration in a concerted effort to put these people back to work. This country should be able to guarantee a job to everyone who wants to work. Yet the administration has no action plan to reach a 4-percent unemployment figure. That should be the firm goal by the end of this year.

But even for working Americans the picture is not rosy.

In 1970, the Bureau of Labor Statistics issued estimates on living costs for a family of four. The intermediate budget cost—including taxes—was \$10,664 a year. The lower budget was estimated at \$6,960 a year. At that time the average American worker was earning \$6,250 a year, not even up to the standard of the low budget estimate of what a family needs.

This year BLS is not giving out any figures. It looks as though the Government does not want to recognize the discrepancy that exists between what it costs a family to live in a modest self-respecting way and what Americans are actually taking home in their paycheck. A leading consumer specialist, Sidney Margolius makes the judgment that inflation has now pushed the intermediate budget up to \$11,300 and the lower budget to \$7,500. There is no need to point out that most American families fall far short of being able to live at the intermediate budget level. The average production worker makes \$6,750 a year. That falls well below the lower budget figures.

The policies for the last several years to reduce unemployment, halt inflation, and build economic health, have met with dismal failure. One mark of the economy's sickness is the ever larger budget deficit.

The national debt has increased approximately \$30 billion a year for the past 4 years. About one-fourth of our total national debt has accumulated in that period. During the coming year, \$21 billion of the taxpayer's money will go for interest payments on the national debt. That means that more than one-tenth of the tax money we raise will be spent to pay interest.

As a result of our depressed economic situation, Federal tax collections fell greatly from the estimates of last year. At the same time, because of the economic recession, outlays for unemployment compensation, welfare, and Medicaid increased rapidly—\$6.4 billion according to some estimates.

On the one hand, many of our taxpayers are heavily overburdened; at the same time, our budget deficit for fiscal year 1972 is estimated at \$38.8 billion. What is the solution? Perhaps some Federal spending can be cut back, especially in the area of military spending, but that will not solve the problem. We need more tax revenues, and they could be raised.



The solution is not to increase the tax rate. It is not to institute the so-called value-added tax, which is really a giant sales tax under another name. A value-added tax would be a knockout blow to the consumer.

Instead, what is needed is a thorough going tax reform. The tax law is riddled with loopholes. The big investor is already well provided for, but justice to the workingman demands an urgent and thorough reform.

According to two outstanding economists, Joseph Pechman and Benjamin Okner, if a variety of tax loopholes were eliminated, tax revenues would increase by \$77 billion. That would be enough to cover the projected budget deficit and at the same time to give some significant tax relief to low- and middle-income wage earners. The figure is large enough in fact to also provide funds for some new programs such as revenue sharing. For 2 years President Nixon has advocated a \$5 billion general revenue sharing program. The fiscal situation alone made that impossible. It would have been reckless for Congress to pass that legislation last year and add \$5 billion more to an already disastrous budget deficit.

A wide-ranging tax reform is an absolute must to be fair to the low- and middle-income taxpayer. In 1970 there were 112 people with incomes over \$200,000 who paid no Federal income tax. Obviously there are still some gaping loopholes in the income tax law.

A long list of tax reform proposals could be suggested such as reducing the oil depletion allowance and tightening up the minimum tax for wealthy individuals by shutting off some of the exemptions and exclusions. A reform movement would not lack proposals. What is lacking is support from the administration.

A crash program to cut unemployment and a crash program to rework the tax law deserve top priority attention from the Congress and from the administration. Without this type of action the Nation's economic illness could prove fatal.

#### THE PENNSYLVANIA COLLEGE OF OPTOMETRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, on Sunday, March 5, Representative WILLIAM J. GREEN addressed students and faculty members at the Pennsylvania College of Optometry to kick off their observance of National Save Your Vision Week. This group is actively involved in saving vision and in reforming the health professions.

Mr. Victor Hoffman, the student body president, Mr. Mark Barth, coordinator of the National Save Your Vision Week program, Dr. Fisher, the Assistant Dean, and several hundred students, faculty members and wives attended.

Because I hold Congressman GREEN in high regard, both as a personal friend and as one I consider to be an outstanding Member of this House, I feel privileged to call the attention of my colleagues to his address on that occasion.

Congressman GREEN has a long record of demonstrated concern and active endeavor to improve the quality of health care in America. For those reasons, his remarks to the students and faculty of the Pennsylvania College of Optometry are particularly significant and I ask that they be printed in the RECORD.

Mr. GREEN's remarks follow:

First, I want to thank all of you for inviting me to be with you tonight to help you officially begin observance of National Save Your Vision Week.

It is an added pleasure for me to visit your fine college because it is in my Congressional District.

I profit from speaking to groups like this because I learn a lot in the process of deciding what to talk about.

For example, this week I learned the difference between an optometrist and an optomologist. It occurred to me that a good number of people don't know that difference. Probably a good number of people don't know how to care for and best use their vision either. This group is to be congratulated, therefore, for having well-publicized activities during "Save Your Vision Week" and, hopefully, making more people conscious of vision problems.

I now know that there are over 20 thousand licensed optometrists in the United States located in over 5,000 cities and towns, and that they provide over 70% of all vision care in the United States. That makes optometry the third largest independently prescribing health profession.

Without knowing any of this, I have been interested in health care generally for some time. Last year, I co-sponsored H.R. 22, a national health insurance bill which establishes a broad based national health insurance program covering all ages. The bill would, as I'm sure you know, include optometric vision care services under the program. I support this inclusion just as I supported a similar inclusion in the Medicare provisions of the Social Security Act.

I think these inclusions are very important. When one considers that a child's ability to learn is dependent upon his ability to read and that, in turn, his ability to read is dependent upon adequate vision, the importance of adequate care is undeniable.

The fact that there are 21 million Americans aged 65 or over, 99% of whom undergo a chemical change which causes vision problems, adds to this importance for our whole society.

There is great need for vision care, and it should be included in Federal Health Programs.

The need is, as I said, undeniable. But there is a shortage of vision care services, as evidenced by the 1 million blind people in the United States and the untold million whose lives are diminished by hampered vision, frequently without their knowing.

It is evidenced by the 4,000 blind in Philadelphia and by the fact that only 300 optometrists serve a population of 2 million in our city.

It is evidenced by the fact that our most densely populated areas, our inner cities, suffer from the greatest lack of available service—or the means to afford adequate care.

We in Washington have approved legislation—the Emergency Health Personnel Act of 1970—which permits the Secretary of Health, Education and Welfare to identify locations experiencing shortages in health care personnel, including optometrists, and to assign members of the Public Health Service Commissioner Corps to duty in those areas. In exchange for this three years service in the scarcity area, the recently graduated health professional may seek up to 85% forgiveness of outstanding student loans.

We are also attempting to create new systems of health care delivery. One of the suggestions is the establishment of local health maintenance organizations, better known as HMO's. This would entail the organization of a co-ordinated delivery system, in a specified locale, to provide record keeping, billing, and other operational systems for both individual and multi-disciplined, group practices. I am hopeful that, when it reaches fruition, this legislation will encourage full participation by optometrists, physicians, podiatrists, general family practitioners, and all other specialties in a comprehensive system geared to preventive health care. Hearings on this are expected soon.

Others are also trying to fill the vacuum. New forms of group practice are being tried out all across the country in an attempt to answer the need for care at reasonable prices. There is no reason why the optometry profession should not be a part of such experimental practices.

Regional and neighborhood health groups have been formed, and a movement to expand community health centers has developed. Nationally, more free clinics, like the optometric clinics at Broad and Olney and Broad and Spring Garden, are opening.

Optometric and medical students have been in the vanguard of this movement to change the focus of health professions. They are developing new methods of serving, and they are trying to change their profession. The health crisis in America today demands this kind of action by established, as well as prospective, health professionals.

I feel a kinship with those who seek change. I know how difficult it is to change an established profession. I've tried in my own profession of politics.

I can't come here tonight and tell you that our Congress will perceive the need. It rarely does in time. And I, as one of so many, can't commit the Congress to action. I can, and do pledge that I shall try.

I have just one more thing to say. I have talked about physical vision and the challenge we both face in regard to it. There is a broader challenge to which we should open our eyes. It is the challenge of reordering our priorities, examining our national conscience and direction, and cleansing our political system.

It is not simply a question of money. It is a question of spirit—an issue of our intentions and motivation as human beings and as Americans.

It is one thing to demand that money being spent on Vietnam be redirected to our domestic needs.

And it is quite another to ask ourselves what machinery of policy, what process of thought, what blindness, if you will, got us there in the first place.

And it is still another to make up our national mind that we will never make the same mistake again.

Likewise, it is one thing to demand the Congress be more responsive to the people. But we must also ask what it is that makes our government seem so unresponsive.

It is not because of the nature of our institutions. Rather, it is because those institutions have been misused and abused. All too often in this country, the democratic process has been subverted to serve the demands of a few politicians and special interests.

The simple fact is that life will not get better in this nation or this city until government gets better.

And government won't get better until politics gets better. And that won't happen until you demand it. And we as a people or as individuals rarely demand it.

Tonight I ask you, as we begin Vision Week, to look to the future, to become a fuller member of this society, and to personally engage in political life.

There is all around us an apathy approaching blindness, a single-minded concern for

ourselves. I challenge you to be as political as you are professional.

As this week continues, let us remember that unless each of us is part of the solution, we are part of the problem, whether it's war, racism, or bossism. The work is not yours to finish but neither are you free to take no part in it.

As Robert Kennedy said in the closing lines of his book, "To Seek a Newer World," "Our future may lie beyond our vision, but it is not completely beyond our control."

Thank you.

#### MISUSE OF POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Boggs) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, I bring to the attention of our colleagues an editorial from the Locust Valley Leader, an outstanding weekly newspaper circulated on Long Island, N.Y.:

#### MISUSE OF POWER

If New York Republicans have their way they will gerrymander Congressman Lester Wolff out of office—punishing him and the people he serves for taking such a firm and successful stand against the proposed Bayville to Rye bridge that the bridge is washed up. For it was Lester Wolff who devised the plan under which the town of Oyster Bay has given 5000 acres of priceless wetlands to the Interior Department. Because this is federal land the state cannot condemn it. The gift has closed the shore from Centre Island to Glen Cove making it impossible for the bridge to take off across the Sound anywhere along that shore.

From the start Wolff fought the bridge in the face of heavy political pressures from unions and other lobby groups. His stand won him the Guv's ire. Worse than that Wolff is an independent Democrat. As much as anything this was the prime factor in his ability to win the bridge battle because he did not have to knuckle under to GOP pressure to keep the congressional seat he has filled with such distinction.

When Lester Wolff took office it was the first time that all of us on the north shore had the kind of intelligent, fearless, uncommitted representation we should have been having all along. Wolff is a congressman first, a Democrat second. Rarely has he performed along partisan lines. He even runs his own campaigns which have been almost entirely free of local Democratic meddling. But he is a Democrat and he did oppose the bridge. And so, say the Republicans, he must go. The only way the Republicans can accomplish this is to gerrymander him out of office. Even though he is one of the finest men serving in congress, the Republicans are prepared to take this cynical political act with total disregard for Wolff and those he has served so well and so long.

#### A TRIBUTE TO THE SOUTH BEND TRIBUNE AND FRANKLIN D. SCHURZ, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAs) is recognized for 5 minutes.

Mr. BRADEMAs. Mr. Speaker, today, March 9, 1972, is an historic date in South Bend, Ind. It marks the 100th year of service to South Bend and the surrounding areas of northern Indiana and southern Michigan of the South Bend Tribune.

This same date also marks the retire-

ment of Franklin D. Schurz as editor and publisher of the Tribune, thus ending a distinguished newspaper career spanning almost 50 years.

Under the leadership of Mr. Schurz, Mr. Speaker, the South Bend Tribune has achieved international renown for pioneering in typographical and mechanical innovations in the newspaper industry. This was acknowledged in 1969 when Mr. Schurz received a citation from the American Newspaper Publishers Association, which read:

With the highest esteem and gratitude for outstanding services to newspapers as first president of the ANPA Research Institute and for dedicated and constant support of newspaper research and new technology.

But, Mr. Speaker, Franklin D. Schurz and the South Bend Tribune stand for much more than technological pioneering. In these 100 years, a span of time which has seen the demise of thousands of newspapers all over the country, the South Bend Tribune has never missed a single day of publication.

More importantly, Mr. Speaker, this newspaper has both held firm to the highest standards of newspaper tradition and has shown dedication to the betterment, growth, and advancement of the whole Michiana area.

And Franklin Schurz has set a personal example of this concern for civic welfare by his willingness to give of himself in positions of high community leadership. In these past 35 years, hardly an activity involving civic and community affairs has been carried on without his encouragement, interest, and active participation.

On a personal note, Mr. Speaker, I will remember the occasions after the closing of the Studebaker plant in South Bend in 1963 when Mr. Schurz, accompanied by another great South Bend civic leader, Paul D. Gilbert, came to Washington to join me in many meetings with Federal officials to help our community overcome this crucial economic crisis.

Second only to his love of South Bend and the Tribune, has been his dedication to the whole field of newspapers. It is significant, Mr. Speaker, that, at the Tribune's centennial banquet in South Bend on Monday, March 6, at the head table were Wes Gallagher, general manager of the Associated Press; Mims Thomason, president and general manager of United Press International; and Stanford Smith, president of the American Newspaper Publishers Association.

Also at the head table was Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame and Chairman of the U.S. Civil Rights Commission, who took the occasion to announce that Notre Dame will confer an honorary doctor of laws degree on Mr. Schurz at this year's commencement exercises.

It also is significant that one of Mr. Schurz' last acts as editor and publisher of the Tribune was to announce the setting up of 30 annual scholarships for Tribune carriers planning to attend college.

Mr. Speaker, I consider it a privilege and honor to add my voice to the chorus

of congratulations on the South Bend Tribune's 100th birthday and to wish Franklin D. Schurz, Sr., health and happiness in his well-earned years of retirement and to express to him my warm, personal regards.

#### THE LATE HONORABLE GEORGE W. ANDREWS OF ALABAMA

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

Mr. MAHON. Mr. Speaker, by direction of the Committee on Appropriations, I include at this point a copy of the resolution adopted by the committee on February 22, 1972, in memory of the late Honorable and beloved George W. Andrews of Alabama:

#### RESOLUTION

Whereas, on Christmas Day, 1971, the Honorable George W. Andrews, full of honors and in his 28th consecutive year as a Member of the United States House of Representatives, answered the last roll call and joined the Congress of the Hereafter; and

Whereas, Mr. Andrews was one of the most dedicated, respected, and beloved Members ever to serve in the Halls of the House of Representatives; and

Whereas, Mr. Andrews was an outstanding public servant whose strong convictions about the public issues of the day were combined with a great compassion for his fellow man; and

Whereas, Mr. Andrews, throughout his 26 years of service on the Committee on Appropriations—through service on a number of Subcommittees, and otherwise—demonstrated his outstanding ability and his dedication to the Nation's best interests; and

Whereas, Mr. Andrews, throughout his 17 years of service on the Subcommittee on Defense Appropriations, vigorously supported and persuasively contributed to the maintenance of a strong defense system for the Nation; and

Whereas, throughout his 15 years of service on the Subcommittee on Legislative Branch Appropriations, including 7 years as Chairman, Mr. Andrews displayed great skill as a leader and demonstrated his devotion to the timeless virtues of fiscal discipline and restraint; and

Whereas, as a member of the Subcommittee on Public Works—AEC Appropriations, Mr. Andrews strongly supported the development of the Nation's energy and water resources; Now, therefore, be it

Resolved, That we, the Members of the Committee on Appropriations, sharing the universal feeling of grief at the loss of this truly great American and legislator who has passed from our midst, extend our deepest sympathy to Mrs. Andrews and others of his family, to his relatives, and others of that wide circle of admiration and universal respect; and be it further

Resolved, That these resolutions be entered in the Journal of the Committee, a copy sent to Mrs. Andrews, and that arrangements be made to include a copy in the appropriate ceremonial proceedings of the House of Representatives.

#### NATURAL RESOURCES AND PUBLIC INTEREST

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

Mr. ASPINALL. Mr. Speaker, again I call to the attention of my colleagues yet



another point of view in the continuing examination of that very broad subject, environment. We are all interested in how to live in this world and still keep it livable. In the opinion of too many prophets of doom in recent years the choice was depicted as being between almost complete economic regression and the total despoliation of our environment—even to the extinction of life itself.

All of this completely ignores the adaptability of mankind. When smoke filled the abode of the caveman, he neither choked to death nor did he give up his fire. Man has always been able to adapt and to find a balance and that is as much within his ability today as it ever has been.

The wise use and the protection of our natural resources are not incompatible and this is articulated so well in a recent address given by the executive vice president of the Society of American Foresters, H. R. Glascock, Jr., and I commend its message to my colleagues:

**NATURAL RESOURCES MANAGEMENT: WHERE THE PUBLIC INTEREST LIES<sup>1</sup>**

(By H. R. Glascock, Jr.)

As the nation approaches its 200th year, it is inevitable and much to be desired that Americans once again turn to the forest. Not as an enemy this time, or even for fuel or shelter as our forefathers did. But as relief from the concrete canyons and the strains of city living; for outdoor recreation using newfound leisure, affluence and mobility. It seems that man's appreciation of nature increases as the development of civilization removes him from contact with nature and places him in an increasingly hostile, unnatural environment. With severe overcrowding and befouling of his city habitat, man's age of environmental concern has arrived, his war on pollution has been declared, and public concern for natural resources management has set in to stay.

**INSULATION FROM LAND**

Thus by our 200th year as a nation, the largely rural economy, which made early America great, has changed to an urban economy. Migration to the cities has progressed to the point that some 80 per cent of the people—and voters—live on 2 per cent of the land. More than 60 per cent of New England's old hilly farms have been abandoned and become woods again; and the early, high-ground homesteads in the Northwest have largely been reclaimed by the forest.

Insulated from the land—the farm and forest—the city dweller may conceptualize the forest as the last remaining island of peace and quiet in a raging storm of industrialization. Even if he never intends to visit the forest, the city man would like it somehow to remain forever just as he has come to conceive of it through romantic impressions from books, movies and television. He is not apt to view the forest as the dynamic, ever-changing community of plants and animals which it is, and as the reliable source of replenishable raw materials which his living standard demands. Having no evidence to the contrary, the city dweller can easily be convinced that commodity uses of the forest, which he himself makes necessary, destroy aesthetic values, which may now seem more important to him.

This is a generalized account of changes in America which are having a profound impact upon the nation's natural resources and the professionals who manage them. As Yale Professor of Silviculture David Smith writes in the February Journal of Forestry: "... We aim to manage the forests of a continent which has natural conditions as diverse as those of all temperate Eurasia to meet social demands that seem to become more bewilderingly varied with each passing year ..."

**PUBLIC INTEREST THROUGH LAW**

One of the biggest problems foresters have today is determining where the public interest really lies in natural resources use and management. How can forest land be managed to meet all of the valid demands upon it? This determination has never been easy or precise, especially in deciding between preservation and use. But mounting and varied social demands, together with the new wave of eco-politics and eco-journalism, have made the task even more difficult—not only for foresters, but for the public itself and especially its elected representatives.

Presumably the laws of the land are in the public interest; so that is a good place to start in determining what the public wants and needs. Federal legislation such as the Multiple Use and Sustained Yield Act of 1960, the Wilderness Act of 1964 and the National Environmental Policy Act of 1969, for example, presumably represent the will of the American people. Yet the interpretations of the intent of Congress by federal land agencies are being challenged increasingly in the press and in the courts, by preservation groups and their political representatives. Definitions, provisions and performance under these acts are being twisted and bandied about as though no legislative history existed and the legislation were up for grabs through interpretation. And "anti" journalism will surely be countered with "pro" journalism; the lawsuits, with counter-suits. Confusing? Yes. Conducive to determination of the public interest in resources management? No.

A prime example of this tailor-made confusion surrounds the Wilderness Act, which was painstakingly hammered out by Congress through difficult compromises over the better part of a decade. In the long deliberations, there was no question that certain lands should be zoned for roadless wilderness as contrasted to roadside wilderness. But zoning for one use in the public interest cannot be done in a vacuum. So the real question always was: *how much* land of what kind, where located and how administered, should be legislatively zoned for roadless wilderness in denial of other uses? All the plethora of verbiage concerning the Wilderness Act not addressed to this central question was and is, in my mind, so much sound and fury. But now we are told that the National Wilderness Preservation System was meant to include national forest roadless areas over 5,000 acres in addition to the "Wilderness," "Wild" and "Canoe" areas and the expandable "Primitive" areas specified in the Act. These other roadless areas, which Congress did not see fit to include in the System, are dubbed "de facto wilderness" by spokesmen of the Sierra Club and The Wilderness Society.

**A GRAND DESIGN TO MAXIMIZE WILDERNESS**

And, in what appears to be a grand design to stretch the Wilderness System—and the intent of Congress—to maximize the acreage in the System even at the expense of quality and certainly at the expense of other public needs, these and other preservation organizations have heaped scorn, insult and abuse on the U.S. Forest Service, which, though not perfect, is a model agency of public land management. The preservation groups have successfully motivated skillful, sensation-

prone writers in such prominent periodicals as the *New York Times*, *Des Moines Register*, *Field and Stream*, *Atlantic* and *Reader's Digest* to join in the fun. Close reading reveals a formula which is repeated in articles and editorials often enough to be identified as a trade mark: a brand of hit-and-run journalism studded with misinformation and erroneous conclusions or implications. Such journalism, which appears to violate the Canons of Journalism adopted by both the American Society of Newspaper Editors and Sigma Delta Chi in the mid 1920's, is a disservice to the American public and should not be excused because those professional journalistic organizations admittedly lack the authority to enforce their Canons.

The U.S. Forest Service is excoriated in the press for high offenses against nature as illustrated by the most glaring misapplications or non-applications of forest practices which can be found on 187 million acres of national forest land. These misapplications are held to be typical and are not. Usually it is terracing and oversize clearcuts on the Bitterroot (Montana), alleged overcutting on the Shoshone (Wyoming), oversize clearcuts on the Monongahela (West Virginia), a fallacious interpretation of soil nutrient losses in a herbicide-treated, experimental clearcut at Hubbard Brook on the White Mountain (New Hampshire), the infamous lag of 5 million acres in reforestation on the national forests, and the erroneous equating of clear-cutting with overcutting.

Seldom is it pointed out that the Forest Service has long ago admitted and discontinued its isolated misapplications of clear-cutting and terracing; that the reason those 5 million acres haven't been reforested is that Congress hasn't appropriated the money to do the job; that the Administration's severe manpower ceilings and failure to spend what Congress has appropriated have prevented the badly-needed buildup of trained personnel to supervise properly the huge management responsibility of the national forests; that clearcutting, properly applied, maintains tree species intolerant of shade, is not excessive cutting, does not cause floods or accelerate erosion, but does improve wildlife habitat, and can improve the quantity and timing of water yield.

**ABUSIVE CRITICISM**

To further illustrate my point, you will be told at this meeting today:

"The performance of the Forest Service under these statutes . . . (the Multiple Use and Wilderness Acts) has been so dismal as to lead a growing number of people to the conclusion that the Forest Service is a wholly-owned subsidiary of the timber industry. . . . The Forest Service has paid only lip service to the very real pressures . . . recreational use creates. . . . If the Service's disregard for the principles of multiple use is conspicuous, its indifference toward the Wilderness Act has been notorious. . . . Although the Forest Service established wilderness areas back in the thirties, it has continually reduced the size of these areas to let the loggers in. . . ."

You may not buy this ungrateful, untrue and abusive criticism, but your Sierra Club guest speaker here today has scooped this meeting (held February 24th) by making his paper available for insertion into the *Congressional Record* of February 9th. The end is apparently thought to justify the means. Those of us who are devoting our working lives to the science, technology, education and practice of professional forestry certainly cannot accept such unfounded statements. But will members of Congress?

Will Congressmen know that, in addition to timber to meet national wood demands, the national forests provide more public recreation use, measured in man-days and greater variety, than any other of the federal lands?

<sup>1</sup>Keynote address presented at Winter Meeting, New York Section, Society of American Foresters, Syracuse, New York, February 24, 1972.

That the Forest Service not only invented and set aside vast primitive areas in the 1920's and 1930's, decades before Congress acted, but protected them from commercial development until Congress did act? Will they know that 9.9 of the 10.2 million acres in the National Wilderness Preservation System today are in the national forests? Will they know that specially dedicated areas set aside in the national forests as restricted from commercial development constitute 23,400 square miles in aggregate, an expanse larger than the states of Vermont, New Hampshire and Massachusetts combined? And will they know that the Forest Service is the only federal agency on schedule in wilderness reviews under the Wilderness Act and that it will meet the 1974 deadline?

I trust that Congress will recognize these truths and others. The question of how much roadless wilderness is enough was answered by Congress in the hard-fought Act of 1964. Let us hope that Congress, in the absence of demonstrated public need, will stand strong against alterations or misinterpretations of this public policy, which is based on consideration of all uses. Let us also hope that Congress will not buy current proposals to include "recycled" wilderness in the Wilderness System, a renewable form of wilderness which thrives under less restrictive management. And Congressmen may well recall the wisdom of the Greek philosopher Epicurus that "nothing is enough for the man to whom enough is too little."

#### SEEKING BEYOND THE SPECIAL INTERESTS

I have used the Wilderness Act as only one example of how the public interest as expressed in law may become confused. There are many more examples, including the National Park Act of 1916 and the Multiple Use and Sustained Yield Act of 1960. The public interest can be obscured by special interests, all of which claim to represent the public interest. Foresters must be alert in seeking out and understanding the real and changing needs of people. The squeaky wheel may not always be the most in need of grease.

Can we not say, in general, that as of today the American people demand, expect and need from the forested third of the nation a gamut of uses which is expanding, which is emphasizing amenity uses as never before, and which necessitates a sophisticated application of the multiple-use concept not so far achieved? The American people are looking to foresters and other resource professionals to make multiple use work.

Don't we also know that people now want clean air, and water, and landscapes—enough to afford the cost? That people want, and don't always get, inexpensive housing and paper products; clean and dependable water; quality fishing and hunting; accessible skiing; places for snowmobiles, dune buggies, trail bikes and motor boats; roadside wilderness; hiking trails and "pure" wilderness; picnic spots; campsites, trailer and camper sites, and all the rest? Actually, these uses can all be fitted in—up to a point—in our fixed land base. But it is the land manager's responsibility to know and announce when demands are excessive in terms of sustaining a balance of uses.

#### THE PUBLIC'S NEED FOR BIOLOGICAL FACTS

These are exciting, difficult times for the forestry profession. The very weakness of the profession's identity, it seems, has prompted attacks upon it and attempts to label it with employer orientation. Of course, such attacks are also symptomatic of our times. The danger is that refutable charges may blind the profession to its real shortcomings: its need for more effective dissemination and application of research, for a comprehensive program of continuous education, for communicative skills.

The growing public interest in natural resources management offers an unprecedented opportunity for service. In my view, if forestry professionals will deliberately make known to the public the biological facts and capabilities of forest lands under alternate management programs, the public can be counted on to set clear and realistic policies in its overall interest, which foresters can then carry out.

#### RUCKELSHAUS ON FORESTERS

Today's challenge to the profession was never better stated than by William D. Ruckelshaus, Administrator of the Environmental Protection Agency, in keynoting SAF's 1971 National Convention.

It will be up to foresters to help find ways to limit the damage from these rampant forces of population growth, urbanization and changing styles in leisure. The job is not going to get easier; the public will not lower its demands. Foresters are in the national spotlight and the glare is getting stronger. That means controversy, but it also means great opportunity for professional service . . .

In the evolution of modern forestry, SAF members lead the movement away from custodialism to the more sophisticated concept of multiple use. If there is truth to the claim that forests are too important to be left solely to the foresters, then it is equally true that there can be no progress without their expert knowledge. Professional foresters are called upon by society to provide a complex of management skills in a time of great ferment, abrasive demands, and protean shifts of values on behalf of policies that will more and more often be determined by public law.

"This fact does not diminish their calling, but rather enhances it. Indeed, the critical role of the foresters will be to evaluate alternate goals and recommend optimum approaches to reach objectives once they have been decided upon in the public forum. There can be no greater challenge for any profession, no more sobering responsibility.

"If we are to make the most of our forests, this nation will need strong leadership. Together with other servants of the earth—in a partnership of concern and commitment—foresters can ensure that man's return to nature will be economically profitable and spiritually fulfilling."

#### THE UNITED STATES HAS A RESPONSIBILITY TO TRY TO BRING PEACE TO THE ISLAND OF IRELAND

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

Mr. STRATTON. Mr. Speaker, all of us, I am sure, are deeply saddened over the turmoil, the violence, and the killing that have been going on for the past few years in Northern Ireland, most recently with increasing fury.

Some people, Mr. Speaker, have claimed that the United States ought not to interfere in any way in current developments in Northern Ireland. The State Department in particular has opposed any such action, and has even opposed the adoption by this House of any resolution relating to the conflict.

Mr. Speaker, let me say that I for one do not agree with the idea that what is happening in Northern Ireland is none of our affair.

Surely, if the President of the United States can go half way around the world

to try to settle the conflict between mainland China and Taiwan, then we Americans ought to be clever enough to make some helpful suggestions that might bring an end to the violence in a country with such close ties to America and whose people have made such great contributions to our heritage.

I feel strongly that the administration ought to take a much more active role in moving both parties toward bringing the present terrorism to an end and working out a peaceful solution than they have been willing to take up to now.

How can we do this? Well, I believe that the real key to settling the current violence in Northern Ireland lies in ending the long-standing social and economic discrimination against Catholics that has prevailed in the Ulster area, and in opening direct talks between the Irish and British Governments looking toward a formula for the eventual reunification of all of Ireland.

This would be the first step, in my judgment, that ought to be taken, and I believe we ought as a nation to use our good offices to get such immediate discussions going between Prime Minister Jack Lynch, of Ireland, and Prime Minister Edward Heath, of Great Britain, to develop some specific formula for the eventual reunification of all of Ireland.

The remaining points of my own 4-point program for establishing peace and stability in Northern Ireland are as follows:

Second. Establishment of a joint Irish-British border patrol force along the boundary between the Irish Republic and Northern Ireland to help bring an end to logistics support of the guerrilla terrorist operations in Northern Ireland.

Third. A gradual lowering of the British military profile in Northern Ireland as the violence subsides.

Fourth. Immediate and decisive action by the British Government to end all social, political, and economic discrimination against Catholics living in Northern Ireland.

In connection with point No. 3, Mr. Speaker, let me just say that, contrary to some recommendations that have been made on this matter, I believe it is unrealistic to call for the immediate withdrawal of all British troops from Ulster. What is going on there is guerrilla warfare and without some peacekeeping force it could lead to an even bloodier civil war. I am glad to see that Prime Minister Jack Lynch agrees with me on this point.

But, as I have already said, the key to the problem is in ending the discrimination and in moving eventually to reunite what is clearly one country in accordance with the freely expressed wishes of the people themselves. Once a genuine effort is made in that direction, with the participation of the established leaders of Ireland and England, there would no longer be any reason for the continuation of either the terrorism or the harsh internment.

I believe our Government ought to do what it can to see that action along these lines is undertaken by all of the parties and governments concerned.



# TESTIMONIAL DINNER GIVEN JOHN F. NAVE

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

Mr. HANLEY. Mr. Speaker, fortunately, every community throughout our great Nation is endowed with certain citizens blessed with great leadership qualities. Fortunately for our society the initiative and dedication of those in that category contribute so greatly to our American way of life.

Today, I singled out one person from my home community who meets the description I have offered, and I single him out in association with a most deserving testimonial recently held in his honor. I refer to John F. Nave, my fellow Syracusan, who enjoys the distinction of serving as the youngest national commander of a national veterans organization, the Italian American War Veterans of the United States. In addition to his untiring efforts in behalf of the veterans community, he has also involved himself in other noble causes far too numerous to mention.

A fitting tribute was paid John in the form of a testimonial dinner on the evening of February 26, 1972, at LeMoyné Manor, Liverpool, N.Y.—on the outskirts of the city of Syracuse. I was privileged to participate as speaker on that occasion. I believe the purpose of the testimonial was best summarized in the plaque citation award presented Mr. Nave jointly by Past National Commander Vincent Loparco and Past Department of New York Commander Frank J. Albanese in behalf of the John Venditti Post No. 1, Italian American War Veterans. In speaking of that post it is interesting to note that under Commander Nave's leadership for the past 6½ years its achievements have proven so meaningful.

Despite the very inclement weather that prevailed that evening about 300 persons were in attendance.

The plaque citation award read as follows:

JOHN VENDITTI POST NO. 1 ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES, INC.

Presents this tribute to John F. Nave, Past National Commander, Leader of men, whose untiring efforts has brought this post to its highest pinnacle of success and achievements; who made a dream come through by spearheading the drive to obtain a post home; who has gained community recognition for the post through its philanthropic grants; who has shared his dynamic energies and time with the church, fraternal orders, labor and to the needs of his fellow veteran; and for all this, he has obtained the respect and admiration of his associates and friends.

We are proud to claim John as one of our own.

SYRACUSE, N.Y.,  
February 26, 1972.

The guest of honor's remarks that evening, though brief, were so meaningful. I commend them to you:

Reverend Father Louis Pisano, Pastor St. Peter's Church, The Honorable James M. Hanley, Member of Congress from New York, Distinguished Guests, Friends, and Associates.

Tonight I'm deeply impressed by the honor of your presence in paying me this tribute.

Seeing you all here makes me feel both proud and humble. Proud that you saw fit to give me this testimonial; Humble because you are actually here in numbers that I did not anticipate.

If I have made a small contribution in bettering mankind, I owe much of it to my friends and associates who worked with me, and also to my family which stood by and assisted me with moral and other support.

Tonight, you have heard a summary of my life. In general it has been a good life with few regrets. I have enjoyed a good education, a wonderful family and many exciting and interesting moments. Rarely have I known a dull and boring day. In fact, every day living has been more or less a life of excitement, enjoyment, and accomplishment with few set backs.

For this I have to thank my many associates and friends, especially in the fields of veterans work, employment, union activities, civic enterprises, church endeavors, and fraternal gatherings.

In closing, I wish to thank the John Venditti Post and its Ladies Auxiliary for sponsoring this affair in my behalf, and especially the committee which worked so diligently and hard in making it a success. And again, special thanks to all of you for making Saturday, February 26, 1972 a great and memorable day in my life.

May the Good Lord Bless You All.

## THE MARSELLUS CASKET CO. IN SYRACUSE, N.Y.

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

Mr. HANLEY. Mr. Speaker, few American industries, or for that matter, I believe few industries in the world, can account for 100 years of continuous operation, and I think perhaps that even fewer industries which have accomplished a century of continuity can boast of present administration under the direction of descendants of the originator.

In my home community, Syracuse, N.Y., which incidentally we like to refer to as the "Hub of the Empire State" is such an industry. In 1872 an ambitious, industrious man who bore the name John Marsellus, at the age of 26, founded the Marsellus Casket Co., which eventually gained the reputation as the leading manufacturer of fine hardwood caskets. Its outstanding record through these 100 years attests to the very significant contribution it makes, both within its own industry and the community during its century of growth. For that matter its activities contributed measurably to our national economy.

Marsellus Casket Co. has been a model of enlightened free enterprise. I would call your attention, Mr. Speaker, to the fact that there has not been a layoff or shutdown at the company in over 50 years. Many Marsellus employees have never worked for any other firm. Sons, daughters, and other relatives of present and former employees have joined the company. Likewise, Marsellus is serving the third and fourth generations of several of its funeral directors and customers.

When John Marsellus, in 1872 started in business, the casket industry as we know it today did not exist. Caskets, like much of the furniture then in use, were the product of the village cabinetmaker or carpenter shop. John Marsellus, as an

enterprising young man, laboriously traveling through the countryside selling supplies peculiar to the craft, envisioned the opportunity to establish a casket factory in the area where the Erie Canal and the Oswego Canal joined together creating a distributing center which was destined to become a great commercial community. John Marsellus chose Syracuse because, as he stated, "Syracuse had a bustling atmosphere about it."

Like most manufacturing businesses, changes in materials, designs and finishes are constantly taking place, and Marsellus is one of the leaders in this respect.

The first president of the company was John Marsellus, who died in 1941 at the age of 95. His son, John C., who died in 1959 at the age of 80, was made general manager in 1917, president in 1925, and chairman of the board in 1948. Since 1948, John F. Marsellus, grandson of the founder, has been president, having first become associated with the firm in 1935. John D. Marsellus, representing the fourth generation, is now executive vice-president.

Four generations of the Marsellus family have served the funeral profession for 100 years. This century of service indicates a notable past and a bright tomorrow with each generation weaving into the next the determination to make the finest hardwood caskets in the world.

With personal knowledge of the operation of this fine company, I can say with full appreciation that the opportunity for meaningful involvement within a community, within an industry, has been met and will continue to be met by the Marsellus Casket Co.

On behalf of the people of central New York community and the 35th Congressional District I extend best wishes for the next 100 years.

## THE FAA DICTATES—PART IV

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

Mr. KARTH. Mr. Speaker, my dialog with the FAA Administrator, Mr. John H. Shaffer, went beyond the point of disagreement over policy and his interference in a local issue when the Administrator went back on his pledge to remain neutral on the question of a second airport in the Minneapolis-St. Paul area. I believed this pledge of neutrality from the Administrator and felt that it was essential so that the properly constituted authorities in the Twin Cities could make their decision from facts rather than on intimidation from a Federal bureaucrat.

That is why when I was advised of the Administrator's violation of his neutrality that I asked him for a clarification. It was essential that I have this clarification for, as our colleagues know, Congressmen must seek information from Federal officials in order to answer inquiries from constituents. After Mr. Shaffer violated his neutrality—expressed to me both in writing and verbally—by criticizing local official's veto of the Ham Lake Airport site, I found myself facing a potential credibility gap. For any Congressman to retain the trust of the people of his district, he must sup-

ply them with factual information. The Administrator's published remarks put me in an unenviable position.

The point here is not that I disagreed with the opinion expressed by the Administrator, but that I was put in the position of telling the people of my district one thing based upon the Administrator's personal assurances to me, while he was telling them another thing entirely through the press.

As I said in my report yesterday—which was one in a series of reports concerning the dangers in dealing with the FAA's Administrator—I also forwarded a copy of a letter from a constituent. That letter was critical of the Administrator's role and raised what seemed to me to be several extremely valid points concerning the airport controversy. As a courtesy to Mr. Shaffer and a service to my constituent, I sent the letter to the Administrator.

The Administrator's response was surprising. In his letter he demonstrated a lack of concern for the social, economic, and environmental matters involved, a selective perception that allowed him to accept only studies that supported his particular dictates, and an attempt to question my motives in the situation.

For the benefit of our colleagues, this is a portion of Mr. Shaffer's reply along with several comments.

His letter began—

Courtesy dictates that I accept the criticism contained in your 22 December 1970 letter, even though they are completely unwarranted . . .

I might point out, Mr. Speaker, that criticism does indeed seem to be warranted when the Administrator of a public agency threatens a local community, uses questionable language and publicly breaks his word.

To continue with the letter:

. . . but nothing suggests that I simply turn the other cheek. I will also give you the benefit of all doubt and assume that the criticisms stem from your concern for your constituency's best interests. (Emphasis by Mr. Shaffer.)

I am similarly dedicated to protecting the National best interests which are inclusive, not exclusive, in that the National interest encompasses those of your constituents in most instances as is certainly the case in this specific situation.

When informed of the Metropolitan Council's decision to veto the Ham Lake site for a second time, I was naturally disappointed because what is "essentially a state and local matter" is symptomatic of perhaps a bigger national problem which threatens the rational development of the sorely-needed, improved national aviation system; understandably the Ham Lake veto was the straw which burst the dam.

Airport development is being hindered in many locations through emotional but organized waving of the environmental flag without regard to applicability. Just three days earlier (before the MAC decision) I had discussed the Ham Lake situation with Secretary Volpe and advised him that, for the first time, it appeared that a local government was examining potential airport sites in a calm and systematic manner with due consideration of the environmental impact. I cited the findings of the environmental report presented to the Council which concluded, with respect to Ham Lake—and I quote:

"A major airport can be developed at either site in a manner that is environmentally and ecologically sound.

"The Ham-Lake-Carlos Avery-Lino Lakes area offers an excellent opportunity for developing a system that will optimize the human and ecological values of the entire region. It can be expected that successful development of such a system will establish a new concept in airport development that will have national implications."

With such advice in hand, the Council's out-of-hand rejection of the site on environmental grounds is beyond understanding although admittedly typical of the emotionally laden judgments being made elsewhere which are collectively slowing America's continuing development. In my book, the public's best interests dictate that "airport-versus-the environment" decisions must be made by a rational method which fairly and factually considers all of the factors involved. I had hoped Minneapolis-St. Paul was going to be capable of making that distinction, armed as it was with solid expert advice.

Mr. Speaker, this is a perfect example of Mr. Shaffer's inability to perceive "expert advice" that differs from his own bias. I point out also that his gratuitous remarks about "waving the environmental flag" are a slap in the face of those who are seriously concerned with both the environment and orderly development.

Additionally, Mr. Shaffer's remarks demonstrated the inability to evaluate the study he cites. The fact is that man can accomplish just about anything he sets his mind to if he is given unlimited funds. In other words the wildlife refuge abutting the Ham Lake airport site could easily be preserved if we built a dome over the 23,000 acre area.

The St. Paul Pioneer Press pointed this out from their own analysis and from a computerized study. Their conclusion was, and I quote from an editorial from the November 12, 1970, edition of that paper:

Preliminary interpretation of the data by this newspaper indicates that the costs involved in saving the environment at Ham Lake would be fantastic and that a much more limited expenditure would be required for such (environmental) controls at Rosemont (the other site under consideration).

The Pioneer Press noted that the computerized study had, for some reason, not been given to the Metropolitan Airports Commission members prior to an obviously ill-advised vote that approved the Ham Lake site—fortunately their decision was advisory to the Metropolitan Council to which they report. But in words that could have been as easily directed toward Mr. Shaffer, they said it probably would not have made any difference anyway—

The Metropolitan Airports Commission has given us reason enough to believe that it doesn't want to be confused by facts. . . .

In making the error of focusing on only the study that supported his view, Mr. Shaffer in effect, ignored the numerous other studies that had been conducted—studies with a total cost of nearly \$500,000.

If Mr. Shaffer had been willing to consider studies that came to conclusions different from his own, he too might have come to the same overall

conclusion that the St. Paul Dispatch came to on November 16, 1970.

That paper said on that date:

There are, we believe, sufficient facts—related to the environment—upon which the Metropolitan Council can justify rejection of the proposed Ham Lake airport site. Many of these facts are included in a study recently completed for the Metro Council. The Metropolitan Airports Commission, itself, which already has voted for Ham Lake, has a study prepared by an independent consultant who states that development at Ham Lake will result in more environmental damage than would development of an airport to the south of the Twin Cities.

The Administrator also ignored the equally damaging report from the St. Paul Board of Water Commissioners who said that the source of St. Paul's water supply, the Mississippi River and the Rice Creek chain of lakes, would be polluted by runoff from an airport at Ham Lake due to geological features. As the Pioneer Press said on November 11, 1970, in reference to a possible court injunction:

The court could well rule that the health of St. Paul's citizens takes precedence, especially since another potential airport site exists south of the Twin Cities.

Mr. Speaker, this indicates the tone and substance of Mr. Shaffer's response. In my next report I will discuss additional issues the Administrator raised that caused me to say in my response:

Frankly, in my 12 years as a Congressman, I have never previously had my motives questioned nor my legitimate concern for my district disparaged.

#### THE CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1972

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

Mr. DANIELS of New Jersey. Mr. Speaker, the recent riots and disturbances at Attica, Soledad, and other correctional institutions stand as vivid testimony to the failure of America's prison system. Soaring crime rates contribute further evidence. Many believe that recidivism constitutes the hard core of this country's crime problem. An estimated 40 to 75 percent of our supposedly rehabilitated offenders commit additional and often more serious crimes upon their release. Four out of five felonies are committed by alumni of our correctional institutions. Many of our prisons are not correctional at all but rather colleges of crime that graduate men and women more deviant, disturbed, and expert in criminal methods than when they were first admitted.

Although rehabilitation has been the espoused goal of prisons for over a century, more attention has been given to punishment than positive action. We have paid sorely for this negligence—with the lives of prisoners, of correctional officers, and of ordinary citizens who are increasingly the victims of a growing crime rate.

Today I am introducing a bill designed to close the gap between the reality and the rhetoric of true reform. I am pleased to announce that the gentleman



from Michigan (Mr. Esch), the ranking minority member of the Select Subcommittee on Labor, is a cosponsor. Only with bipartisan support can we expect to combat effectively the grave problems facing penal institutions. This is not another research or study effort. The Correctional Manpower and Employment Act of 1972 is an action proposal with a twofold purpose: To create training and employment programs for offenders in order to increase their chances of getting and keeping a constructive job upon release, and to improve the effectiveness of correctional staff through better programs of recruitment, training, and personnel management.

The goal of our correctional process should be to prepare an offender to re-enter the community prepared to lead a productive and crime-free life. Employment is absolutely essential. Studies have shown conclusively that the ability of a released offender to stay out of trouble is tied directly to his ability to get and hold a job. Teaching offenders skills and enabling them to find decent jobs ought to be the most important aim of the correctional process.

But the unemployment rate for ex-offenders is three times the national average. Why? Surprisingly, the ex-offender's prison record is not the greatest barrier to his employment; it is his lack of marketable vocational skills. Fewer than 85 percent of all Federal prisoners have marketable job skills, and prisoners leaving our State institutions are even less prepared to face the job market of today.

Prison training programs are limited in range and content and bear little relevance to outside employment needs. They are not geared to the inmate's interests or capabilities but rather to the institution's needs. For example, prisoners in New York State institutions are trained to become barbers, only to find upon release that the State of New York refuses to grant barbers' licenses to ex-offenders. As Chief Justice Burger so aptly put it:

It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union...

The thrust of my bill is to link job training with existing opportunities for employment. It authorizes the Secretary of Labor to make grants to correctional agencies and to public or private agencies for the training and employment of offenders, giving priority to programs where public or private employers actually find jobs for participants.

The bill aims at creating job training and employment opportunities for offenders during all stages of the criminal justice system—before trial, during and after incarceration. For example, financial assistance will be given to pretrial or other intervention programs offering an opportunity to participate to offenders prior to consideration of their cases. Following the program a recommendation is made to the court on the behavior of the individual charged. If his performance is favorable, charges will be dropped. Such

a program not only reduces court congestion and long delays between arrest and trial, but also prevents stigmatization of young first offenders.

To help offenders during the time of their incarceration, my bill provides grants to prisons, jails and other agencies to expand their job training and employment opportunities. Let me briefly describe a few of the programs included. First, it is important to know the offender's skills, aptitudes and interests before selecting his rehabilitative program. So diagnostic tests and interviews are available.

Another hindrance facing offenders is simply their ignorance of the process of finding a job. We must instruct them in job interviewing and proper work habits.

In addition, we need to make prison work more relevant to outside job vacancies. My bill would upgrade work in correctional institutions so that skills developed by offenders, such as institutional cooking or laundering could be applied effectively to outside employment opportunities.

In cooperation with various labor unions, my bill supports apprentice training programs in skills that will be in demand upon release. Training time spent within the correctional institution would be counted toward the required union apprenticeship period.

The bill also provides grants to public or private agencies to establish training and employment programs for offenders after their release. It supports work-release programs that allow the offender to gain realistic on-the-job training in a community. The participant could learn not only vocational skills, but also how to adjust to work-a-day community living.

Another program eligible for funding is a training program for important figures in the offenders' lives—their families, parole officers, and other appropriate citizens—to sensitize them to the special employment problems of ex-offenders and their key role in the rehabilitative process.

The Correctional Manpower and Employment Act also focuses on those programs that already have been proven effective in combatting recidivism in various communities. They are suggestions not requirements. No applicant desiring to receive financial assistance must implement them. They serve as important guidelines since they are based on years of experience. But each applicant should decide what programs are best suited to his particular needs and would have the greatest probability of success.

A role is given to both the public and private sectors. The cooperation of the private sector in particular is paramount to the success of our job-oriented rehabilitation efforts. Unless the offender can feel part of the larger community again—as demonstrated by his ability to obtain a job—he cannot be expected to commit himself to a law-abiding life within it. A tax credit is given to employers of ex-offenders after he has worked for 1 year and will be kept on for another year.

Another section of the bill authorizes the Secretary of Labor to conduct vari-

ous types of model programs specifically designed to increase the employment opportunities of offenders. The Federal Government must support innovative programs that could have possible nationwide application and bring insight into new correctional techniques.

One such program is a probation subsidy experiment. The Secretary would make grants to certain States that agreed not to incarcerate certain offenders and would keep him in the community, using the funds that would have been spent on incarceration instead for vocational training, counseling and other supportive services.

Another model program provided is an ex-offender-oriented employment service. Special units would be established in State agencies of the U.S. Employment Service, composed of specialized personnel responsible for the placement activities. They shall interview prisoners in the institutions and followup on their ability to find jobs upon release.

Federal, State, and local laws pose another significant barrier to an ex-offender's employment, since they often deny him access to certain positions because of his past record. In some States ex-offenders cannot obtain drivers licenses, work in establishments handling alcoholic beverages, or serve as beauty operators. I fail to see the necessity or value of such laws. They harm the offender's chances for rehabilitation and threaten the community by increasing the likelihood that the offender will be forced back into crime. My bill authorizes a study of State laws that are statutory impediments to employment, so that we can best determine how to change them.

In order to bring about the reform so desperately needed in our corrections system, we need not only the right programs but also the right people to administer them. Without this key ingredient, it will be difficult if not impossible to implement our proposals.

The second purpose of this measure is to improve the effectiveness of correctional personnel. We need more aggressive programs of recruitment, training, and personnel management to fulfill a vital need in the overall correctional process.

Many correctional personnel are older than most inmates and have other differences that act as barriers to understanding and communication. Recruitment of correctional staff workers is further hampered by restrictive physical requirements which are unrelated to any work that must be performed, and result in turning away many otherwise qualified applicants.

Neither at Attica nor elsewhere are guards well trained for their demanding, difficult, and dangerous jobs. Most have qualified for jobs by simply passing a civil service exam and a physical. Most have a low level of general education—16 percent have not even completed high school. Yet, inservice training programs for correctional staff are extremely limited.

A national survey of correctional personnel conducted by the Joint Commission on Correctional Manpower and

Training found that inservice training programs were available to only 7 percent of all administrators, 9 percent of all supervisors, 10 percent of all functional specialists and 14 percent of institutional line workers.

My bill attempts to overcome this deficit by giving funds to correctional agencies to expand their recruitment and training programs. Emphasis is on opening up the correctional field to a greater number of young people, women, and minority group workers. Grants are also available to recruit volunteers and legal, medical, and other professional and paraprofessional personnel to assist in corrections. Priority will be given to those programs that contribute to the elimination of artificial barriers to employment and advancement of correctional personnel so that tightly scheduled written examinations or unrelated physical requirements are not necessary for a correctional career.

Training programs will be extended to present correctional personnel as well as to the new recruits, including seminars, courses and sabbatical leaves for educational purposes. Funds are also available for the development of courses and curricula in cooperation with institutions of higher education to raise the general level of education of corrections staff and to inform them of new ideas in their field. Financial assistance will also be available for persons attending school to advance in a corrections career.

The Correctional Manpower and Employment Act also creates a National Corrections Manpower Center under the supervision of the Director of the Federal Bureau of Prisons that will focus on a long-term manpower development plan to meet the overall needs of the correctional system. The Center will also arrange regional training programs as well as technical assistance to correctional institutions.

I am making available to the Members of the House a section-by-section analysis of the bill:

#### SECTION-BY-SECTION ANALYSIS OF THE CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1972

**Section 2. Statement of Purpose.**—This section declares it to be the policy of the United States to improve the correctional process by providing comprehensive manpower training and employment programs for offenders, and by improving the effectiveness of correctional personnel through better programs of recruitment, training, and personnel management.

**Section 101. Grants to Correctional Agencies for the Training and Employment of Offenders and the Improvement of Correctional Personnel.**—Authorizes the Secretary of Labor to make grants to any correctional agency for programs to improve training and employment opportunities of offenders and to improve the effectiveness of correctional personnel.

Manpower programs for offenders, eligible for assistance, include—training and employment programs in correctional institutions (including on-site and off-site work experience projects); research programs, training and employment programs in model community training and employment centers for juvenile offenders; diagnostic tests and interviews of offenders; training for offenders in finding employment; pre-release furloughs for offenders seeking employment;

halfway houses for work-releases; and, methods of upgrading work in correctional institutions.

Programs to improve correctional personnel include recruiting and training programs, with priority given to those programs that help eliminate artificial barriers to employment and occupational advancement. These programs include attracting paraprofessionals through in-service training which would provide upward mobility into a corrections career; attracting young people, women, minority group members, volunteers, and legal, medical, and other professionals to assist in the area of corrections. Training programs eligible for assistance provide for use of private industry's resources; programs to retrain present corrections personnel; provision of sabbatical leaves; development of courses and curricula in cooperation with institutions of higher education; and, financial assistance to persons attending educational institutions to advance in a corrections career.

Provision is also made for flexible work schedules, improved working conditions, promotional opportunities and health insurance for correctional personnel.

**Section 201. Grants to Public or Private Agencies for the Training and Employment of Offenders and Ex-Offenders.**—Authorizes the Secretary of Labor to make grants to any public or non-profit private department, agency, or organization to establish training and employment programs for offenders and ex-offenders, and programs to improve the effectiveness of correctional personnel. Provides that the Secretary may also make contracts with any profit-making organization for the employment of offenders, including related training programs and supportive services.

These programs include pretrial and other intervention programs which provide an opportunity to individuals who have been charged with an offense to participate in training and employment programs, prior to final disposition of their cases; programs offering a full-range of public employment and advancement opportunities; training programs, established by Joint Apprenticeship Committees, with priority given for programs in which training time spent within the correctional institution is counted toward period of apprenticeship of offenders completing training; work-release programs, including programs in the area of environmental protection; professional and paraprofessional training programs; training programs for ex-offenders in the process of finding employment; and, training programs for prospective employers, parole officers, family members of ex-offenders, and others to sensitize them to the ex-offender's special employment problems.

**Section 301. Federal Programs for the Training and Employment of Offenders and Ex-Offenders and the Improvement of Correctional Personnel.**—Authorizes the Secretary of Labor to conduct model or demonstration programs designed to facilitate the training and employment of offenders and their reintegration into the community, and to improve the effectiveness of correctional personnel.

Requires the Secretary to establish these programs on the basis of their potential effectiveness, and in areas having the most need.

These programs include a Probation Services project, under which the Secretary shall make grants to selected States of one-half the amount it costs to incarcerate an offender, if the States agree to keep certain offenders in the community and use an amount equal to the cost of their incarceration to provide them with intensive probation services, emphasizing vocational training and employment; a State Employment Service project, which establishes in State agencies of the U.S. Employment Service spe-

cial units composed of specialized personnel responsible for the job placement of ex-offenders; Ex-Offender Placement project, to assist in the placing of qualified ex-offenders who are denied employment for reasons other than their ability to perform, including difficulty in securing bonding; and, a project providing for the employment of offenders in Federal assistance programs.

**Section 401. Conditions for Assistance for All Applicants.**—Requires any correctional agency or public or private agency desiring financial assistance to submit an application to the Secretary of Labor. Each application shall include assurances that the applicant will make use of the best available resources in developing their programs; appropriate evidence of community understanding and cooperation in the development or operation of offender training and employment programs in the community; provision for the involvement of industry, labor and employment personnel from the private sector of the economy, as well as educational and vocational education personnel; provision for utilization of trained professionals and paraprofessionals; and, provisions meeting other administrative requirements.

**Section 402. Conditions for Assistance for Correctional Agencies.**—Provides that each application submitted by a correctional agency shall include certain additional provisions, including assurances that offenders participating in training and employment programs are selected on an objective basis; assurances that supportive services are provided along with training and employment; provision for the maximum utilization of work-release and the use of up-to-date training equipment; and, assurances that prior arrangements have been made for release of participants upon satisfactory completion of training.

**Section 403. Conditions for Assistance for Public or Private Agencies.**—Provides that each application submitted by a public or private agency shall include certain additional provisions, including evidence of cooperation from the appropriate State department of corrections or correctional agency; and, in the case of a profit-making agency, assurances that employment will be provided for each offender who participates in a training program.

**Section 411. Allocation of Funds—Equitable Distribution.**—Requires the Secretary to establish criteria assuring equitable distribution of assistance, by State, taking into account, among other factors, the ratio of the number of prisoners under 25 in each State to the total number in the country; the ratio of the number of prisoners in each State to the total population of the State; the ratio of the number of persons in the care of correctional agencies within each State to the total number in the country; the needs of the correctional agencies within each State in proportion to the needs in the Nation as a whole.

The aggregate assistance to the agencies and entities within any one State shall not exceed 15% of the funds appropriated.

**Section 412. Allocation of Funds—Priority in Funding.**—Provides priority in funding for programs assisted under this Act to be given to those most likely to be effective in meeting their goals. With respect to training and employment programs for offenders, priority shall be given to those in which arrangements are made with public or private employers for the employment of individuals participating in these programs.

**Section 413. Allocation of Funds—Priority in Refunding.**—Provides priority in continuing funding for programs assisted under this Act to be given to those applicants who show a high placement rate, taking into account either the relation of their placement rate to the gross national placement rate for all offenders or to the national rate for offenders having similar placement problems.



Section 414. Allocation of Funds—Installment Payments.—This section permits the Secretary of Labor to make installment payments to any grantees under this Act.

Section 421. Coordination and Program Linkages—Agencies Involved.—Requires the Secretary of Labor, the Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity to enter into agreements to avoid program duplication and to assure the combining of resources, maximum coordination, and joint planning between programs conducted under this Act and other programs administered by these officers.

Section 422. Coordination and Program Linkages—Education for Offenders and Correctional Personnel.—Requires the Secretary of Labor and the Secretary of Health, Education and Welfare to enter into agreements pursuant to which the Secretary of Health, Education and Welfare will provide education for offenders and ex-offenders and correctional personnel participating in programs under this Act, and will establish linkages between programs under this Act and education, vocational rehabilitation, and other similar programs.

Section 423. Coordination and Program Linkages—Volunteer Recruitment.—Authorizes the Secretary of Labor to make arrangements with the Director of ACTION for the use of volunteers recruited by the Director to assist in the operation of programs under this Act.

Section 424. Coordination and Program Linkages within each State.—Authorizes the Secretary of Labor to enter into such arrangements as are necessary to ensure maximum coordination and joint planning between programs conducted under this Act within each State.

Section 431. Definitions.—This section defines the terms "correctional agency", "offender", and "State".

"Correctional Agency" means, in addition to any Federal, State, or local jail or prison, any Federal, State, or local correctional department or agency, any community-based correctional facilities, such as half way houses, prerelease and postadjudicatory referral centers, juvenile homes and detention facilities, and other appropriate facilities.

"Offender" means any person charged with or convicted of an offense, including juveniles against whom proceedings have been brought.

"State" means any State of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Section 501. Additional Incentive for Employment of Offenders and Ex-Offenders.—This section provides for a tax credit for employers who place offenders or ex-offenders, certified by the Secretary as having successfully completed training under this Act, in employment or on-the-job training. Such employers may claim an income tax credit equal to 20% of the wages paid such employees in the first 12 months of employment, in the same manner and to the same extent as in the case of work incentive program expenses. (The amount of the tax credit for any one employer is limited to no more than the greater of \$25,000 or 50% of his total tax liability in any taxable year, but amounts in excess of these limits may be applied to other taxable years under carryback and carryover provisions. Tax credits would be recaptured if the employer discharges the employee during the first 12 months of employment or within a year after the first 12 months of employment unless the employee leaves voluntarily or because of disability or is discharged for misconduct. The employee must be paid wages comparable to those paid to other employees of such employer who perform comparable services.)

Section 601. National Corrections Manpower Center.—This section establishes a National Corrections Manpower Center under the supervision of the Director of the Federal Bureau of Prisons. The purpose of the Center is to develop a long-term manpower development plan and program to meet the overall needs of the correctional system; provide technical assistance to correctional institutions in the development of correctional manpower; develop and provide both training programs and experts for the improvement of corrections personnel; and, arrange regional training programs.

Section 701. Studies and Reports—Program Effectiveness.—Requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Health, Education and Welfare, to conduct a continuing evaluation of programs under this Act to measure their effectiveness, particularly with respect to participants' recidivism rates. The Secretary is also required to submit to the President and Congress annually a detailed report of his findings.

Section 702. Studies and Reports—Statutory Impediments to Offender Employment.—Requires the Secretary of Labor to conduct a nationwide study of State laws resulting in statutory impediments to employment of offenders, in order to measure their effect upon the ability of ex-offenders to find jobs, and their resultant effect or recidivism rates. Requires the Secretary of Labor, through the Bureau of Labor Statistics, to compile other relevant information regarding offender employment opportunities, and to publish the results.

Section 703. Studies and Reports—Civil Service Commission.—Requires the Chairman of the U.S. Civil Service Commission, in consultation with the Secretary of Labor, to report to the President and Congress, no later than one year from the date of enactment of this Act, on the extent to which employment opportunities for offenders may be increased in the Federal service.

Section 801. Appropriations.—This section authorizes appropriations of \$150 million for fiscal year 1973, \$200 million for fiscal year 1974, and such sums as may be necessary for each of the next three fiscal years.

#### IMPROVEMENTS TO THE CAPITOL

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

Mr. GUDE. Mr. Speaker, the news that the Commission for the Extension of the Capitol has approved an extension of the west front rather than trying to preserve the present wall—the only original wall of the Capitol remaining—has turned everyone's eyes to the exterior of the Capitol. I would hope that some of this attention will be directed toward a major eyesore—the East Capitol Plaza.

My colleague from Massachusetts, MICHAEL HARRINGTON, and I have asked to present another proposal for beautification of the Capitol to the Commission in time for the bicentennial on behalf of ourselves and 23 of our colleagues: FRED SCHWENGLER, F. BRADFORD MORSE, TOM BEVILL, CHARLES WHALEN, JAMES R. MANN, JOHN E. MOSS, HOWARD W. ROBISON, BENJAMIN ROSENTHAL, G. WILLIAM WHITEHURST, THOMAS M. REES, ROMANO L. MAZZOLI, SEYMOUR HALPERN, WILLIAM D. HATHAWAY, JOHN F. SEIBERLING, BEN B. BLACKBURN, AUGUSTUS F. HAWKINS, LAWRENCE J. HOGAN, SAM GIBBONS, FRANK HORTON, JOHN G. DOW, LUCIEN N. NEDZI, JOHN S. MONAGAN, and ORVAL HANSEN.

Our proposal is not intended to conflict with plans for the west front, but is intended to restore some degree of dignity, beauty, and tranquility to the East Capitol Plaza, which has degenerated into an unsightly and somewhat hazardous parking lot. We are convinced that a carefully planned diversion of vehicular traffic and parking from the area would make the Capitol better serve visitors and legislators alike.

In 1956, the Commission authorized the Architect of the Capitol to make a study of such a project. The results of that study came in 1957 and have been referred to as the campus plan. Essentially, this plan called for a garage under the East Plaza complete with access ramps and lanes for the pickup and discharge of visitors.

Further, it entailed the tunneling of Independence and Constitution Avenues and the closing of First Street East, thereby creating a pleasant, open plaza, free from vehicular traffic. The Commission accepted this plan and it was endorsed by the American Institute of Architects and other interested organizations. Regrettably, no further action was taken on the plan at that time.

We propose that a fresh look be given to adoption of a modified version of that campus plan. In the interest of economy, we would propose that the plan could be developed and executed in four steps.

The first and most important step would be to eliminate once and for all the unsightly parking lot on the East Plaza, the dangerous dodging of automobiles, and the undignified use of the Plaza for trash and delivery trucks. This could be accomplished by construction of an underground garage parallel to the Capitol Building. Special underground lanes for private and commercial vehicles would be included in this project. The Plaza's surface could be tiled or paved in an attractive manner and would be used by automobiles only on ceremonial occasions, such as the Presidential inauguration.

Subsequent stages of development would provide for additional parking underground as necessary and feasible, tunneling of Independence and Constitution Avenues, and the closing of First Street.

We believe, in consideration of the upcoming bicentennial, that the time for taking a fresh look at this proposal is particularly ripe. Should the plan prove economically feasible, the completion of step 1 by 1976 would be most desirable as it would go a long way toward restoring to our Capitol the dignity and grandeur it has long lacked, but always deserved.

#### ADDRESS OF CONGRESSMAN CONTE AT TESTIMONIAL DINNER FOR SCHENECTADY MAYOR FRANK J. DUCI

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

Mr. STRATTON. Mr. Speaker, last Saturday our beloved and very able col-

league, the gentleman from Massachusetts (Mr. CONTE), was in my district and my former hometown of Schenectady, N.Y., as the principal speaker at a testimonial dinner honoring the newly elected mayor of Schenectady, Frank J. Duci, the first Italo-American to be elected to that office in our city's history.

Congressman CONTE's address was such a fine one, and included such a clear-cut appreciation of the great contributions that Americans of Italian descent have made to our great country, I believe my colleagues will find his address of great interest, and under leave to extend my remarks, I include the excellent address.

The address follows:

**SPEECH BY THE HONORABLE SILVIO O. CONTE**

Coming to Schenectady, is for me, much like coming home to my own hometown of Pittsfield, Massachusetts. In addition to the fact that only a range of mountains separates us, our two cities are very much alike. Yours is a city proud of its heritage, and so is Pittsfield. It's a working man's city, so is Pittsfield. It's a city comprised of many active ethnic groups, so is Pittsfield. And it's a city where a company called General Electric has some impact on the economy, and so is Pittsfield.

So, rather than feeling like a visitor from another state tonight, I feel like I'm spending a good night at home with friends.

All this is a rather elaborate way of saying that I am glad to be here, and I am most grateful to all the many friends of Mayor Frank J. Duci for inviting me to share this night with you.

If you catch me tilting my head a bit toward the mayor tonight, don't be surprised. I understand one of his hobbies is making sketches, and I want to make sure he gets a good profile of my best side.

It was a real pleasure meeting State Senator John Marchi here tonight. John, of course, is the fellow who made so many Republicans happy by helping to drive John Lindsay to the Democratic Party.

And, since this is not a strictly partisan affair tonight, I want to say how happy I am to visit Congressman Sam Stratton's district. Although we sit on opposite sides of the aisle in the Congress, I know and admire the hard work he puts in and the good job he does in the House of Representatives.

At the outset, I will make one promise that should meet with your approval. That is that I will be brief. I believe that, as Thomas Jefferson said, "speeches measured by the hour, die by the hour." And I would prefer that any dying I might have to do up here would be by the minute, not the hour.

Usually when I am invited to speak for some public official outside of my own district it is for a candidate for election who faces a pretty stiff challenge. If he loses despite all my rhetorical efforts, then it looks as though I helped defeat him.

So it's a lot more fun to come here tonight and speak for someone who has already won.

Instead of urging you to go out and vote for Frank Duci, I can simply congratulate you all on your good judgment. Because from what I know of the mayor, you have elected yourselves a man who has earned the right to head this great city, and a man who will lead it in a way that will make all of its citizens proud.

Schenectady is a city of "firsts"—the first nonsectarian college, the first railroad train, the first television. Now it has another "first"—its first Italian-American mayor.

The son of Italian immigrants, Frank Duci wasn't born the natural heir to high public office. He had to work and sacrifice to make

his way to the position he now holds. When he was growing up here, there was no such thing as worrying about getting the luxuries of life. It was the necessities of life you had to scrape for.

I know the story very well, for I went through the same thing. That is one of the reasons I was so quick to accept the invitation to come here tonight. Both of my parents came over from Italy. They didn't bring over much in their satchels. But what they did bring with them was the very best of a very old country—a deep respect for God and man, an appreciation of beauty, a yearning for freedom, and a love of family.

In time they became thoroughly and happily American—and so did all the children. And as we grew we developed a fierce desire to contribute something of value to this great nation. This desire is what fuels the fire of men such as Frank Duci. And his contribution has been, and will continue to be, top grade public service to the people of his community.

The story has been the same not only for Italian-Americans, but for descendants of all the waves of immigrants who have come to America. And nowhere is the story better illustrated than here in Schenectady.

Before coming over here tonight, I took some time to read about, and familiarize myself with, your city.

I read of the Indian land purchased and settled by the Dutch more than 300 years ago. I read of the early hard times, the struggles and the tragedies. The influence of the French and the English. The immigrations of the Italians, Germans, Poles, Irish, Jews and others. The tremendous growth that accompanied industrialization. The flourishing of the civic and cultural life of the community. And the upward mobility of the immigrants and their families as they moved to positions of influence through hard work and determination.

And as I read, I was struck by the fact that the history of your city is truly a capsule version of the history of this country.

The daring adventure, the adversity, the triumph, the growth—it has all been played out here just as it has for the country at large. And the participants in this great drama were the peoples of many nations who came here seeking, and finding, a better life.

Herman Melville, one of this nation's greatest authors and a favorite of mine since he wrote his classic "Moby Dick" in my hometown, understood this and stated it best when he said about America:

"Settled by the people of all nations, all nations may claim her for their own. You cannot spill a drop of American blood without spilling the blood of the world . . . We are not a narrow tribe of men . . . No, our blood is as the flood of the Amazon, made up of a thousand noble currents all pouring into one. We are not a nation so much as a world."

The man who wrote those words would have loved your city. For Melville would have found your city uniquely American. The tough and knotty problems our country is facing in its effort to forge a more perfect and just union, I am sure are reflected in Schenectady. But so too are the considerable talents and strengths of America. And those gifts, so long as we do not lose confidence, provide us with the tools both to deal with the problems we face and, ultimately, to overcome them.

We have done this in the past and, I believe, we can do it again. But the job is getting tougher all the time because the problems are getting tougher all the time. And the tougher the problems, the tougher the job of the public official who has to deal with them.

So it is not enough tonight merely to honor Frank Duci, merely to celebrate his success.

Just as he needed your help to get elected to this post, so too will he need it if he is to lead this city effectively.

It has been said, and I believe wisely, that the job of Mayor is one of the most demanding and difficult in this country today. For here are all our nation's problems in microcosm. The mayor is in the first trench on the front line. To his office comes the complaint about the trash pickup and the tax rate; potholes in the street and racial tensions; snow removal and drug abuse; unemployment, pollution, school needs and countless others.

We are all adept at discovering problems, at finding inequities that should be corrected. We are much weaker when it comes to devising swift and workable solutions.

The difficulty, to a large degree, is that our problems are so severe these days, so complex and interrelated, that the simple solution of yesteryear just does not do the job.

Some people, however, still believe that for every problem there is a simple cure-all. Such thinking was labeled by John Gardner as the "vending machine concept of social change."

"Put a coin in the machine," he said, "and out comes a piece of candy. If there is a social problem, pass a law and out comes a solution. When the nation fails to solve one of its problems, people who hold such a simplified view naturally assume that someone in power was stupid or misguided or both."

The frustration that results from such a view leads many people to simply damn all public officials—in effect, they "drop out." Because they can't get overnight results, they simply give up and claim it can't be done.

Such pessimism reminds me of the story about the man who was watching Robert Fulton build the first steamboat. "It'll never start," the man said, "it'll never start." Then Fulton got into the *Clermont*, started the engine, steamed up the river, and the man yelled after him. "It'll never stop. It'll never stop."

I suppose there will always be people like that who would rather stay on the sidelines than get involved; people who would rather complain and predict defeat than roll up their sleeves and tackle a problem. Their attitude rejects the very things that made this country great.

When we were a much younger nation, our best people viewed our problems and our failings not as reasons to drop out, but rather as blemishes to be erased, challenges to be overcome.

Our forefathers worked manfully to meet their challenges. They did not create a perfect society, but they did better than anyone before them had ever done.

It is this legacy of unselfish service that must be continued if we are to see this nation through what is perhaps the most trying period in its history.

Fortunately for the citizens of Schenectady, Frank Duci will provide that service to this city. Throughout 12 years in county government, as supervisor and representative, he has proved that he is willing to pay the price of long hours, hard work, frequent setbacks and occasional ingratitude that go with meeting the challenge of public service.

Men such as your mayor reflect, by their daily toll, their confidence that they will succeed.

All of you here tonight, his friends, know the mayor better than I. So I am not going to run down the shopping list of all the things he has accomplished for this city and this country during his public career.

Certain things, however, seem to me to illustrate such a strong concern for the well-being of the community that they must be mentioned.

For example, while others worry about the communication gap between the old and the young, Frank Duci went out and did something about it. He initiated the "County



Government for A Day" program that lets kids take over the government and find out first hand what it is all about.

His commitment to education is nowhere better shown than in his strenuous and successful efforts for a new county public library and the creation of the Schenectady Community College.

Through his position on the Building Committee, he was instrumental in construction of the new county office building, renovation of the courthouse and construction of an addition to the Glendale Home for the elderly.

These, then, are a few of the tangible monuments to the concern and the effectiveness of your mayor.

But I am sure that everyone here tonight has a special story of his own to tell which describes the type of public servant Frank Duci has been for his city.

He is the type of public official who is always accessible to the people; always willing to give up his own time to help others; never too busy to study a problem first hand; never short of the enthusiasm, patience, and stamina it takes to be an effective public servant.

Frank Duci's vision of government is a clear one. And that is that the government is "of the people, by the people and for the people." With him there is no privileged few who deserve special breaks; nor is there anyone who deserves less than a fair break.

It is a great formula for public service, and he has followed it scrupulously. The people of Schenectady have been the benefactors, just as they will continue to benefit over the next four years of his term as mayor.

I join all of you tonight in celebrating the success of this good man. I urge you to carry your enthusiasm of this night over the difficult months and years ahead. And I thank you all for the opportunity to come here and help honor Mayor Duci.

Thank you.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ROUSSELOT (at the request of Mr. GERALD R. FORD), for today, on account of official committee business at the direction of the chairman of the Committee on Post Office and Civil Service.

Mr. FOLEY, for Monday, March 13, 1972, on account of official business.

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. PEPPER (at the request of Mr. COLMER), for Thursday, March 9, 1972, on account of official business.

#### SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. DU PONT) to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 10 minutes, today.

Mr. SCHWENGEL, for 30 minutes, today.

Mr. MILLER, for 5 minutes, today.

Mr. BROOMFIELD, for 5 minutes, today.

Mr. HANSEN of Idaho, for 5 minutes, today.

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

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Mr. McFALL, for 10 minutes, today.

Mr. GRIFFIN, for 10 minutes, today.

Mr. St GERMAIN, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. BOGGS, for 5 minutes, today.

Mr. BRADEMAs, for 5 minutes, today.

Mr. ICHORD, for 60 minutes, March 13.

#### EXTENSION OF REMARKS

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

Mr. MAHON in the body of the RECORD and to include resolutions with reference to the late George W. Andrews of Alabama.

Mr. MAHON and to include certain tables and tabulations.

Mr. GROSS and to include pertinent material.

Mr. BEGICH, to revise and extend his remarks on H.R. 10420 immediately prior to the Committee's rising.

(The following Members (at the request of Mr. DU PONT) and to include extraneous material:)

Mr. SCHWENGEL.

Mr. STEELE in four instances.

Mr. HALPERN in two instances.

Mr. GUDE.

Mr. CONTE.

Mr. BELL.

Mr. WYMAN in two instances.

Mr. QUIE in two instances.

Mr. HUNT in two instances.

Mr. ARCHER.

Mr. ZWACH.

Mr. CARTER in three instances.

Mr. HOSMER in two instances.

Mr. MORSE in two instances.

Mr. CLEVELAND in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. STEIGER of Wisconsin.

Mr. HEINZ.

Mr. SCHMITZ.

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

Mr. GONZALEZ in two instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. HAGAN in three instances.

Mr. SARBANES in five instances.

Mr. CARNEY in two instances.

Mr. HAMILTON in three instances.

Mr. EVINS of Tennessee.

Mr. SCHEUER in two instances.

Mr. DONOHUE in two instances.

Mr. HOLIFIELD.

Mr. WOLFF in two instances.

Mr. BADILLO in three instances.

Mr. GALLAGHER.

Mr. STOKES.

Mr. HEBERT in two instances.

Mr. CELLER in two instances.

Mr. ABBITT.

Mr. DIGGS.

Mr. TIERNAN.

Mr. HARRINGTON.

Mr. DORN in two instances.

Mr. ROY.

Mr. MOORHEAD in five instances.

Mr. MCKAY.

Mr. MONTGOMERY.

Mr. WALDIE in three instances.

Mr. ZABLOCKI in two instances.

Mr. EDWARDS of California in three instances.

Mr. RYAN in three instances.

Mr. KYROS.

#### ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10834. An act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

#### SENATE ENROLLED BILLS SIGNED

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

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 52033, U.S. Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279-A, and for other purposes;

S. 860. An act relating to the Trust Territory of the Pacific Islands;

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 1163. An act 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;

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes; and

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, March 13, 1972, at 12 o'clock noon.

#### CONTRACTUAL ACTIONS, CALENDAR YEAR 1970, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

U.S. ATOMIC ENERGY COMMISSION,  
Washington, D.C., March 8, 1972.

HON. CARL ALBERT,  
Speaker of the House of Representatives.

DEAR MR. SPEAKER: The following information is submitted pursuant to the provisions of Public Law 85-804, approved August 28, 1958, and to the implementing instructions as contained in Federal Procurement Regulations 1-17.000 which establishes regulations for entering into and amending or modifying contracts to facilitate the national defense under the extraordinary emergency authority granted by this Act.

The Act provides that each agency shall, by March 15 of each year, submit to the Congress a report of all actions taken under the authority of the Act during the preceding calendar year. For the calendar year ending December 31, 1971, the Atomic Energy Commission reports the following actions approved under the subject Act.

1. "Residual Powers": Determinations (for drilling work) dated March 10, April 20, and October 1, 1971, and Determinations (for all other construction work) dated April 20, and July 1, 1971, were issued for the Nevada Test Site (NTS), including Nuclear Rocket Development Station (NRDS) Nevada, and Tonopah Test Range (TTR). The Determinations provide that contractors and subcontractors, subject to the Davis-Bacon Act at the aforementioned locations, shall adhere to money provisions and certain other conditions of labor agreements between Reynolds Electrical and Engineering Co., Inc., and Catalytic Inc., and various construction crafts in the Nevada area. These Determinations are deemed necessary to promote labor stability, efficiency and economy in the performance of contracts and subcontracts at the sites which directly affect the national defense and security.

2. Formalization of Informal Commitments and "Residual Powers":

Amount requested.....	\$10,714.34
Amount paid.....	9,916.29

3. Other Contractual Adjustments:	
Amount requested.....	4,825.00
Amount approved.....	4,825.00
Amount requested.....	712.00
Amount approved.....	712.00
Amount requested.....	39,600.00
Amount approved.....	13,200.00
Amount requested.....	760.00
Amount paid.....	90.91

Sincerely,

JOHN V. VINCIGUERRA,  
For General Manager.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

1717. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 1971 Annual Report of the Boy Scouts of America (H. Doc. No. 92-263); to the Committee on Education and Labor and ordered to be printed with illustrations.

1718. A letter from the Assistant Secretary of Agriculture, transmitting the first annual report of the National Advisory Council on Child Nutrition, pursuant to Public Law 91-248; to the Committee on Education and Labor.

1719. A letter from the Assistant Secretary of the Interior, transmitting the fiscal year 1971 Annual Report of the Bonneville Power Administration, together with the consolidated financial statement for the Federal Columbia River Power System, pursuant to Public Law 89-448; to the Committee on Interior and Insular Affairs.

1720. A letter from the Commissioner, Immigration and Naturalization Service, De-

partment of Justice, transmitting the Annual Report of the Immigration and Naturalization Service for fiscal year 1971; to the Committee on the Judiciary.

1721. A letter from the General Manager, Atomic Energy Commission, transmitting a report of Commission activities during 1971 in entering into and amending or modifying contracts to facilitate the national defense under the extraordinary emergency authority granted by Public Law 85-804; to the Committee on the Judiciary.

1722. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to provide equitable wage adjustments for certain prevailing rate employees of the Government; to the Committee on Post Office and Civil Service.

1723. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a construction permit from the Atomic Energy Commission prior to commencement of construction, and for other purposes; to the Joint Committee on Atomic Energy.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92-909). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee of conference. Conference report on H.R. 12910 (Rept. No. 92-910). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELS of New Jersey (for himself, and Mr. ESCH):

H.R. 13690 a bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

By Mr. ABBETT:

H.R. 13691. A bill to extend the survivor annuity provisions of section 8341(b) (1) and (3) of title 5, United States Code, to spouses, widows, and widowers of certain retired employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ASHLEY:

H.R. 13692. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

By Mr. BRAY:

H.R. 13693. 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. CELLER:

H.R. 13694. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. ADAMO, Mr. ALEXANDER, Mr. BEVILL, Mr. BLANTON, Mr. DERWINSKI, Mr. GARMATZ, Mr. GRAY, Mr. HOGAN, Mr. HUNT, Mr. KUYKENDALL, Mr. MELCHER, Mr. NICHOLS, Mr. PERKINS, Mr. QUILLEN, and Mr. YATRON):

H.R. 13695. A bill to amend section 120 of title 23, United States Code, to provide that the Federal share payable for Interstate System projects shall be 100 percent, and for other purposes; to the Committee on Public Works.

By Mr. EDWARDS of Alabama:

H.R. 13696. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself, Mr. CLARK, Mr. PELLY and Mr. KEITH):

H.R. 13697. A bill to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H.R. 13698. A bill to provide for the establishment of a national cemetery within a 50-mile radius of Baltimore, State of Maryland; to provide for the care and maintenance of said cemetery; and to authorize a burial plot allowance for the benefit of certain deceased veterans; to the Committee on Veterans' Affairs.

H.R. 13699. A bill to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products; to the Committee on Ways and Means.

By Mr. MCFALL (for himself, Mr. PATMAN, Mr. STAGGERS, Mr. SIKES, Mr. RODINO, Mr. PUCINSKI, Mr. PRICE of Illinois, Mr. THOMPSON of New Jersey, Mr. DINGELL, Mr. BRADEMAS, Mr. O'NEILL, Mr. DON H. CLAUSEN, Mr. BOLAND, Mr. ANNUNZIO, Mr. MADDEN, Mr. GARMATZ, Mr. FLOOD, Mr. DULSKI, Mr. SISK, Mr. BEGICH, Mr. KLUCZYNSKI, Mr. CLARK, Mr. LEGGETT, and Mr. HAYS):

H.R. 13700. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. MCFALL (for himself, Mr. ADAMS, Mr. ALEXANDER, Mr. ANDERSON of California, Mr. BERGLAND, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. BYRNE of Pennsylvania, Mr. CASEY of Texas, Mr. CONTE, Mr. CORMAN, Mr. COTTER, Mr. DANIELSON, Mr. DAVIS of Georgia, Mr. DELLENBACK, Mr. DELLUMS, Mr. DENT, Mr. DIGGS, and Mr. DOW):

H.R. 13701. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. MCFALL (for himself, Mr. McKAY, Mr. MEEDS, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOLLOHAN, Mr. MONAGAN, Mr. MORSE, Mr. MOSS, Mr. O'KONSKI, Mr. PELLY, Mr. PEPPER, Mr. PIRNIE, Mr. PRYOR of Arkansas, Mr. REES, Mr. ROYBAL, Mr. ST GERMAIN, and Mr. SARBANES):

H.R. 13702. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending



June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. EDWARDS of California, Mr. EVANS of Colorado, Mr. FOLEY, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. FULTON, Mr. FUQUA, Mr. GONZALEZ, Mrs. GRASSO, Mrs. HANSEN of Washington, Mr. HATHAWAY, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HICKS of Washington, Mr. HOSMER, Mr. HOWARD, Mr. HULL, Mr. KEE, and Mr. McCORMACK):

H.R. 13703. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. SLACK, Mr. JAMES V. STANTON, Mr. STOKES, Mr. STUBBLEFIELD, Mrs. SULLIVAN, Mr. TALCOTT, Mr. THOMSON of Wisconsin, Mr. TIERNAN, Mr. ULLMAN, Mr. VAN DEERLIN, Mr. VANDER JAGT, Mr. VANIK, Mr. WALDIE, Mr. DRINAN, and Mr. BROOKS):

H.R. 13704. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 13705. A bill to amend the Drug Abuse Education Act of 1970 to broaden the scope of its programs to include programs involving correctional institutions and facilities and the personnel of such institutions and facilities; to the Committee on Education and Labor.

H.R. 13706. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967; to the Committee on Education and Labor.

By Mr. HALPERN (for himself and Mr. HAYS):

H.R. 13707. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H.R. 13708. A bill to amend part E of the Omnibus Crime Control and Safe Streets Act of 1968 to require applications for grants for correctional institutions and facilities to include provisions for drug addiction and rehabilitation programs and to direct the Attorney General to prescribe standards for the administration of drug rehabilitation programs in correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. HALPERN (for himself, Mr. DUNCAN, Mr. MINSHALL, and Mr. KEMP):

H.R. 13709. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 13710. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 13711. A bill to amend title 44 of the United States Code to revise the provisions relating to the disbursement function of the

Government Printing Office and to provide accountability and relief for certifying officers of such Office, and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 13712. A bill to provide for the issuance of a commemorative postage stamp in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus, the founder of modern astronomy; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (by request) (for himself, Mrs. GREEN of Oregon, Mr. DIGGS, Mr. FRASER, Mr. CABELL, Mr. BLANTON, Mr. STUCKEY, Mr. MIKVA, Mr. LINK, Mr. DELLUMS, Mr. NELSEN, Mr. SPRINGER, Mr. O'KONSKI, Mr. HARSHA, Mr. BROYHILL of Virginia, Mr. GUDE, Mr. LANDGREBE, Mr. McKINNEY, and Mr. FAUNTROY):

H.R. 13713. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on District of Columbia.

By Mr. REID:

H.R. 13714. A bill to amend the Bank Holding Company Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 13715. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 13716. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. SKUBITZ:

H.R. 13717. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

H.R. 13718. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (for himself, Mr. MONTGOMERY, Mrs. HICKS of Massachusetts, Mr. DANIELSON, and Mr. WINN) (by request):

H.R. 13719. A bill to amend title 38, United States Code, to authorize an extension of the contract with the Veterans Memorial Hospital at Manila, under the modified agreement between the United States and the Republic of the Philippines respecting hospitals and medical care for Commonwealth Army veterans and new Philippine Scouts, and to extend the appropriation authority for sums to be used in making research and teaching grants to such hospital; to the Committee on Veterans' Affairs.

By Mr. ULLMAN (for himself, Mr. CORMAN, Mr. BETTS, Mr. SCHNEEBELI, and Mr. CONABLE):

H.R. 13720. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 13721. A bill to amend section 120 of title 23, United States Code, to provide that the Federal share payable for Interstate System projects shall be 100 percent, and for other purposes; to the Committee on Public Works.

By Mr. WIGGINS:

H.R. 13722. A bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. HORTON, Mr. HELSTOSKI, Mr. HUNGATE, Mr. DERWINSKI, Mr. MALLARY, Mr. MAYNE, Mr. KEMP, Mr. HUNT, Mr. COLLIER, Mr. HALPERN, Mr. MAZZOLI, Mr. GALLAGHER, Mr. MOSS, Mr. ADDABBO, and Mr. WHITEHURST):

H.R. 13723. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 13724. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 13725. A bill to amend title 38, United States Code, to liberalize certain Veterans' Administration benefit payments to Philippine veterans and their dependents; to the Committee on Veterans' Affairs.

H.R. 13726. A bill to amend section 1502 of title 38, United States Code, to provide that eligibility requirements for Vietnam era veterans shall conform with those afforded World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 13727. A bill to amend title 38, United States Code, to authorize the Administrator to reimburse employers for unusual costs incurred in providing on-job training for certain veterans; to the Committee on Veterans' Affairs.

By Mr. LEGGETT (for himself, Mr. MOSS, Mr. WALDIE, Mr. MILLER of California, Mr. REES, Mr. McCLOSKEY, Mr. PETTIS, Mr. EDWARDS of California, Mr. DANIELSON, Mr. DELLUMS, Mr. CORMAN, Mr. DINGELL, Mr. UDALL, Mrs. HANSEN of Washington, Mr. DENNIS, and Mr. RYAN):

H.R. 13728. A bill to designate certain lands in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. LENT:

H.R. 13729. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mrs. MINK:

H.R. 13730. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail; to the Committee on House Administration.

By Mr. PRICE of Illinois (for himself, Mr. HOLIFIELD, Mr. HOSMER, Mr. ASPINALL, and Mr. HANSEN of Idaho) (by request):

H.R. 13731. A bill to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a commencement of construction, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. HOSMER (for himself and Mr. HANSEN of Idaho) (by request):

H.R. 13732. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating authorizations for production and utilization facilities under certain circumstances, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. PURCELL:

H.R. 13733. A bill to amend the National Environmental Policy Act of 1969 to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

By Mr. RYAN:

H.R. 13734. A bill to amend the Social Security Act to establish for aged, blind, and disabled persons a new program of assistance which will assure to such persons a basic minimum level of income, with such assistance being paid and administered in combination with benefits under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 13735. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. THONE (for himself, Mr. HARVEY, and Mr. MIZELL):

H.R. 13736. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 13737. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MAHON:

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

By Mr. HAWKINS:

H.J. Res. 1098. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the 3d Wednesday of March occurs as "Community Total Health Week"; to the Committee on the Judiciary.

By Mr. McKEVITT:

H.J. Res. 1099. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.J. Res. 1100. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.J. Res. 1101. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. COLLIER, Mr. CRANE, Mr. VIGORITO, Mr. RARICK, Mr. BYRNE of Pennsylvania, Mr. THONE, Mr. STRATTON, Mr. KEMP, Mr. BIAGGI, Mr. TERRY, Mr. MINSHALL, Mr. DERWINSKI, Mr. EILBERG, Mr. WYDLER, Mr. DELANEY, Mr. CLARK, Mr. GARMATZ, Mr. GALLAGHER, Mr. HELSTOSKI, Mr. WAGGONER, Mr. BRASCO, Mr. MELCHER, Mrs. HICKS of Massachusetts, and Mr. McCLORY):

H. Con. Res. 555. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. FLOOD (for himself, Mr. BUCHANAN, Mr. McDADE, Mr. DANIELSON, Mr. ANNUNZIO, Mr. MOORHEAD, Mr. ST GERMAIN, Mr. COLLINS of Illinois, and Mr. BELL):

H. Con. Res. 556. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. BLATNIK:

H. Res. 888. Resolution authorizing the printing of additional copies of a House re-

port; to the Committee on House Administration.

By Mr. BOLLING:

H. Res. 889. Resolution providing for the consideration of the bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Rules.

By Mr. UDALL:

H. Res. 890. Resolution authorizing payment of compensation for certain officers of the House of Representatives; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 13738. A bill for the relief of Mrs. Wilson Springston; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 13739. A bill for the relief of Janet Lillian Emond; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

198. The SPEAKER presented a petition of the Congress of Micronesia, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the appropriation of funds for the payment of Micronesian war and post secure damage claims; to the Committee on Appropriations.

## SENATE—Thursday, March 9, 1972

The Senate met at 12 o'clock meridian and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

### PRAYER

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

Almighty God, as we undertake the duties of this new day, may we who labor in this Chamber meet its demands with a majesty which bears unmistakable testimony to Thy supreme rulership and our devotion to Thy law. When tasks become tedious and duties irksome, inspire us with a fresh vision of what it means to serve rather than be served, to minister and not be ministered unto, to find life by losing it for others. Keep us as faithful and true in the private unobserved times as we are in the publicly observed periods. Inspire those whose labor supports the Members of this body, with the inner knowledge that they, too, serve the Nation and honor Thy name. Fill us all with such passion for justice and righteousness as shall advance the welfare of our beloved country in its quest for a higher way of life.

We pray in the Redeemer's name. Amen.

### DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., March 9, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LLOYD BENTSEN, a Senator from the State of Texas, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

Mr. BENTSEN thereupon took the chair as Acting President pro tempore.

### MESSAGE FROM THE PRESIDENT

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

### REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-189)

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to send to the Congress the Fifth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, continues its sharp focus upon widespread diseases of great importance in Asian nations: cholera, leprosy, malnutrition, the parasitic diseases filariasis and schistosomiasis, tuberculosis and certain viral diseases.

During 1971 several reports were published marking this program's first 5 years of research progress. Following careful planning and a review of objec-