LANGUAGE IN H.R. 11896, THE WATER POLLUTION CONTROL BILL, THAT SHOULD BE DELETED

SEC. 312(f) (1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

(2) If, after promulgation of the initial standards and regulations and prior to their effective date, a vessel is equipped with a marine sanitation device in compliance with such standards and regulations and the installation and operation of such device is in accordance with such standards and regulations, such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with respect to such vessel on the date of such compliance.

(3) If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

HOUSE OF REPRESENTATIVES—*Monday, March 20, 1972*

The House met at 12 o'clock noon.

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

Be of one mind, live in peace: And the God of love and peace shall be with you.—II Corinthians 13: 11.

Our Heavenly Father, at the beginning of a new week we come to Thee with grateful hearts, praying that we may prove ourselves worthy of Thy continued and continual blessings. We thank Thee for the love that lifts our lives, lightens our loads, and provides for our needs. Help us to lose ourselves in Thy love and to live in harmony with Thy laws.

We are grateful for strength given us when we were weak, for light when we walked in darkness, for peace when we were tense, for faith when we gave way to fear and for lifting us up when we fell down.

Help us to show our gratitude by pouring goodness and truth into the life about us. Send us out into this day thinking positively and being kind and helpful to each other and to those we meet along life's way.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 15, 1972, the President approved and signed a bill of the House of the following title:

H.R. 12910. An act to provide for a temporary increase in the public debt limit.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to 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 had passed bills of the following titles, in which the concurrence of the House is requested:

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

S. 2700. An act to extend diplomatic privileges and immunities to the mission to the United States of America of the Commission of the European Communities and to members thereof.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING APPROPRIATIONS FOR PARTICIPATION BY UNITED STATES IN THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW AND THE INTERNATIONAL (ROME) INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

The Clerk called the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States and the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I will ask that the bill be passed over without prejudice, inasmuch as it involves an accelerated cost. After consultation with the proponents, we have listed it under the suspensions, where the case may be made later.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

U.S. PARTICIPATION IN INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

The Clerk called the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property.

Mr. HALL. Mr. Speaker, reserving the right to object, this is a similar measure to the prior one, and for exactly the same reasons I ask unanimous consent that the joint resolution be passed over without prejudice.

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

There was no objection.

TRANSPO '72 COMMEMORATIVE MEDALS

The Clerk called the bill (H.R. 13560) to provide for the striking of medals in commemoration of the first U.S. International Transportation Exposition.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if there is anyone interested in this bill on the House floor. If so, I should like to ask whether this medal is to be minted with any portion of it containing what some people describe as "barbarous gold"?

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

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

Mr. PATMAN. Mrs. SULLIVAN is the chairman of the subcommittee which has had the bill. I wish the gentleman would withhold his objection until she can get over here. She is on the way over.

Mr. GROSS. Perhaps the gentleman can answer the question. Is this medal to have any "barbaric gold" in it?

Mr. PATMAN. No; it is not.

Mr. GROSS. None at all?

Mr. PATMAN. No, sir.

Mr. GROSS. You would not even think of putting gold in it?

Mr. PATMAN. It would not be legal tender, either.

Mr. GROSS. No one contends it would be legal tender. A medal could scarcely be legal tender. I just want to be sure that "anachronistic" gold is not to be put in this medal.

Mr. PATMAN. I am confident there would not be any gold of any kind in it.

Mr. GROSS. I am a firm believer in gold as a medium of exchange and I would not want to see it used in this fashion. I am sure the gentleman from Texas would not want even to consider putting gold in any kind of a medal.

Mr. PATMAN. I agree with the gentleman, but I hope the gentleman will withhold objection for a few minutes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

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

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

H.R. 13560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the First United States International Transportation Exposition, to be held at Dulles Airport, May 27 through June 4, 1972, the Secretary of the Treasury (hereinafter referred to as the "Secretary")

is authorized and directed to strike medals of suitable sizes and metals, and with suitable emblems, devices, and inscriptions to be determined by the Secretary of Transportation, subject to the approval of the Secretary.

SEC. 2. The Secretary shall furnish the medals to the Secretary of Transportation at a price equal to the cost of the manufacture.

SEC. 3. The Secretary shall also cause such medals to be sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

Mrs. SULLIVAN. Mr. Speaker, there was absolutely no controversy over this bill in the Committee on Banking and Currency. It was approved by unanimous voice vote. It conforms to the guidelines and standards laid down by the Subcommittee on Consumer Affairs for national medals, in that it would commemorate an event of truly national rather than sectional or local significance.

Transpo '72 will take place in late May and early June. It will be a showcase of American transportation research and development, with a primary purpose, or course, being to try to find new world markets for our transportation equipment.

The medals authorized by the bill will be produced without cost to the Treasury. They will be made available to the general public at prices intended to recover all costs of production. They will be added to the series of Treasury list medals which are very popular with collectors of numismatic materials. The committee report spells this out.

While there has been some controversy here in the House over the legislation which increased the authorization for appropriations of Transpo '72, I do not think there is any controversy, as I said, over having national medals struck to commemorate an event Congress has overwhelmingly approved.

The materials used in the medals will be determined by the respective Secretaries. Most of them will be bronze, I imagine, but it is conceivable that other materials could be used in a few instances for presentation purposes, such as to the President.

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

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3353) to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3353

An act to provide for the striking of medals in commemoration of the First United States International Transportation Exposition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the First United States International Transportation Exposition, to be held at Dulles Airport, May 27 through June 4, 1972, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, and with suitable emblems, devices, and inscriptions to be determined by the Secretary of Transportation, subject to the approval of the Secretary.

SEC. 2. The Secretary shall furnish the medals to the Secretary of Transportation at a price equal to the cost of the manufacture.

SEC. 3. The Secretary shall also cause such medals to be sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

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

A similar House bill (H.R. 13560) was laid on the table.

PERSONAL ANNOUNCEMENT AS TO VOTE

Mr. DANIELSON. Mr. Speaker, on Wednesday, March 15, I was absent from the floor pursuant to leave of absence of the House, due to official business for the Committee on Veterans' Affairs.

Two record votes and one record teller vote developed during my absence. Had I been present, I would have voted as follows:

Roll No. 76—I would have voted "nay" on the conference report to accompany the bill (H.R. 12910) to provide for a temporary increase in the public debt limit. The conference report was agreed to by a vote of 237 yeas to 150 nays.

Roll No. 77—I would have voted "aye" on the amendment to the committee amendment to H.R. 11417 that provides that all officers of National Railroad Passenger Corporation paid in excess of $60,000 per annum be paid only from net profits of the corporation. This amendment was agreed to by a vote of 235 ayes to 136 noes.

Roll No. 78—I would have voted "yea" on the passage of the bill (H.R. 11417) to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment. The bill was approved by a vote of 312 yeas to 63 nays.

FARMERS HOST MOST WILDLIFE

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

Mr. MAYNE. Mr. Speaker, right now the skies of western Iowa—along the Mississippi-Missouri flyway—are filled with literally millions of wild geese which have arrived to feed and rest on farm fields and ponds during their annual migration north.

And, for the past several years, Iowa has had the largest number of pheasants taken by hunters in any State of the Nation. More than 1.6 million pheasants were bagged by resident hunters last year.

We sometimes hear about the declining quantity of wildlife in America. I am happy to say that in my State of Iowa we currently have the finest wildlife picture we have ever had. Much of the credit for this goes to our conservation farmers, since the majority of wild creatures in the Nation now live on farm or ranchland.

Such proven erosion control measures as terracing, stripcropping, and minimum tillage improve the land both for people and for wild birds and animals. Farm ponds, tree windbreaks, and stream improvement work, undertaken with the technical assistance of the Soil Conservation Service, provide a better habitat for many kinds of fish, waterfowl, and land animals. And, many farmers deliberately leave odd parcels of their land in a natural state to attract and hold wildlife.

It is widely recognized that farmers, through their efficiency and hard work, have contributed a major—perhaps even a disproportionate share—to the American economy. It is not so widely recognized by hunters, nature lovers and other people that these same farmers and ranchers are also the chief caretakers and custodians of America's wildlife.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the legislative branch appropriation bill for fiscal year 1973.

Mr. CEDERBERG reserved all points of order on the bill.

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

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
March 14, 1972.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plans transferred to you by ex-

ecutive communication and referred to this Committee. The work plans are:

WATERSHED AND EXECUTIVE COMMUNICATION

Avoyelles-St. Landry: Louisiana; 1049, 91st Congress.

Belle Creek: Minnesota; 1229, 91st Congress.

Kahaluu: Hawaii; 1741, 91st Congress.

Mate Creek: West Virginia; 1229, 91st Congress.

Middle River: Georgia; 1741, 91st Congress.

Poplar River: Wisconsin; 2171, 91st Congress.

Upper Howard Creek: Kentucky; 893, 91st Congress.

The Kahaluu: Hawaii; work plan is approved subject to the deletion of the North Waihee Channel and all costs for recreation.

The Middle River, Georgia, work plan is approved provided the cost per acre is reduced to not more than $200.

Yours Sincerely,

W. R. POAGE,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, D.C.,
March 17, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:30 p.m. on Friday, March 17, 1972, and said to contain a Message from the President regarding bussing of school children.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

SCHOOLBUSING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-195)

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 of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

In this message, I wish to discuss a question which divides many Americans. That is the question of busing.

I want to do so in a way that will enable us to focus our attention on a question which unites all Americans. That is the question of how to ensure a better education for all of our children.

In the furor over busing, it has become all too easy to forget what busing is supposed to be designed to achieve: equality of educational opportunity for all Americans.

Conscience and the Constitution both require that no child should be denied equal educational opportunity. That Constitutional mandate was laid down by the Supreme Court in *Brown* v. *Board of Education* in 1954. The years since have been ones of dismantling the old dual school system in those areas where it existed—a process that has now been substantially completed.

As we look to the future, it is clear that the efforts to provide equal educational opportunity must now focus much more specifically on education: on assuring that the opportunity is not only equal, but adequate, and that in those remaining cases in which desegregation has not yet been completed it be achieved with a greater sensitivity to educational needs.

Acting within the present framework of Constitutional and case law, the lower Federal courts have ordered a wide variety of remedies for the equal protection violations they have found. These remedies have included such plans as redrawing attendance zones, pairing, clustering and consolidation of school districts. Some of these plans have not required extensive additional transportation of pupils. But some have required that pupils be bused long distances, at great inconvenience. In some cases plans have required that children be bused away from their neighborhoods to schools that are inferior or even unsafe.

The maze of differing and sometimes inconsistent orders by the various lower courts has led to contradiction and uncertainty, and often to vastly unequal treatment among regions, States and local school districts. In the absence of statutory guidelines, many lower court decisions have gone far beyond what most people would consider reasonable, and beyond what the Supreme Court has said is necessary, in the requirements they have imposed for the reorganization of school districts and the transportation of school pupils.

All too often, the result has been a classic case of the remedy for one evil creating another evil. In this case, a remedy for the historic evil of racial discrimination has often created a new evil of disrupting communities and imposing hardship on children—both black and white—who are themselves wholly innocent of the wrongs that the plan seeks to set right.

The 14th Amendment to the Constitution—under which the school desegregation cases have arisen—provides that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Until now, enforcement has been left largely to the courts—which have operated within a limited range of available remedies, and in the limited context of case law rather than of statutory law. I propose that the Congress now accept the responsibility and use the authority given to it under the 14th Amendment to clear up the confusion which contradictory court orders have created, and to establish reasonable national standards.

The legislation I propose today would accomplish this.

It would put an immediate stop to further new busing orders by the Federal courts.

It would enlist the wisdom, the resources and the experience of the Congress in the solution of the vexing problems involved in fashioning school desegregation policies that are true to the Constitutional requirements and fair to the people and communities concerned.

It would establish uniform national criteria, to ensure that the Federal courts in all sections and all States would have a common set of standards to guide them.

These measures would protect the right of a community to maintain neighborhood schools—while also establishing a shared local and Federal responsibility to raise the level of education in the neediest neighborhoods, with special programs for those disadvantaged children who need special attention.

At the same time, these measures would not roll back the Constitution, or undo the great advances that have been made in ending school segregation, or undermine the continuing drive for equal rights.

Specifically, I propose that the Congress enact two measures which together would shift the focus from more transportation to better education, and would curb busing while expanding educational opportunity. They are:

1. *The Equal Educational Opportunities Act of 1972.* This would:

—Require that no State or locality could deny equal educational opportunity to any person on account of race, color or national origin.

—Establish criteria for determining what constitutes a denial of equal opportunity.

—Establish priorities of remedies for schools that are required to desegregate, with busing to be required only as a last resort, and then only under strict limitations.

—Provide for the concentration of Federal school-aid funds specifically on the areas of greatest educational need, in a way and in sufficient quantities so they can have a real and substantial impact in terms of improving the education of children from poor families.

2. *The Student Transportation Moratorium Act of 1972.*

—This would provide a period of time during which any future, new busing orders by the courts would not go into effect, while the Congress considered legislative approaches—such as the Equal Educational Opportunities Act—to the questions raised by school desegregation cases. This moratorium on new busing would be effective until July 1, 1973, or until the Congress passed the appropriate legislation, whichever was sooner. Its purpose would not be to contravene rights under the 14th Amendment, but simply to hold in abeyance further busing orders while the Congress investigated and considered alternative methods of securing those rights—methods that could establish a new and broader context in which the courts could decide desegregation cases, and that could render busing orders unnecessary.

Together, these two measures would provide an immediate stop to new busing in the short run, and constructive alternatives to busing in the long run—and they would give the Congress the time it needs to consider fully and fairly one of the most complex and difficult issues to confront the Nation in modern times.

BUSING: THE FEARS AND CONCERNS

Before discussing the specifics of these proposals, let me deal candidly with the controversy surrounding busing itself.

There are some people who fear any curbs on busing because they fear that it would break the momentum of the drive for equal rights for blacks and other minorities. Some fear it would go further, and that it would set in motion a chain of reversals that would undo all the advances so painfully achieved in the past generation.

It is essential that whatever we do to curb busing be done in a way that plainly will not have these other consequences. It is vitally important that the Nation's continued commitment to equal rights and equal opportunities be clear and concrete.

On the other hand, it is equally important that we not allow emotionalism to crowd out reason, or get so lost in symbols that words lose their meaning.

One emotional undercurrent that has done much to make this so difficult an issue is the feeling some people have that to oppose busing is to be anti-black. This is closely related to the arguments often put forward that resistance to any move, no matter what, that may be advanced in the name of desegregation is "racist." This is dangerous nonsense.

There is no escaping the fact that some people oppose busing because of racial prejudice. But to go on from this to conclude that "anti-busing" is simply a code word for prejudice is an exercise in arrant unreason. There are right reasons for opposing busing, and there are wrong reasons—and most people, including large and increasing numbers of blacks and other minorities, oppose it for reasons that have little or nothing to do with race. It would compound an injustice to persist in massive busing simply because some people oppose it for the wrong reasons.

For most Americans, the school bus used to be a symbol of hope—of better education. In too many communities today, it has become a symbol of helplessness, frustration and outrage—of a wrenching of children away from their families, and from the schools their families may have moved to be near, and sending them arbitrarily to others far distant.

It has become a symbol of social engineering on the basis of abstractions, with too little regard for the desires and the feelings of those most directly concerned: the children, and their families.

Schools exist to serve the children, not to bear the burden of social change. As I put it in my policy statement on school desegregation 2 years ago (on March 24, 1970):

> One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself.
>
> If we are to be realists, we must recognize that in a free society there are limits to the amount of Government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the Nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.
>
> Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a Pyrrhic victory.

The Supreme Court has also recognized this problem. Writing for a unanimous Court in the *Swann* case last April, Chief Justice Burger said:

> The constant theme and thrust of every holding from *Brown I* to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause. The remedy commanded was to dismantle dual school systems.
>
> We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. . . .
>
> Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

In addressing the busing question, it is important that we do so in historical perspective.

Busing for the purpose of desegregation was begun—mostly on a modest scale—as one of a mix of remedies to meet the requirements laid down by various lower Federal courts for achieving the difficult transition from the old dual school system to a new, unitary system.

At the time, the problems of transition that loomed ahead were massive, the old habits deeply entrenched, community resistance often extremely strong. As the years wore on, the courts grew increasingly impatient with what they sometimes saw as delay or evasion, and increasingly insistent that, as the Supreme Court put it in the *Green* decision in 1968, desegregation plans must promise "realistically to work, and . . . to work *now*."

But in the past 3 years, progress toward eliminating the vestiges of the dual system has been phenomenal—and so too has been the shift in public attitudes in those areas where dual systems were formerly operated. In State after State and community after community, local civic, business and educational leaders of all races have come forward to help make the transition peacefully and successfully. Few voices are now raised urging a return to the old patterns of enforced segregation.

This new climate of acceptance of the basic Constitutional doctrine is a new element of great importance: for the greater the elements of basic good faith, of desire to make the system work, the less need or justification there is for extreme remedies rooted in coercion.

At the same time, there has been a marked shift in the focus of concerns by blacks and members of other minorities. Minority parents have long had a deep and special concern with improving the quality of their children's education. For a number of years, the principal emphasis of this concern—and of the Nation's attention—was on desegregating the schools. Now that the dismantling of the old dual system has been substantially completed there is once again a far greater balance of emphasis on improving schools, on convenience, on the chance for parental involvement—in short, on the same concerns that motivate white parents—and, in many communities, on securing a greater measure of control over schools that serve primarily minority-group communities. Moving forward on desegregation is still important—but the principal concern is with preserving the principle, and with ensuring that the great gains made since *Brown*, and particularly in recent years, are not rolled back in a reaction against excessive busing. Many black leaders now express private concern, moreover, that a reckless extension of busing requirements could bring about precisely the results they fear most: a reaction that would undo those gains, and that would begin the unraveling of advances in other areas that also are based on newly expanded interpretations of basic Constitutional rights.

Also, it has not escaped their notice that those who insist on system-wide racial balance insist on a condition in which, in most communities, every school would be run by whites and dominated by whites, with blacks in a permanent minority—and without escape from that minority status. The result would be to deny blacks the right to have schools in which they are the majority.

In short, this is not the simple black-white issue that some simplistically present it as being. There are deep divisions of opinion among people of all races—with recent surveys showing strong opposition to busing among black parents as well as among white parents—not because they are against desegregation but because they are for better education.

In the process of school desegregation, we all have been learning; perceptions have been changing. Those who once said "no" to racial integration have accepted the concept, and believe in equality before the law. Those who once thought massive busing was the answer have also been changing their minds in the light of experience.

As we cut through the clouds of emotionalism that surround the busing question, we can begin to identify the legitimate issues.

Concern for the quality of education a child gets is legitimate.

Concern that there be no retreat from the principle of ending racial discrimination is legitimate.

Concern for the distance a child has to travel to get to school is legitimate.

Concern over requiring that a child attend a more distant school when one is available near his home is legitimate.

Concern for the obligation of government to assure, as nearly as possible, that all the children of a given district have equal educational opportunity is legitimate.

Concern for the way educational resources are allocated among the schools of a district is legitimate.

Concern for the degree of control parents and local school boards should have over their schools is legitimate.

In the long, difficult effort to give life to what is in the law, to desegregate the Nation's schools and enforce the principle of equal opportunity, many experiments have been tried. Some have worked, and some have not. We now have the benefit of a fuller fund of experience than we had 18 years ago, or even 2 years ago. It has also become apparent that community resistance—black as well as white—to plans that massively disrupt education and separate parents from their children's schools, makes those plans unacceptable to communities on which they are imposed.

Against this background, the objectives of the reforms I propose are:

—To give practical meaning to the concept of equal educational opportunity.

—To apply the experience gained in the process of desegregation, and also in efforts to give special help to the educationally disadvantaged.

—To ensure the continuing vitality of the principles laid down in *Brown* v. *Board of Education*.

—To downgrade busing as a tool for achieving equal educational opportunity.

—To sustain the rights and responsibilities vested by the States in local school boards.

THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

In the historic effort since 1954 to end the system of State-enforced segregation in the public schools, all three branches of Government have had important functions and responsibilities. Their roles however, have been unequal.

If some of the Federal courts have lately tended toward extreme remedies in school desegregation cases—and some have—this has been in considerable part because the work has largely gone forward in the courts, case-by-case, and because the courts have carried a heavy share of the burden while having to operate within a limited framework of reference and remedies. The efforts have therefore frequently been disconnected, and the result has been not only great progress but also the creation of problems severe enough to threaten the immense achievement of these 18 difficult years.

If we are to consolidate our gains and move ahead on our problems—both the old and the new—we must undertake now to bring the leaven of experience to the logic of the law.

Drawing on the lessons of experience, we must provide the courts with a new framework of reference and remedies.

The angry debate over busing has at one and the same time both illuminated and obscured a number of broad areas in which realism and shared concern in fact unite most American parents, whatever their race. Knowledge of such shared concerns is the most precious product of experience; it also is the soundest foundation of law. The time is at hand for the legislative, executive and judicial branches of Government to act on this knowledge, and by so doing to lift the sense of crisis that threatens the education of our children and the peace of our people.

The Equal Educational Opportunities Act that I propose today draws on that experience, and is designed to give the courts a new and broader base on which to decide future cases, and to place the emphasis where it belongs: on better education for all of our children.

EQUAL OPPORTUNITY: THE CRITERIA

The act I propose undertakes, in the light of experience, both to prohibit and to define the denial of equal educational opportunity. In essence, it provides that:

—No State shall deny equal educational opportunity to any person on account of race, color or national origin.

—Students shall not be deliberately segregated either among or within the public schools.

—Where deliberate segregation was formerly practiced, educational agencies have an affirmative duty to remove the vestiges of the dual system.

—A student may not be assigned to a school other than the one nearest his home if doing so would result in a greater degree of racial segregation.

—Subject to the other provisions of the act, the assignment of students to their neighborhood schools would not be considered a denial of equal educational opportunity unless the schools were located or the assignment made for the purpose of racial segregation.

—Racial balance is not required.

—There can be no discrimination in the employment and assignment of faculty and staff.

—School authorities may not authorize student transfers that would have the effect of increasing segregation.

—School authorities must take appropriate action to overcome whatever language barriers might exist, in order to enable all students to participate equally in educational programs. This would establish, in effect, an educational bill of rights for Mexican-Americans, Puerto Ricans, Indians and others who start under language handicaps, and ensure at last that they too would have equal opportunity.

—Through Federal financial assistance and incentives, school districts would be strongly encouraged not only to avoid shortchanging the schools that serve their neediest children, but beyond this to establish and maintain special learning programs in those schools that would help children who were behind to catch up. These incentives would also encourage school authorities to provide for voluntary transfers of students that would reduce racial concentrations.

Thus, the act would set standards for all school districts throughout the Nation, as the basic requirements for carrying out, in the field of public education, the Constitutional guarantee that each person shall have equal protection of the laws. It would establish broad-based and specific criteria to ensure against racial discrimination in school assignments, to establish the equal educational rights of Mexican-Americans, Puerto Ricans and others starting with language handicaps, to protect the principle of the neighborhood school. It would also provide money and incentives to help ensure for schools in poor neighborhoods the fair treatment they have too often been denied in the past, and to provide the special learning and extra attention that children in those neighborhoods so often need.

DENIAL OF EQUAL OPPORTUNITY: THE REMEDIES

In the past, the courts have largely been left to their own devices in determining appropriate remedies in school desegregation cases. The results have been sometimes sound, sometimes bizarre—but certainly uneven. The time has come for the Congress, on the basis of experience, to provide guidance. Where a violation exists, the act I propose would provide that:

—The remedies imposed must be limited to those needed to correct the particular violations that have been found.

—School district lines must not be ignored or altered unless they are clearly shown to have been drawn for purposes of segregation.

—Additional busing must not be required unless no other remedy can be found to correct the particular violation that exists.

—A priority of remedies would be established, with the court required to use the first remedy on the list, or the first combination of remedies, that would correct the unlawful condition. The list of authorized remedies—in order—is:

(1) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, taking into account school capacities and natural physical barriers;

(2) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, considering only school capacities;

(3) Permitting students to transfer from a school in which their race is a majority to one in which it is a minority;

(4) Creation or revision of attendance zones or grade structures without necessitating increased student transportation;

(5) Construction of new schools or the closing of inferior schools;

(6) The use of magnet schools or educational parks to promote integration;

(7) Any other plan which is educationally sound and administratively feasible. However, such a plan could not require increased busing of students in the sixth grade or below. If a plan involved additional busing of older children, then: (a) It could not be ordered unless there was clear and convincing evidence that no other method would work; (b) in no case could it be ordered on other than a temporary basis; (c) it could not pose a risk to health, or significantly impinge on the educational process; (d) the school district could be granted a stay until the order had been passed on by the court of appeals.

—Beginning with the effective date of the act, time limits would be placed on desegregation orders. They would be limited to 10 years' duration—or 5 years if they called for student transportation—provided that during that period the school authorities had been in good-faith compliance. New orders could then be entered only if there had been new violations.

These rules would thus clearly define what the Federal courts could and could not require; however, the States and localities would remain free to carry out voluntary school integration plans that might go substantially beyond the Federal requirements.

This is an important distinction. Where busing would provide educational advantages for the community's children, and where the community wants to undertake it, the community should—and will—have that choice. What is objectionable is an arbitrary Federal requirement—whether administrative or judicial—that the community must undertake massive additional busing as a matter of Federal law. The essence of a free society is to restrict the range of what must be done, and broaden the range of what may be done.

EQUAL OPPORTUNITY: BROADENING THE SCOPE

If we were simply to place curbs on busing and do nothing more, then we would not have kept faith with the hopes, the needs—or the rights—of the neediest of our children.

Even adding the many protections built into the rights and remedies sections of the Equal Educational Opportunities Act, we would not by this alone provide what their special needs require.

Busing helps some poor children; it poses a hardship for others; but there are many more, and in many areas the great majority—in the heart of New York, and in South Chicago, for example—whom it could never reach.

If we were to treat busing as some sort of magic panacea, and to concentrate our efforts and resources on that as the principal means of achieving quality education for blacks and other minorities, then in these areas of dense minority concentration a whole generation could be lost.

If we hold massive busing to be, in any event, an unacceptable remedy for the inequalities of educational opportunity that exist, then we must do more to improve the schools where poor families live.

Rather than require the spending of scarce resources on ever-longer bus rides for those who happen to live where busing is possible, we should encourage the putting of those resources directly into education—serving all the disadvantaged children, not merely those on the bus routes.

In order to reach the great majority of the children who most need extra help, I propose a new approach to financing the extra efforts required: one that puts the money where the needs are, drawing on the funds I have requested for this and the next fiscal year under Title I of the Elementary and Secondary Education Act of 1965 and under the Emergency School Aid Act now pending before the Congress.

As part of the Equal Educational Opportunities Act, I propose to broaden the uses of the funds under the Emergency School Aid Act, and to provide the Secretary of Health, Education, and Welfare with additional authority to encourage effective special learning programs in those schools where the needs are greatest.

Detailed program criteria would be spelled out in administrative guidelines—but the intent of this program is to use a major portion of the $1.5 billion Emergency School Aid money as, in effect, incentive grants to encourage eligible districts to design educational programs that would do three things:

—Assure (as a condition of getting the grant) that the district's expenditures on its poorest schools were at least comparable to those on its other schools.

—Provide, above this, a compensatory education grant of approximately $300 per low-income pupil for schools in which substantial numbers of the students are from poor families, if the concentration of poor students exceeds specified limits.

—Require that this compensatory grant be spent entirely on basic instructional programs for language skills and mathematics, and on basic supportive services such as health and nutrition.

—Provide a "bonus" to the receiving school for each pupil transferring from a poor school to a non-poor school where his race is in the minority, without reducing the grant to the transferring school.

Priority would be given to those districts that are desegregating either voluntarily or under court order, and to those that are addressing problems of both racial and economic impaction.

Under this plan, the remaining portion of the $1.5 billion available under the Emergency School Aid Act for this and the next fiscal year would go toward the other kinds of aid originally envisaged under it.

This partial shift of funds is now possible for two reasons: First, in the nearly 2 years since I first proposed the Emergency School Aid Act, much of what it was designed to help with has already been done. Second, to the extent that the standards set forth in the Equal Educational Opportunities Act would relieve desegregating districts of some of the more expensive requirements that might otherwise be laid upon them, a part of the money originally intended to help meet those expenses can logically be diverted to these other, closely related needs. I would stress once again, in this connection, the importance I attach to final passage of the Emergency School Aid Act: those districts that are now desegregating still need its help, and the funds to be made available for these new purposes are an essential element of a balanced equal opportunity package.

I also propose that instead of being terminated at the end of fiscal 1973, as presently scheduled, the Emergency School Aid Act continue to be authorized at a $1 billion annual level—of which I would expect the greatest part to be used for the purposes I have outlined here. At the current level of funding of Title I of the Elementary and Secondary Education Act of 1965, this would provide a total approaching $2.5 billion annually for compensatory education purposes.

For some years now, there has been a running debate about the effectiveness of added spending for programs of compensatory or remedial education. Some have maintained there is virtually no correlation between dollar input and learning output; others have maintained there is a direct correlation; experience has been mixed.

What does now seem clear is that while many Title I experiments have failed, many others have succeeded substantially and even dramatically; and what also is clear is that without the extra efforts such extra funding would make possible, there is little chance of breaking the cycle of deprivation.

A case can be made that Title I has fallen short of expectations, and that in some respects it has failed. In many cases, pupils in the programs funded by it have shown no improvement whatever, and funds have frequently been misused or squandered foolishly. Federal audits of State Title I efforts have found instances where naivete, inexperience, confusion, despair, and even clear violations of the law have thwarted the act's effectiveness. In some instances, Title I funds have been illegally spent on unauthorized materials and facilities, or used to fund local services other than those intended by the act, such as paying salaries not directly related to the act's purposes.

The most prevalent failing has been the spending of Title I funds as general revenue. Out of 40 States audited between 1966 and 1970, 14 were found to have spent Title I funds as general revenue.

Too often, one result has been that instead of actually being concentrated in the areas of critical need, Title I moneys have been diffused throughout the system; and they have not reached the targeted schools—and targeted children—in sufficient amounts to have a real impact.

On the positive side, Title I has effected some important changes of benefit to disadvantaged children.

First, Title I has encouraged some States to expand considerably the contributions from State and local funds for compensatory education. In the 1965–66 school year, the States spent only $2.7 million of their own revenues, but by the 1968–69 school year—largely due to major efforts by California and New York—they were contributing $198 million.

Second, Title I has better focused attention on pupils who previously were too often ignored. About 8 million children are in schools receiving some compensatory funds. In 46 States programs have been established to aid almost a quarter of a million children of migratory workers. As an added dividend, many States have begun to focus educational attention on the early childhood years which are so important to the learning process.

Finally, local schools have been encouraged by Title I to experiment and innovate. Given our highly decentralized national educational system and the relatively minor role one Federal program usually plays, there have been encouraging examples of programs fostered by Title I which have worked.

In designing compensatory programs, it is difficult to know exactly what will work. The circumstances of one locality may differ dramatically from those of other localities. What helps one group of children may not be of particular benefit to others. In these experimental years local educational agencies and the schools have had to start from scratch, and to learn for themselves how to educate those who in the past had too often simply been left to fall further behind.

In the process, some schools did well and others did not. Some districts benefited by active leadership and community involvement, while others were slow to innovate and to break new ground.

While there is a great deal yet to be learned about the design of successful compensatory programs, the experience so far does point in one crucial direction: to the importance of providing sufficiently concentrated funding to establish the educational equivalent of a "critical mass," or threshold level. Where funds have been spread too thinly, they have been wasted or dissipated with little to show for their expenditure. Where they have been concentrated, the results have been frequently encouraging and sometimes dramatic.

In a sample of some 10,000 disadvantaged pupils in California, 82 percent of those in projects spending less than $150 extra per pupil showed little or no achievement gain. Of those students in projects spending over $250 extra per pupil, 94 percent gained more than 1 year per year of exposure; 58 percent gained between 1.4 and 1.9 years per year of exposure. Throughout the country States as widely separated as Connecticut and Florida have recognized a correlation between a "critical mass' expenditure and marked effectiveness.

Of late, several important studies have supported the idea of a "critical mass" compensatory expenditure to afford disadvantaged pupils equal educational opportunity. The New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, the National Educational Finance Project, and the President's Commission on School Finance have all cited the importance of such a substantial additional per pupil expenditure for disadvantaged pupils.

The program which I propose aims to assure schools with substantial concentrations of poor children of receiving an average $300 compensatory education grant for each child.

In order to encourage voluntary transfers, under circumstances where they would reduce both racial isolation and low-income concentration, any school accepting such transfers would receive the extra $300 allotted for the transferring student plus a bonus payment depending on the proportion of poor children in that school.

One key to the success of this new approach would be the "critical mass" achieved by both increasing and concentrating the funds made available; another would be vigorous administrative follow-through to ensure that the funds are used in the intended schools and for the intended purposes.

THE STUDENT TRANSPORTATION MORATORIUM ACT

In times of rapid and even headlong change, there occasionally is an urgent need for reflection and reassessment. This is especially true when powerful, historic forces are moving the Nation toward a conflict of fundamental principles—a conflict that can be avoided if each of us does his share, and if all branches of Government will join in helping to redefine the questions before us.

Like any comprehensive legislative recommendation, the Equal Educational Opportunities Act that I have proposed today is offered as a framework for Congressional debate and action.

The Congress has both the constitutional authority and a special capability to debate and define new methods for implementing Constitutional principles. And the educational, financial, and social complexities of this issue are not, and are not properly, susceptible of solution by individual courts alone or even by the Supreme Court alone.

This is a moment of considerable conflict and uncertainty; but it is also a moment of great opportunity.

This is not a time for the courts to plunge ahead at full speed.

If we are to set a course that enables us to act together, and not simply to do more but to do better, then we must do all in our power to create an atmosphere that permits a calm and thoughtful assessment of the issues, choices and consequences.

I propose, therefore, that the Congress act to impose a temporary freeze on new busing orders by the Federal courts—to establish a waiting period while the Congress considers alternative means of enforcing 14th Amendment rights. I propose that this freeze be effective immediately on enactment, and that it remain in effect until July 1, 1973, or until passage of the appropriate legislation, whichever is sooner.

This freeze would not put a stop to desegregation cases; it would only bar new orders during its effective period, to the extent that they ordered new busing.

This, I recognize, is an unusual procedure. But I am persuaded that the Congress has the Constitutional power to enact such a stay, and I believe the unusual nature of the conflicts and pressures that confront both the courts and the country at this particular time requires it.

It has become abundantly clear, from the debates in the Congress and from the upwelling of sentiment throughout the country, that some action will be taken to limit the scope of busing orders. It is in the interest of everyone—black and white, children and parents, school administrators and local officials, the courts, the Congress and the executive branch, and not least in the interest of consistency in Federal policy, that while this matter is being considered by the Congress we not speed further along a course that is likely to be changed.

The legislation I have proposed would provide the courts with a new set of standards and criteria that would enable them to enforce the basic Constitutional guarantees in different ways.

A stay would relieve the pressure on the Congress to act on the long-range legislation without full and adequate consideration. By providing immediate relief from a course that increasing millions of Americans are finding intolerable, it would allow the debate on permanent solutions to proceed with less emotion and more reason.

For these reasons—and also for the sake of the additional children faced with busing now—I urge that the Congress quickly give its approval to the Student Transportation Moratorium Act.

No message to the Congress on school desegregation would be complete unless it addressed the question of a Constitutional amendment.

There are now a number of proposals before the Congress, with strong support, to amend the Constitution in ways designed to abolish busing or to bar the courts from ordering it.

These proposals should continue to receive the particularly thoughtful and careful consideration by the Congress that any proposal to amend the Constitution merits.

It is important to recognize, however, that a Constitutional amendment—even if it could secure the necessary two-thirds support in both Houses of the Congress—has a serious flaw: it would have no impact this year; it would not come into effect until after the long process of ratification by three-fourths of the State legislatures. What is needed is action now; a Constitutional amendment fails to meet this immediate need.

Legislation meets the problem now. Therefore, I recommened that as its first priority the Congress go forward immediately on the legislative route. Legislation can also treat the question with far greater precision and detail than could the necessarily generalized language of a Constitutional amendment, while making possible a balanced, comprehensive approach to equal educational opportunity.

CONCLUSION

These measures I have proposed would place firm and effective curbs on busing—and they would do so in a Constitutional way, aiding rather than challenging the courts, respecting the mandate of the 14th Amendment, and exercising the responsibility of the Congress to enforce that Amendment.

Beyond making these proposals, I am directing the Executive departments to follow policies consistent with the principles on which they are based—which will include intervention by the Justice Department in selected cases before the courts, both to implement the stay and to resolve some of those questions on which the lower courts have gone beyond the Supreme Court.

The Equal Educational Opportunities Act I have proposed reflects a serious and wide-ranging process of consultation—drawing upon the knowledge and experience of legislators, Constitutional scholars, educators and government administrators, and of men and women from all races and regions of the country who shared with us the views and feelings of their communities.

Its design is in large measure the product of that collaboration. When enacted it would, for the first time, furnish a framework for collaborative action by the various branches of Federal and local government, enabling courts and communities to shape effective educational solutions which are responsive not only to Constitutional standards but also to the physical and human reality of diverse educational situations.

It will create more local choice and more options to choose from; and it will marshal and target Federal resources more effectively in support of each particular community's effort.

Most importantly, however, these proposals undertake to address the problem that really lies at the heart of the issue at this time: the inherent inability of the courts, acting alone to deal effectively and acceptably with the new magnitude of educational and social problems generated by the desegregation process.

If these proposals are adopted, those few who want an arbitrary racial balance to be imposed on the schools by Federal fiat will not get their way.

Those few who want a return to segregated schools will not get their way.

Those few who want a rolling back of the basic protections black and other minority Americans have won in recent years will not get their way.

This Administration means what it says about dismantling racial barriers, about opening up jobs and housing and schools and opportunity to all Americans.

It is not merely rhetoric, but our record, that demonstrates our determination.

We have achieved more school desegregation in the last 3 years than was achieved in the previous 15.

We have taken the lead in opening up high-paying jobs to minority workers.

We have taken unprecedented measures to spur business ownership by members of minorities.

We have brought more members of minorities into the middle and upper levels of the Federal service than ever before.

We have provided more support to black colleges than ever before.

We have put more money and muscle into enforcement of the equal opportunity laws than ever before.

These efforts will all go forward—with vigor and with conviction. Making up for the years of past discrimination is not simply something that white Americans owe to black Americans—it is something the entire Nation owes to itself.

I submit these proposals to the Congress mindful of the profound importance and special complexity of the issues they address. It is in that spirit that I have undertaken to weigh and respect the conflicting interests; to strike a balance which is thoughtful and just; and to search for answers that will best serve all of the Nation's children. I urge the Congress to consider them in the same spirit.

The great majority of Americans, of all races, want their Government—the Congress, the Judiciary and the Executive—to follow the course of deliberation, not confrontation. To do this we must act calmly and creatively, and we must act together.

The great majority of Americans, of all races, want schools that educate and rules that are fair. That is what these proposals attempt to provide.

RICHARD NIXON.

THE WHITE HOUSE, *March 17, 1972.*

BUSING IN THE SOUTH

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

Mr. EDWARDS of Alabama. Mr. Speaker, while the President's speech on busing showed a willingness to begin work on the problem of forced busing, I am disappointed in his failure to tackle the problem where it is the greatest—in the South.

He was right in saying that Congress ought to give serious consideration to a constitutional amendment.

He was right in saying we need action now and that a constitutional amendment will take a long time to accomplish.

He was right when he ordered the Justice Department to intervene in selected cases where courts have exceeded their authority in busing cases. But that is not good enough if Justice does not also urge a reopening of old cases.

He was wrong in calling for a moratorium on new busing—an immediate halt to all new busing—if he did not propose a halt to the busing that is going on now. I said in the House recently, and I say again, I am not willing to let my northern colleagues off the hook quite so easy, because if they are not faced with the problem of busing in their own districts they may not be around to help us solve our busing problem.

There does appear to be some hope in the proposed Equal Education Opportunity Act, but that is a long way off. If passed as the President has drafted it, we may be able to reopen some of our busing cases. Maybe Congress will act on this and maybe not. Maybe the Justice Department will intervene in some of the South's cases and maybe not. There are many "ifs" involved. But in any case, relief for those of us who already have busing will not come at an early date.

Mr. Speaker, we should push forward with legislation to permit us to reopen our cases, but we should not give up our efforts to secure a constitutional amendment.

In the final analysis, it looks as if the constitutional amendment is the only answer.

PEANUT FARMERS NEED ADDITIONAL "REAP" BENEFITS

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

Mr. DICKINSON. Mr. Speaker, agricultural experts universally acknowledge the fact that the peanut is one of the most important of our basic crops. The list of uses of the peanut is extensive, and the crop is a vital factor in the agricultural economy of southeast Alabama, the "Peanut Capital of the World," as it is in other States. As a general rule, the peanut farmer is not a large operator; his farm is of limited acreage and his income from peanuts is not great. However, he depends heavily on peanuts as a cash crop.

Mr. Speaker, peanut farmers need to be able to participate to a greater extent under the Department of Agriculture's rural environmental assistance program—REAP. Erosion is a continuing problem for peanut farmers for, after the crop is harvested around mid-August, there is no cover to protect the soil for some 7 months. Even with cotton or corn, there are root systems and grass to protect the topsoil, but not with peanuts.

There has been a considerable effort to reduce erosion by encouraging the planting of a permanent cover such as pine trees, but the peanut farmer's land is too valuable to convert to forest land. Long-range practices qualify others for a payment of 80 percent of the cost under the REAP program, but winter cover crops to protect the peanut farmer's land is funded at only 30 percent. This should be increased to at least 50 percent, I believe, and I have strongly recommended such a change to Secretary of Agriculture Earl Butz. I have also written to the chairman of the Subcommittee on Agriculture of the House Committee on Appropriations and urged that a change in this policy be made. I intend to personally testify on behalf of such a change before the subcommittee later in the year.

Mr. Speaker, short-range conservation practices such as winter cover crops are a vital part of the fight to protect the environment and prevent pollution of our streams by saving the topsoil. I am concerned because funds for temporary cover practices have been reduced. I hope we can reverse this policy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, D.C.,
March 17, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: Pursuant to the authority granted by the House on March 16, 1972, the Clerk received today the following message from the Secretary of the Senate:

That the Senate agreed to the conference report on S. 2907 entitled "An Act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the Resources of the Nation against the problem of drug abuse."

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

MINORITY BUSINESS OWNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-194)

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

To the Congress of the United States:

From its start, America has prided itself on being a land of opportunity.

In recent years, we have done much to press open new doors of opportunity for millions of Americans to whom those doors had previously been barred, or only half open. In jobs, housing, education, old obstacles are being removed. But for Blacks, Mexican-Americans, Puerto Ricans, Indians and other minorities who have known discrimination, economic opportunity must also increasingly be made to mean a greater chance to know the satisfactions, the rewards and the responsibilities of business ownership. Such opportunities are not only important in themselves; they also help make possible the economic and social advances that are critical to the development of stable and thriving communities on which the social and economic vitality of the Nation as a whole depend.

Despite a long history of frustration and lost potential, minority Americans want business ownership—and they should. Potential minority entrepreneurs are eager to join the mainstream of the Nation's commerce. Many need help in getting started—and increasing numbers are getting that help. A working coalition of the Government, the private sector and minority communities is moving rapidly to provide disadvantaged Americans with opportunities to own and control their own successful businesses.

The principal need of minority business today is for a greater supply of investment capital. Technical assistance, training, promotion and business opportunities are all fundamentally related to investment capital, that centripetal force which draws together the people, skills, equipment and resources necessary to operate a profitable business.

The coalition of public and private sectors and minority interests supporting disadvantaged business enterprise must be strengthened now, if we are to achieve the goal of generating the additional investment capital needed.

Today, therefore, I am turning to the Congress for its cooperation and help. I urge the approval by the Congress of the following:

—first, the Minority Enterprise Small Business Investment Act of 1972;
—second, a budget request for the Office of Minority Business Enterprise of $63.6 million for fiscal 1973:
—third, a variety of other small business legislation currently pending in Congress which will directly and collaterally aid minority enterprise.

THE PRESSING NEED

The Nation's Black, Spanish-speaking and Indian and other minorities constitute about one-sixth of the American population. Yet in 1967—the last year for which final figures are available—these American minorities accounted for well below one percent of the total business income of the Nation. Gross receipts of almost $1.5 trillion were reported in that year by all American businesses. Of this amount, minority-owned firms received only $10.6 billion, or less than one percent. In the United States today, there are more than 8 million businesses; minority Americans presently own only about 4 percent of these businesses, despite the fact that they constitute almost 17 percent of our population.

These statistics starkly summarize the gross disparity of the minority enterprise imbalance, but they do not adequately outline the broader effects on our society at large. The human cost, in terms of lost potential and lowered horizons, is immeasurable.

RESPONDING TO MINORITY NEEDS

Recognizing the need for Government incentives and leadership, I took steps in my first months in office to awaken the Federal establishment and the private sector to the potential for development of minority business. First, I established the Office of Minority Business Enterprise (OMBE) within the Department of Commerce to plan and coordinate comprehensive minority business development. Secondly, the Small Business Administration (SBA) undertook to increase minority participation in its many business programs. Thirdly, I directed all Federal departments and agencies to respond to the aspirations and needs of minority entrepreneurs, particularly by use of their procurement powers.

PROGRESS REPORT

I am pleased to report to the Congress that our efforts to stimulate the Federal Government and private sector have been highly productive. A comprehensive statement of accomplishments was published in January of this year entitled, "Progress of the Minority Business Enterprise Program." Let me summarize the highlights of that report for you and outline our current status.

Office of Minority Business Enterprise. Only the private sector working with the Government can reverse a century's discouragement of minority enterprise; the Government cannot do it alone. The Nation's established corporations, financial institutions, professional associations, foundations, and religious organizations are indispensable to meet the demand of minority businessmen for seed capital, operating funds, suppliers, markets, expert technical and management assistance and related business essentials.

Three years ago, there were no precedents, no rule books, no methods, no blueprints on how to focus the resources of these groups on a common objective. OMBE's greatest achievement during these past three years has been to forge an alliance of Government, private sector and minority business interests. The Office has succeeded in launching a carefully contoured, integrated set of programs that will work to engage minority entrepreneurs fully in our Nation's economic life.

Gains. Since the establishment of OMBE, American minorities have gained greater access to both Government and private sector contracts and concessions, business loans and loan guarantees, technical and management assistance, and other business aid. This access has been developed without reducing programs available to non-minority small businessmen. Federal assistance, channeled through these vehicles, has been enlarged from less than $200 million in 1969 to some $700 million currently, and the $1 billion threshold for fiscal 1973—five times the 1969 level—is within reach. New markets have been opened as minority suppliers and businessmen have expanded their operations and sales in unprecedented volume.

Funding OMBE and SBA. Our efforts on behalf of minority business secured substantial congressional approval, and OMBE was appropriated a supplemental budget increase of $40 million for the last six months of fiscal 1972, as I requested. I am hopeful that both the House and Senate will give favorable consideration to our present request for a fiscal 1973 OMBE budget of $63.6 million to provide urgently needed technical and management assistance to minority business. Together, these budgets will total more than $100 million. This figure offers a dramatic index of the commitment of this Administration to the purposes of an Office which was originally funded for fiscal year 1972 with less than four million dollars.

OMBE is a coordinating agency of the Federal Government, and as such does not itself engage directly in business financing. Direct loans, loan guarantees, surety bonding, lines of credit, and contract set-asides are supplied by the Small Business Administration (SBA) to small businessmen, including minority businessmen.

THE IMMEDIATE NEED: MESBIC LEGISLATION

Enactment of the Administration's proposed Minority Enterprise Small Business Investment Act of 1972 would give major impetus to the minority enterprise program, and would create a more productive mechanism to achieve its objectives.

Background. When the Congress passed the Small Business Investment Act of 1958, it recognized that small business

generally lacks seed money and working capital. To give incentives for small business investment, the act empowered SBA to license "Small Business Investment Companies" (SBICs). Such companies are private investment institutions capitalized at a minimum of $150,000 from private sources. SBICs are eligible to borrow from SBA at an incentive ratio of $2 from SBA for every $1 of its private capital. Thus, a $150,000 SBIC can borrow $300,000 from SBA for investment in its own account. Also, after it raises $1 million in private capital, a SBIC is eligible to borrow $3 from SBA for every $1 of private capital.

Because of these incentives, substantial amounts of private capital have been invested in small business through SBICs. More than 40,000 small business financings have been completed by SBICs from the program's inception, totaling $1.9 billion in risk capital. *But only a small fraction of that amount has gone into minority businesses,* because usually risks and costs are even higher for minority small businesses than for small businesses generally.

MESBICS

To fill the need for minority enterprise high risk capital, the SBA evolved the *Minority Enterprise* Small Business Investment Company (MESBIC). A MESBIC is a specialized SBIC: 1) it limits its investment to minority enterprises; 2) it is supported by financially sturdy institutional sponsors; 3) it is underwritten in large part by its sponsors.

In 1969 OMBE joined with SBA in launching a national network of MESBICs and SBA licensing and regulating MESBICs and OMBE promoting them. Today, 47 MESBICs operate throughout the Nation with private funds totaling in excess of $14 million. Since MESBIC seed capital has the potential of freeing $15 for investment in minority enterprises for every one privately invested dollar, more than $210 million is currently available through this program. All this is achieved at relatively low cost to the Government.

MESBICs have the potential of becoming sophisticated investment companies, knowledgeable in the peculiar problems of minority business investment, and able to bring sound business principles and practices to their tasks. Seeking a fair return on investment, MESBICs can act effectively to raise the success prospects of portfolio companies.

MESBIC Limitations. Despite the proven values of the MESBIC mechanism, it labors under burdens which endanger further development. The cost of administering minority business investments and the risk of early loss are both very high. Moreover, the short term success pattern of minority businesses has not been sufficiently encouraging to enable them to attract equity investment in normal competitive markets. But the recent successes of minority enterprises have shown that they can compete if they are given enough equity assistance to carry them through this early period.

THE MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT ACT OF 1972

The primary object of my message today is to urge that the proposed Minority Enterprise Small Business Investment Act be acted on favorably and with dispatch by the House in its upcoming small business hearings. This act will restructure SBA financing of MESBICs so that they can operate on a fiscally sound basis.

Provisions of the Act. The legislation proposes a statutory definition of a MESBIC and authority to organize it as a nonprofit corporation. This status would facilitate foundation investments and tax-deductible gifts to MESBICs.

Building on our experience with SBICs and MESBICs, the act would reduce the level of private capital required to qualify for $3 to $1 assistance from SBA, from $1 million to $500,000; provide increased equity to MESBICs in the form of preferred stock to be purchased by SBA in place of part of the debt instruments purchased by SBA from MESBICs under current law; and lower the interest rate on SBA loans to MESBICs to three points below the normal rate set by the Treasury during the first five years of the loan.

Restructuring Effects of the Act. The immediate impact of this legislation would be to materially restructure the MESBIC program and stimulate increased private investment and gifts to MESBICs, resulting in greatly increased capital for minority business enterprises, at startlingly small Federal cost.

The legislation would: Lower the high cost of starting the investment program of a MESBIC; allow MESBICs to take advantage of full SBA financing; enable MESBICs to invest more in equity securities and to reduce interest rates to portfolio companies; provide special incentives to existing smaller MESBICs which have pioneered the program.

In the act, I am proposing a fairer partnership between the private and public sectors—a partnership that would yield enabling capital for minority enterprise. The MESBIC program is sound, practical and necessary. It equitably extends our free enterprise system by making it work for all Americans.

CONCLUSION

Opening wider the doors of opportunity for one-sixth of our people is a social necessity, which responds to an imperative claim on our conscience. It also is an economic necessity. By stimulating minority enterprise—by permitting more of our people to be more productive, by creating new businesses and new jobs, by raising the sights and lifting the ambitions of millions who are enabled to see that others who started under handicaps like theirs are writing records of economic success—we help to stimulate the whole economy.

I therefore urge the Congress to give its swift approval to the Minority Enterprise Small Business Investment Act of 1972, to my fiscal year 1973 budget request for $63.6 million for OMBE, and to our other small business proposals currently pending in the Congress.

Hard work, private risk, initiative, and equal chance at success—these are the American way. Helping ensure for all of our people an opportunity to participate fully in the economic system that has made America the world's strongest and richest nation—this too is the American way. And this lies at the heart of our program for minority enterprise.

RICHARD NIXON.

THE WHITE HOUSE, *March 20, 1972.*

A ROLLBACK OF THE CLOCK ON CIVIL RIGHTS

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

Mr. RYAN. Mr. Speaker, the President's message on busing will only serve to further polarize and divide America. It is unfortunate that, instead of calling for compliance with the law of the land as established in a line of Federal court decisions starting with the decision by the Supreme Court in Brown against Board of Education in 1954, he has chosen to thwart the implementation of that historic decision and aline himself with those who would make political capital out racial distrust and discord.

The words of the President on the highly emotional issue of busing are tantamount to a new doctrine of nullification. Instead of offering the moral leadership which the Nation requires at this difficult time, he is catering to those who would roll back the clock on civil rights.

The proposed antibusing legislation which would impose a moratorium on all new or additional busing orders is of doubtful constitutionality. To suggest that Congress legislate a ban on the power of the Federal courts to fashion decrees to carry out the Supreme Court desegregation decision is to provoke a confrontation between the judicial and legislative branches. Rather than create a constitutional crisis, the President should uphold the Supreme Court.

THE PRESIDENT HAS FLUNKED THE TEST

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

Mr. CORMAN. Mr. Speaker, on March 16, the President of the United States, while discussing school integration, told the American people:

> The way we handle this difficult issue is a supreme test of the character, the responsibility and the decency of the American people.

After listening to the entire speech, I fear the President has flunked the test.

REHABILITATION ACT OF 1972

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services and for vocational evaluation and work adjustment, to authorize grants for rehabilitation services to those with sensory disabilities, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1972".

TABLE OF CONTENTS

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to authorize a program to assist in—

(a) developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services to handicapped individuals;

(b) rehabilitating handicapped individuals so that they may prepare for and engage in gainful employment to the extent of their capabilities;

(c) developing new and innovative programs of vocational rehabilitation services; and

(d) initiating and expanding services to groups of handicapped individuals.

ADVANCE FUNDING

SEC. 3. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 4. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency or organization assisted under this Act, any one Federal agency may be designed to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

CONSOLIDATED REHABILITATION PLAN

SEC. 5. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation program, the State may submit a consolidated rehabilitation plan which includes the State's program of vocational rehabilitation services, its program for evaluation of the rehabilitation potential of handicapped and other disadvantaged individuals, and its programs of services to the severely handicapped under this Act, and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970, except that a separate consolidated rehabilitation plan may be submitted for the blind.

(b) A consolidated rehabilitation plan must comply with all requirements imposed by the applicable individual titles of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

(c) If the Secretary finds that the requirements of subsections (a) and (b) are satisfied, he shall approve the plan, which shall serve in all respects as the substitute for the separate plans which would otherwise be requested with respect to each of the programs included therein.

(d)(1) If the Secretary finds, after notice and opportunity for a hearing to a State, that a program included in its plan approved under this section no longer complies with all applicable requirements, that program may no longer be included within the plan until the Secretary is satisfied that it meets such requirements.

(2) If the statute authorizing the assistance for the program referred to in paragraph (1) requires notice and opportunity for hearing before suspension or termination of assistance or any other such sanction may be imposed, the notice and opportunity for hearing afforded pursuant to paragraph (1) may, at the option of the Secretary, be deemed to have been provided pursuant to the requirements in the statute under which such assistance is extended.

(e) Notwithstanding any other provision of Federal law—

(1) the Secretary may, upon request of the Governor, establish a single Federal share for expenditures under the plan based on (A) the Federal share or shares applicable to the various programs included in the plan, and (B) the total expenditures which may be claimed for Federal financial participation with respect to each such program, and

(2) the Governor may transfer an amount, not in excess of 10 per centum of the Federal assistance available to the State with respect to any program included in the plan for any fiscal year, for use in carrying out one or more other such programs in the same fiscal year provided that there is no diminution of State effort in the program receiving the transfer.

(f) Any Federal assistance transferred pursuant to subsection (e) shall be subject to the non-Federal share requirements applicable to such assistance prior to such transfer.

DEFINITIONS

SEC. 6. For the purposes of this Act—

(a) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

(b) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(c) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands and for such purposes the appropriate State agency designated as provided in section 105(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(d)(1) The "allotment percentage" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more han 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

TITLE I—VOCATIONAL REHABILITATION SERVICES

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) In order to make grants to States under section 103 to assist them in meeting costs of vocational rehabilitation services, and in carrying out the State plan

under section 105, there is authorized to be appropriated $800,000,000 for the fiscal year ending June 30, 1973, $950,000,000 for the fiscal year ending June 30, 1974, and $1,100,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making grants under section 104, relating to grants to States and public and private nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals, there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 103. (a) For each fiscal year State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by subsection (a) of section 102 for meeting the cost of vocational rehabilitation services, as the product of (1) the population of the State and (2) the square of its allotment percentage (as defined in section 6) bears to the sum of the corresponding products for all States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 102(a) or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) For each fiscal year the Secretary shall pay to each State an amount equal to the Federal share (determined as provided in section 106(f) of the cost of vocational rehabilitation services under the plan for such State approved under section 105, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by section 105(a)(14), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources (except for expenditures with respect to which the State is entitled to payments under section 104) during such year are less than such expenditures under such plan for the fiscal year ending June 30, 1969.

(c) For the purpose of determining the amount of payments to States for carrying out this section with respect to expenditures under State plan approved under section 105, and for section 104, State funds shall, subject to such limitations and conditions as may be prescribed in regulations of the Secretary, include contributions of funds made by any private agency, organization, or individual to a State to assist in meeting the costs of construction or establishment of a public or other nonprofit rehabilitation facility, which would be regarded as State funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

(e) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such section for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such section was greater or less than the amount which should have been paid to the State for such prior period under such section. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

GRANTS TO STATES TO INITIATE OR EXPAND SERVICES

SEC. 104. (a)(1) From the sums available for any fiscal year for grants to States to assist them in meeting the costs described in paragraph (2) of this subsection, each State shall be entitled to an allotment of an amount bearing the same ratio to such terms as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

(2) From each State's allotment under this section for any fiscal year, the Secretary shall pay to such State or, at the option of the State agency designated according to section 105(A)(1), to a public or private nonprofit organization or agency a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 105 to exand vocational rehabilitation services, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, and responsibility for whose treatment education, and rehabilitation is shared by the State agency designated in section 105(a)(1) with other agencies. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated in section 105(a)(1).

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the close of June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or private agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary; and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

(d) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under secion 103.

(e) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

STATE PLANS

SEC. 105. (a) In order to be approved by the Secretary under this title, a State plan for vocational rehabilitation services shall—

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State blind commission or other agency which provides assistance or services to the adult blind, is authorized to provide them vocational rehabilitation services, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of section 105(a)(4) that the plan be in effect in all political subdivision of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or if there are two State agencies designated under subparagraph (A) so much of the State plan as does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in paragraph (1)(B)(i)—

(A) that the State agency designated pur-

suant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B) (i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in paragraph (1) (B) (ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to paragraph (1), such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this paragraph (2) applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and its political subdivisions;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or group of handicapped individuals the Secretary may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a political subdivision of the State (including, to the extent permitted by such regulations, funds contributed to such subdivision by a private agency, organization, or individual);

(5) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision, and in case vocational rehabilitation services cannot be provided all eligible handicapped individuals who apply for such services, show the order to be followed in selecting those to whom vocational rehabilitation services will be provided;

(6) provide such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

(7) contain (A) provisions relating to the establishment and maintenance of personnel standards, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance, of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(8) provide that evaluation of rehabilitation potential, counseling and guidance, personal and vocational adjustment, training, maintenance, physical restoration, placement and follow-up and follow-along services will be provided under the plan;

(9) for subsequent program evaluation, contain a clear statement of the goals of the services to be provided under the plan. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification;

(10) provide that the State agency will make such reports in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this title, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(11) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, services to the severely handicapped programs, manpower programs, public employment offices, the Social Security Administration (Department of Health, Education, and Welfare), and of other Federal, State and local public agencies providing services related to rehabilitation of the handicapped;

(12) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons;

(13) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(14) provide for continuing statewide studies of the needs of handicapped individuals and how these may be most effectively met (including the State's needs for rehabilitation facilities);

(15) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of subsections (b) (1), (2), and (4), and (e) of section 405 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations of the Secretary designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction.

(16) provide satisfactory assurance to the Secretary that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals who are recipients of vocational rehabilitation services, professionals working in the field of vocational rehabilitation, and individuals who are providers of vocational rehabilitation services.

(b) The Secretary shall approve any plan which the Secretary finds fulfills the conditions specified in subsection (a) of this section.

(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision;

the Secretary shall notify such State agency that no further payments will be made to the State under sections 103 and 104 (or in his discretion, that further payments will not be made to the State for projects under or parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under sections 103 and 104 (or shall limit payments to projects under or parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Secretary's action under subsection (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of the Administrative Procedure Act.

DEFINITIONS

SEC. 106. For the purposes of this Act—

(a) (1) The term "vocational rehabilitation services" means the following services:

(A) evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

(B) counseling, guidance, and placement services for handicapped individuals, including follow-up, follow-along, and other post-employment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure services from other agencies, when needed services are not available under this Act;

(C) training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials;

(D) reader services for the blind and interpreter services for the deaf: And provided further, That in determining whether an individual is blind, there shall be an examination by a physician skilled in the disease of the eye and/or by an optometrist, whichever the individual may select; and

(E) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment.

(2) Such term also includes, after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance, the following services and goods provided to, or for the benefit of, a handicapped individual—

(A) physical restoration services, including but not limited to, (i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial barrier to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (ii) necessary hospitalization in connection with surgery or treatment, (iii) prosthetic and orthotic devices, (iv) eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, (v) special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage rental disease;

(B) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(C) occupation licenses, tools, equipment, and initial stocks and supplies;

(D) transportation in connection with the rendering of any other vocational rehabilitation service;

(E) any other goods and services necessary to render a handicapped individual employable; and

(F) services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals.

(3) Such term includes the following services and goods provided for the benefit of groups of individuals—

(A) in the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending stands or other equipment and initial stocks and supplies; and

(B) the construction or establishment of public or other nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual.

(b) The term "handicapped individual" means any individual who (1) has a physical or mental disability which constitutes a handicap to employment and (2) can reasonably be expected to benefit from rehabilitation services. Nothing in the preceding provisions of this subsection or in subsection (a) shall be construed to exclude from "vocational rehabilitation services" any goods or services provided to an individual who is under a physical or mental disability and who has a substantial handicap to employment, during the period, not in excess of eighteen months in the case of any individual who has a severe handicap, or twelve months in the case of an individual suffering from end stage renal disease, or six months in the case of an individual with any other disability, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of, ascertaining whether it may reasonably be expected that such individual will be rendered fit to engage in a gainful occupation through the provision of goods and services described in subsection (a), but only if the goods or services provided to him during such period would constitute "vocational rehabilitation services" if his disability were of such a nature that he would be a "handicapped individual" under such preceding provisions of this subsection.

(c) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to, or gainful employment for, handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (2) testing, fitting, or training in the use of prosthetic and orthotic devices, (3) preconventional conditoning or recreational therapy, (4) physical and occupational therapy, (5) speech and hearing therapy, (6) psychological and social services, (7) evaluation, (8) personal and work adjustment, (9) vocational training (in combination with other rehabilitation services), (10) evaluation or control of special disabilities, and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; but all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

(d) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(e) Establishment of a rehabilitation facility means (1) the expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may, my regulation, prescribe in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), (2) initial equipment of such buildings, and initial staffing thereof (for a period not to exceed four years and three months).

(f) The term "Federal share" means 80 per centum except that with respect to payments pursuant to section 103(b) to any State which are used to meet the costs of construction of rehabilitation facilities (as provided in section 106(a)(3)(B) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 405(c) applicable with respect to that State).

(g) The term "construction" means the construction of new buildings, the acquisition of existing buildings, initial equipment of such new buildings or newly acquired buildings, and initial staffing thereof (for a period not to exceed four years and three months), and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(h) The term "local agency" means an agency of a unit of general local government (or combination of units) which has an agreement with the State agency designated in section 105(a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 105. Nothing in the preceding provisions of this subsection or in section 105 shall be construed to prevent the local agency from utilizing another local public or private nonprofit agency to provide vocational rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in the first sentence of this subsection.

TITLE II—EVALUATION OF REHABILITATION POTENTIAL

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to authorize grants to States to assist them in evaluating the rehabilitation potential of handicapped and other disadvantaged individuals including the vocational evaluation and work adjustment of disadvantaged individuals.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. In order to make grants to carry out the purposes of section 201, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 203. (a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by section 202 for meeting the costs described in subsection (b) of this section, as the product of (1) the population of the State, and (2) its allotment percentage (as defined in section 6) bears to the sum of the corresponding products for all the States. The allotment to any State under the first sentence of this subsection for any fiscal year which is less than $100,000 (or such amount as may be specified as a minimum allotment in the Act appropriating sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this subsection but with such adjustments as may be necessary to prevent the allotment of any remaining States from being thereby reduced to less than that amount.

(b) The Secretary shall pay to each State an amount equal to 90 per centum of the cost of carrying out the purposes of this title under a plan of such State approved under section 204, including the cost of evaluation and work adjustment services furnished by the designated State vocational rehabilitation agency or agencies for other agencies providing services to disadvantaged individuals under another evaluation program of the State, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) for such year. The cost of evaluation and work adjustment services shall not include any amounts paid by another public or private agency for the provision of such services.

(c) Whenever the State plan approved in accordance with section 204 provides for participation of more than one State agency in administering or supervising the administration of the State plan, the State may apportion its allotment between such agencies.

(d) No payment may be made from an allotment under this title with respect to any cost with respect to which any payment is made under any other title of this Act.

(e) Payments under this section may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

STATE PLANS

SEC. 204. (a) The Secretary shall approve a State evaluation and work adjustment plan which—

(1) designates as the State evaluation and work adjustment agency the same agency or agencies designated under section 105(a)(1) of this Act;

(2) provides for financial participation by the State, which may include non-Federal funds donated to the State;

(3) shows the plan, policies, and methods to be followed in providing services under the State evaluation and work adjustment plan and in its administration and supervision, and, in case evaluation and work adjustment services cannot be provided all disadvantaged individuals who apply for such services, shows the order to be followed in selecting those to whom evaluation and work adjustment services will be provided;

(4) provides such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

(5) contains provisions relating to the establishment and maintenance of personnel standards and the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of evaluation and work adjustment services consistent with the provisions of the State plan for vocational rehabilitation services;

(6) provides that evaluation and work adjustment services will be provided without regard to whether or not the disadvantaged individual is in financial need except to the extent provided for under paragraph (3);

(7) for subsequent program evaluation, contain a clear statement of the goals of the services to be provided under the plan. These goals shall be listed in order of priority and

stated as much as possible in a form amenable to quantification;

(8) provides that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require to carry out his functions under this title, and comply with such provisions, as he may from time to time find necessary to assure the correctness and verification of such reports;

(9) provides for cooperation by the State agency with other public and private agencies concerned with disadvantaged individuals and joint undertakings to further the effectiveness of evaluation and work adjustment services for such individuals.

(b) The Secretary shall discontinue payments under this section in the same manner and on the same basis as he is required by Section 105(c) to discontinue payments under title I, and judicial review of such action shall be had in the same manner as is provided in section 105(d) for similar action taken by him under 105(c).

DEFINITIONS

SEC. 205. (a) As used in this title, the term "disadvantaged individuals" means (1) handicapped individual as defined in section 106(b) of this Act, (2) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment, and (3) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of an individual described in clause (1) or (2).

(b) "Evaluation and work adjustment services" include, as appropriate in each case, such services as—

(1) a preliminary diagnostic study to determine that the individual is disadvantaged, has an employment handicap, and that services are needed;

(2) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(3) services to appraise the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(4) any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services available to disadvantaged individuals;

(5) outreach, referral, and advocacy; and

(6) the administration of these evaluation and work adjustment services.

TITLE III—COMPREHENSIVE SERVICES TO THE SEVERELY HANDICAPPED

PURPOSE

SEC. 301. The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of severely handicapped individuals, including the assessment of disability and rehabilitation potential and the training of specialized personnel needed for the provision of services to the severely handicapped and research related thereto.

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. In order to make grants to carry out the purposes of section 301, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $80,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS

SEC. 303. (a) From sums appropriated to carry out the provisions of section 301 for each fiscal year, less the amounts reserved by the Secretary for projects under section 308, each State shall be entitled to an allotment of amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage (as defined in section 6) bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more of the States which he determines will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

STATE PLANS

SEC. 304. As a condition for receiving grants under this title, a State must submit to the Secretary a plan for provision of comprehensive services to severely handicapped individuals. Such plan shall designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer programs funded under this title. The plan shall describe the quality, scope, and extent of the services being provided and shall conform to such other requirements as may be prescribed by the Secretary in regulations, but in any event shall demonstrate that the State has studied and considered a broad variety of means for providing comprehensive services to severely handicapped individuals, including but not limited to, regional and community centers, half-way houses, and patient-release programs, where such programs are appropriate and beneficial.

PAYMENTS TO STATES

SEC. 305. (a) From each State's allotment for a fiscal year under section 303, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 304. Such payments may be made (after necessary adjustments on acount of previously made overpayments or underpayments) in advance or by way of reimbursement and in such installments and on such conditions as the Secretary may determine.

(b) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision thereof shall, subject to such limitations and conditions as may be prescribed by regulations, be regarded as expenditures by such State.

(c) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State plan approved under section 304.

DEFINITIONS

SEC. 306. For the purposes of this part—

(a) The term "severely handicapped individual" means any individual who (1) is under a physical or mental disability so serious that it limits substantially his ability to function in his family and community as one without such serious disability may be expected to function, and, (2) who, with the assistance of comprehensive rehabilitation services can reasonably be expected to improve substantially his ability to live independently and function normally in his family and community.

(b) The term "comprehensive rehabilitation services" means any appropriate vocational rehabilitation service as defined in title I of this Act and any other service that will make a substantial contribution in helping the severely handicapped individual improve his ability to live independently or function normally with his family and community. It also includes preventive and restorative sources which will diminish the present or prospective need of a severely handicapped individual for comprehensive rehabilitation services.

SPECIAL PROJECTS

SEC. 307. From sums appropriated under section 302, the Secretary may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to the States and public and other nonprofit organizations to pay part of the cost of the projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of severely handicapped individuals common to all or several States.

NONDUPLICATION

SEC. 308. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 304 there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to—

(a) provide for the general administration of this Act.

(b) authorize grants to assist in the construction and improvement of rehabilitation facilities;

(c) authorize grants for special projects which hold promise of making a substantial contribution to the solution of rehabilitation problems common to all or several States or which experiment with new services or new patterns of services for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals);

(d) establish a National Information and Resource Center for the Handicapped;

(e) establish and operate a National Center for Deaf-Blind Youths and Adults;

(f) establish and operate Comprehensive

Rehabilitation Centers for Deaf Youths and Adults;

(g) establish a National Commission on Transportation and Housing of the Handicapped;

(h) establish National Centers for Spinal Cord Injured;

(i) provide services for the treatment of individuals suffering from end stage renal disease.

AUTHORIZATION OF APPROPRIATIONS

SEC. 402. (a) There are hereby authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(b) For the purpose of making grants and contracts under this title for construction and for rehabilitation facility improvement and related purposes, there is authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975. Sums so appropriated shall remain available for payment with respect to construction projects approved or initial staffing grants made under this title prior to July 1, 1977.

(c) For the purpose of making grants under this title for special projects, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $125,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975. There is hereby authorized to be appropriated for the purpose of funding the grants authorized in section 408(d) not to exceed $10,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter.

(d) For the purpose of establishing and operating a National Information and Resource Center for the Handicapped, there is authorized to be appropriated $750,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter such sums as may be necessary.

(e) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated such sums as may be necessary for each fiscal year.

(f) For the purpose of establishing and operating Comprehensive Rehabilitation Centers for Deaf Youths and Adults, there is authorized to be appropriated such sums as may be necessary for each fiscal year.

(g) For the purpose of establishing a National Commission on Transportation and Housing for the Handicapped and carrying out its functions there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years, the sum of $250,000 for each of such fiscal years.

(h) For the purpose of making grants and contracts as set forth in section 412 (National Center for Spinal Cord Injuries) there is authorized to be appropriated such sums as may be necessary.

(i) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years, the sum of $25,000,000 for vocational rehabilitation services for handicapped individuals suffering from end stage renal disease.

ADMINISTRATION

SEC. 403. (a) In carrying out his duties under this Act, the Secretary shall—

(1) cooperate with, and render technical assistance (directly or by contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation; and

(3) disseminate information relating to vocational rehabilitation services, and otherwise promote the cause of rehabilitation of handicapped individuals and their greater utilization in gainful and suitable equipment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this Act, and to delegate to any officer or employee of the United States such of his powers and duties, except the making of rules and regulations, as he finds necessary in carrying out the purposes of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct research, studies, investigations, demonstrations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation and other environmental and attitudinal barriers to their rehabilitation, including the problems of the homebound and the elderly blind.

(d) The Secretary is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations of the Secretary) as may be necessary for such individuals to continue to engage in such employment;

(e) (1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof to provide technical assistance (A) to rehabilitation facilities, and (B) in the case of removal of architectural barriers to any public or private agency or institution.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) Annual reports shall be made to the Congress by the Secretary as to the administration of this Act.

PROMOTION OF EMPLOYMENT OPPORTUNITIES

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall cooperate in developing, and in recommending to the appropriate State agencies, policies and procedures which will facilitate the placement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, and, together with the chairman of the President's Committee on Employment of the Handicapped, shall develop and recommend methods which will assure maximum utilization of services which that committee, and cooperating State and local organizations, are able to render in promoting job opportunities for such individuals.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 405. (a) The Secretary is authorized to make grants to assist in meeting the costs of construction of public or other nonprofit rehabilitation facilities. Such grants may be made to States and public and other nonprofit organizations and agencies for projects for which applications are approved by the Secretary under this section.

(b) To be approved, an application for a grant for a construction project under this section must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or other nonprofit rehabilitation facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use as a rehabilitation facility;

(2) be accompanied or supplemented by plans and specifications which comply with regulations of the Secretary relating to minimum standards of construction and equipment, and with regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities;

(3) be approved, in accordance with regulations of the Secretary, by the appropriate State agency designated as provided in section 105(a)(1);

(4) for subsequent program evaluation, contain a clear statement of rehabilitation objectives for the facilities to be constructed under the grant. These objectives shall be listed in order of priority and stated as much as possible in a form amenable to quantification;

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(g)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to section 645(b)(2) of such Act (42 U.S.C. 291o(b)(1)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations of the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(d) Upon approval of any application for a grant for a construction project under this section, the Secretary shall reserve from any appropriation available therefor, the amount of such grant determined under subsection

(c); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. In case an amendment to an approved application is approved or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(e) If, within twenty years after completion of any construction project for which funds have been paid under this section, the rehabilitation facility shall cease to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(f) The Secretary is also authorized to make grants to assist in the initial staffing of any public or other nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations of the Secretary) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(g) The Secretary is also authorized to make grants upon application approved by the appropriate State agency designed under section 105(a)(1), to public or other nonprofit agencies, institutions, or organizations to assist them in meeting the costs of planning rehabilitation facilities and the services to be provided thereby.

(h) Payment of grants under subsection (f) or (g) may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

(i) For purposes of this title—

(1) "construction" includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings;

(2) the "cost" of construction includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements; and

(3) a project for construction of a rehabilitation facility which is primarily a workshop may include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of individuals with developmental disabilities or such other categories of handicapped individuals as the Secretary may designate.

MORTGAGE INSURANCE FOR MULTIPURPOSE REHABILITATION FACILITIES

SEC. 406. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the handicapped.

(b) For the purpose of this part the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Seceretary, who demonstrates ability successfully to operate one or more programs for the handicapped. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Rehabilitation Facilities Insurance Fund, and shall be redemmed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose rehabilitation facilities, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

(5) In the plans for such Multipurpose Rehabilitation Facilities, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Rehabilitation Facilities Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Rehabilitation Facilities Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Multipurpose Rehabilitation Facilities Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Multipurpose Rehabilitation Facilities Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection

with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

ANNUAL INTEREST GRANTS

SEC. 407. (a) To assist States and public and nonprofit private agencies to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: Provided, That the amount on which such grant is based shall be approved by the Secretary.

(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $1,000,000 which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000 on July 1, 1975.

(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

REHABILITATION FACILITY IMPROVEMENT

SEC. 408. (a) (1) The Secretary is authorized to make grants to States and public and other nonprofit organizations and agencies to pay 90 per centum of the cost of projects for providing training services to handicapped individuals in public or other nonprofit rehabilitation facilities.

(2) (A) Training services for purposes of this subsection, shall include training in occupational skills; related services, including work evaluation, work testing, provisions of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $65, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's fitness to engage in a remunerative occupation.

(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals for a gainful occupation; (B) the individuals to receive training services under such project will include only individuals who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 105(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe for carrying out the purposes of this subsection.

(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

Rehabilitation Facility Improvement Grants

(b) (1) The Secretary is authorized to make grants to public or other nonprofit rehabilitation facilities to pay part of the cost of projects to analyze, improve, and increase their professional services to the handicapped, their business management, or any other part of their operations affecting their capacity to provide employment and services for the handicapped.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

(3) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

National Policy and Performance Council

(c) (1) There is hereby established in the Department of Health, Education, and Welfare a National Policy and Performance Council, consisting of twelve members, not otherwise in the regular full-time employ of the United States appointed by the Secretary without regard to the civil service laws. Three members of such Council shall be handicapped individuals. The Secretary shall from time to time appoint one of the members to serve as Chairman. The appointed members shall be selected from among leaders in the vocational rehabilitation or workshop fields, State or local government, and business and from among representatives of related professions, labor leaders, and the general public. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twelve members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

(2) The Council shall (A) advise the Secretary with respect to the policies and criteria to be used by him in determining whether or not to make grants under subsection (a) for a rehabilitation facility which is a workshop; (B) make recommendations to the Secretary with respect to workshop improvement and the extent to which this section is effective in accomplishing this purpose; and (C) perform such other services with respect to workshops as the Secretary may request.

(3) The Secretary shall make available to the Council such technical, administrative, and other assistance as it may require to carry out its functions.

(4) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Safety Standards

(d) The Secretary shall make no grant under this section to any rehabilitation facility which does not comply with safety standards which the Secretary of Labor shall prescribe by regulation.

Special Study

(e) The Secretary shall conduct a study of the sources of income and other financial support presently being received by handicapped persons employed in workshops, to include wages earned in the workshops and the manner and extent to which such earned income is augmented from other personal, public, and voluntary sources. A report of such study, together with recommendations, will be furnished to the Congress not later than July 1, 1973.

SPECIAL PROJECTS

SEC. 409. (a). From the sums available therefor for any fiscal year, the Secretary shall make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of (1) projects for research, demonstrations, training, and traineeships including a biomedical engineering research program, international rehabilitation research, training and technical assistance, and projects for the establishment of special facilities and services, which, in the judgment of the Secretary, hold promise of making a substantial contribution to the solution of rehabilitation problems common to all or several States, and problems related to the rehabilitation of individuals with developmental disabilities and other severe handicaps and (2) projects which experiment with new services or new patterns of services (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals). Grants for training and traineeships under clause (1) of this subsection may include training and traineeships in physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics, and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation of the handicapped or to the rehabilitation of individuals with developmental disabilities and other severe handicaps. No grant shall be made under clause (1) or clause (2) of this subsection for furnishing to an individual any one course of study extending for a period in excess of four years. Any grant of funds under this subsection which will be used for direct services to handicapped individuals or for establishing facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency.

(b) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary; and shall be made on such condition as the Secretary finds necessary to carry out the purposes of this section.

(c) (1) There is hereby established in the

Department of Health, Education, and Welfare a National Advisory Council on Vocational Rehabilitation consisting of the Secretary, or his designee, who shall be Chairman and fifteen members appointed without regard to civil service laws by the Secretary. The fifteen appointed members shall be leaders in fields concerned with vocational rehabilitation or in public affairs, including leading medical, educational, or scientific authorities who are outstanding for their work in the vocational rehabilitation of handicapped individuals. At least one-third of the appointed members shall be recipients of rehabilitation services including those who are severely handicapped. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such fifteen members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

(2) The Council is authorized to review applications for special projects submitted to the Secretary under this section and recommend to the Secretary for grants thereunder any such projects or any projects initiated by it which it believes show promise of making valuable contributions to the vocational rehabilitation of handicapped individuals. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of this section, for such periods, in addition to conference periods, as he may determine.

(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(4) The Secretary shall transmit to the Congress annually a report concerning the special projects initiated under this section, the recommendations of the National Advisory Council on Vocational Rehabilitation, and any action taken with respect to such recommendations.

(d) The Secretary is authorized to make grants to any State agency designated pursuant to a State plan approved under section 105, or to any local agency participating in the administration of such a plan, for not to exceed 90 per centum of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of that individual. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactroy assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public and private nonprofit agencies having special skills and experience in the provision of services to migratory agricultural workers or their families. This section shall be administered in coordination with other provisions of law dealing specifically with migrant agricultural workers, including title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963.

(e) If the funds appropriated for a fiscal year for making the grants authorized in subsection (d) are not sufficient to pay at least 66⅔ per centum of the total amounts which the Secretary estimates would be needed to fund the applications he has approved (subject to the availability of appropriations) under subsection (d), he shall allocate, for grants under that subsection, funds appropriated for other activities under this Act in the proportion that the amount he estimates to be required for each such other activity bears to the total amount he estimates to be required for all such other activities. In the event that the amount the Secretary allocates for subsection (d) under this provision exceeds the total amount he finds needed to disburse to grant applicants under that subsection, or if additional amounts become available for carrying out that subsection, the Secretary shall reallocate any such excess to the activities for which they were originally allocated, in the same proportions as provided above.

NATIONAL INFORMATION AND RESOURCE CENTER

SEC. 410.(a)(1) There is hereby established, within the Office of the Secretary of the Department of Health, Education, and Welfare, a National Information and Resource Center (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b)(1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped, including the handicapped aged.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c)(1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 411. (a) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training such personnel who have been or will be working with the deaf-blind;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, the deaf-blind; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of the deaf-blind; the Secretary is authorized to enter into an agreement with any public or nonprofit private agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind which shall be known as the National Center for Deaf-Blind Youths and Adults.

(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of the National Center for Deaf-Blind Youths and Adults, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the deaf-blind.

(c) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Center will be used only for the purposes for which paid and in accordance with the applicable provisions of this section and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate;

(3) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(4) for subsequent program evaluation, include a clear statement of the objectives of the Center. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification; and

(5) include such other conditions as the Secretary deems necessary to carry out the purposes of this section.

(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

COMPREHENSIVE REHABILITATION CENTERS FOR DEAF YOUTHS AND ADULTS

SEC. 412.(a) In order to—

(1) demonstrate methods of (A) providing the specialized comprehensive in-depth services needed to rehabilitate low (under) achieving deaf persons, and (B) training the professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with the low (under) achieving deaf;

(2) conduct research in the nature and prevention of the problems of the low (under) achieving deaf population and the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of these severely disabled deaf people;

the Secretary is authorized to enter into agreements with any public or nonprofit private agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment of one or more centers for the vocational rehabilitation of deaf individuals who are low (under) achieving which shall be known as Comprehensive Rehabilitation Centers for Deaf Youths and Adults.

(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of a Comprehensive Rehabilitaton Center for Deaf Youths and Adults, and (2) give promise of offering the most substantial skill, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the low (under) achieving deaf.

(c) The agreement shall—

(1) provide that Federal funds paid to any agency or organization for a Center will be used only for the purposes for which paid and in accordance with the applicable provisions of this section and the agreement made pursuant thereto;

(2) provide that an Advisory Board, comprised of qualified professionals and experts, be appointed to assure proper functioning of the Center in accordance with its stated objectives and to provide assistance in professional, technical, and other areas of development. The Advisory Board shall draw at least one-third of its membership from among the deaf population;

(3) provide that the agency or organization making the agreement will, with the advice of the Advisory Board of the Center, make an annual report to the Secretary. The Secretary in turn shall transmit the report to the Congress with such comments and recommendations the Board and he may deem appropriate;

(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276a);

(5) for subsequently program evaluation, include a clear statement of the objectives of the Center. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification; and

(6) include such other conditions as the Secretary deems necessary to carry out the purpose of this section.

(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility as situated.

(e) For the purpose of this section, the determination of who are the low (under) achieving deaf shall be made in accordance with regulations of the Secretary.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR THE HANDICAPPED

SEC. 413. (a) There is hereby established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for the Handicapped, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of the disabled, and of private and professional groups having an interest in and able to contribute to the solution of the transportation and housing problems which impede the rehabilitation of the handicapped. In addition, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees) shall be members of the Commission.

(b) The Commission shall (1)(A) determine how and to what extent transportation barriers impede the mobility of the handicapped and the aged handicapped and consider how travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of the handicapped; (2) determine what is being done, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to the handicapped or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for the handicapped, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of the handicapped, and the other such report shall be on its activities in the field of the housing needs of the handicapped. The Commission shall, prior to January 1, 1975, submit each such report, together with the Commission's recommendations for further carrying out the purposes of this section, to the Secretary for transmission by him together with his recommendations to the President and then to the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such area within eighteen months after the enactment of this Act. It shall also prepare such additional interim reports as the Secretary may request.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 413. (a) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate handicapped individuals who are suffering from spinal cord injuries and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training such personnel who have been or will be working with the persons suffering from spinal cord injuries;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, persons suffering from spinal cord injuries; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of persons suffering from spinal cord injuries;

the Secretary is authorized to enter into an agreement with any public or nonprofit private agency or organization for payment by

the United States of all or part of the costs for the establishment and operation, including construction and equipment, of centers for vocational rehabilitation of handicapped individuals who are suffering from spinal cord injuries which shall be known as National Centers for Spinal Cord Injuries.

(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of persons suffering from spinal cord injuries.

(c) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Centers will be used only for the purposes for which paid and in accordnace with the applicable provisions of this section and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate;

(3) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work or any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(4) for subsequent program evaluation, contain a clear statement of the goals of the services to be provided under the plan. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification; and

(5) include such other conditions as the Secretary deems necessary to carry out the purposes of this section.

(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

GRANTS FOR SERVICES FOR END STAGE RENAL DISEASE

SEC. 415. (a) From sums available therefor for any fiscal year, the Secretary shall make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of projects for providing special services, artificial kidneys, and supplies necessary for the rehabilitation of handicapped individuals suffering from end stage renal disease.

(b) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary find necessary to carry out the purposes of this section.

TITLE V—PROGRAM AND PROJECT EVALUATION

SEC. 501. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of service, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated is such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) Before releasing funds for the programs and projects covered by this Act, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

(d) The Secretary shall publish the results of evaluative research and evaluations of program and project impact and effectiveness no later thas sixty days after the completion thereof.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

SEC. 503. There is hereby authorized such sums as the Secretary may require, but not to exceed 1 per centum of the funds appropriated or $2,000,000 whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting vocational rehabilitation services provided each handicapped individual during the preceding fiscal year and shall specifically distinguish between rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of supplementary services.

TITLE VI—MISCELLANEOUS

EFFECTIVE DATE

SEC. 601. The effective date of this Act shall be July 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

EFFECT ON EXISTING LAWS

SEC. 602. Unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42b) may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, contractual arrangements, and appointments to advisory groups authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

REHABILITATION SERVICES ADMINISTRATION

SEC. 603. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner and shall be the principal agency in the Department of Health, Education, and Welfare for carrying out and administering programs and performing services related to the rehabilitation of handicapped individuals as authorized under this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise in support of H.R. 8395, a bill to amend the Vocational Rehabilitation Act in order to extend and improve vocational and other rehabilitation services for disabled people.

Mr. Speaker, the number of disabled and handicapped persons in the United States is increasing annually. Although we know a great deal about how to save human lives, we have not been equally effective in harnessing our knowledge to prevent disability.

The measure before us today, the Rehabilitation Act of 1972, will enable millions of disabled Americans to lead happier, more productive lives and enjoy a greater sense of dignity and self-worth. Indeed, Mr. Speaker, I consider this bill to represent the most significant advance in assistance to handicapped persons in half a century.

The Select Subcommittee on Education, which I have the privilege to chair, held hearings on legislation to extend and improve the vocational rehabilitation program. During that period we heard from Secretary of Health, Education, and Welfare, Elliot Richardson, numerous organizations, and individuals.

Mr. Speaker, the bill we offer today represents constructive suggestions for improving and enlarging the work of rehabilitation of physically and mentally handicapped persons so that they may return to their rightful place in their families and communities as effective participating members.

On May 13, 1971, I was pleased to join as a sponsor of H.R. 8395, along with the distinguished chairman of the committee, Mr. PERKINS of Kentucky; the distinguished ranking minority member of the committee, Mr. QUIE of Minnesota; Mr. REID of New York, the distinguished ranking minority member of the subcommittee; and other members of the

committee. In addition, on July 15, 1971, I introduced H.R. 9847, a bill to improve the capability of the vocational rehabilitation program to serve the most severely disabled among the millions of handicapped individuals who come to these programs for help.

The committee's deliberations on these bills and others have culminated in the bill before us today. I am sure it is the hope of my colleagues on the committee that what we do today in large measure will insure more effective vocational rehabilitation and other services for handicapped individuals as well as improved vocational rehabilitation programs aimed toward prompt return of all who can to employment suited to their particular abilities.

Mr. Speaker, our subcommittee recently made a review of the legislative history of this program and discovered that many of the most significant breakthroughs in new services for disabled people have come from the initiatives of individual members of Congress, the voluntary organizations which help special groups of the handicapped, and professional organizations that work directly with disabled persons. For example, for 20 years, Dr. Howard Rusk of the Institute of Rehabilitation Medicine in New York City has placed his considerable experience in domestic and international rehabilitation work at the disposal of Congress.

Some of the amendments in the bill are immediately responsive to recommendations of such individuals and those of the State rehabilitation agencies and the National Rehabilitation Association. The devoted experience and wisdom of the late Mary E. Switzer is inextricably woven into the many constructive changes that have been made in this rehabilitation legislation over the years.

I must also make reference to the continuing attention which the distinguished chairman of this committee (Mr. PERKINS) has given to oversight of this program. I am especially impressed with his constant sensitivity to the basis upon which the services of this program should be made available as a right to disabled people. He has played a major role in making this bill one of the most significant ever to be reported out for this program.

At this time, Mr. Speaker, I should like to yield to the distinguished chairman of the committee.

Mr. PERKINS. Mr. Speaker, in my judgment, the Congress will not pass a more important piece of legislation this year than the Vocational Rehabilitation Act Amendments of 1972. I am happy to have my name associated with H.R. 8395, which has been reported unanimously by the House Committee on Education and Labor. This act extends appropriation authority for the various titles of the Vocational Rehabilitation Act for 3 years and contains other significant features which I shall refer to in this statement.

The basic purpose of vocational rehabilitation is to assist physically and mentally handicapped individuals achieve the ability to work, to earn, and to live independently in their communities. The program is one of the great success stories in this Nation's effort to serve its people.

In fiscal year 1971, more than 1 million individuals received services from the State vocational rehabilitation agencies. Of this number, 291,272 were rehabilitated. The average cost of each rehabilitation, including professional and administrative staff, was $2,168—a figure considerably lower than that of any other manpower or related program with a similar objectives. The projections are that the number of rehabilitations in fiscal year 1972 will soar considerably above 300,000.

As I have rejoiced in the success of this program nationally, I have also been very pleased with what is happening in my own State of Kentucky. I have every reason to be proud of the progress that is being made. For instance, more than 22,000 handicapped Kentuckians were served by the vocational rehabilitation agency in 1971, of which 9,832 were successfully rehabilitated. It is with pride I report that Kentucky was the fourth State in the Union in the number of individuals rehabilitated in 1971.

Important to me is the fact that the vocational rehabilitation agency in my own State is working so effectively with other programs which are of concern to this body. For instance, the Kentucky rehabilitation agency is providing signal service in the model cities programs in Pikeville, Bowling Green, and Covington. Working with the State welfare agency, the vocational rehabilitation agency was able to complete rehabilitation for 1,866 welfare clients in fiscal year 1971. A comprehensive vocational rehabilitation center has been completed at Paintsville, in my own district, and is expected to be dedicated this summer. This center will provide an opportunity for thousands of handicapped Kentuckians who otherwise might not have had the opportunity to become independent and self-supporting.

The bill before us extends appropriation authority for all titles of the Vocational Rehabilitation Act for 3 years, with increases in authority that will permit an orderly extension of the program. It has been a disappointment to me, as it has been to many of you, that the administration has not been recommending the full amount authorized in the law. On the floor of the House in 1971, an amendment to the appropriation bill was passed by an overwhelming majority, adding over $60 million to the amount recommended by the administration. I was happy to join in that effort.

The bill provides for needed increases in authorizations for the basic Federal-State program of vocational rehabilitation services. For fiscal year 1973, $800 million will be authorized; for fiscal year 1974, $950 million; and for fiscal year 1975, $1,100 million. It is important also that this legislation continue the existing manner in which funds for the basic program are allocated among the States.

Prior to 1955, the Vocational Rehabilitation Act provided that the Federal Government reimburse the States for 100 percent of the cost of administration and guidance and 50 percent of the cost of case services for handicapped people being assisted under the act. The 1954 amendments provided for allotments to the States based upon population and per capita income, with the per capita income factor squared. This formula for allotment is still in the law and will be continued by H.R. 8395. This formula was known as the Hill-Burton formula, first appearing in the Hospital Survey and Construction Act and sponsored by these Senators. It was known at that time and has been confirmed often that the States with the lowest per capita incomes are, generally, less likely to have adequate health, education, and welfare programs, and, of course, less resources with which to develop them, unless they receive substantial Federal assistance.

The formula has been good for vocational rehabilitation. It has helped to equalize opportunity for handicapped people in the poorer States with the opportunities of such individuals in other States. The vocational rehabilitation program has prospered nationally under this method of allotting funds, and programs in most of the poorer States have made phenomenal progress.

This method of allocation is accepted by the rehabilitation movement generally, and there is no organized effort to change it. The two organizations most concerned nationally with the State-Federal vocational rehabilitation program, the National Rehabilitation Association and the Council of State Administrators of Vocational Rehabilitation, are, as I understand, satisfied with it and neither have recommended changes.

The bill before us introduces some new programs which should be of immense value to severely handicapped individuals. Title III provides a program to serve our most severely handicapped individuals. It will not in any way interfere with the vocational rehabilitation program as it is now operated. It will permit the State rehabilitation agencies to provide rehabilitation services to severely handicapped individuals for whom there may not be a reasonable expectation of employability. This program is to be a goal-oriented program such as vocational rehabilitation. The goals do not have to be employment however. For instance, a goal might be to help an individual get to the point that he does not have to be institutionalized but can live at home. Or the goal might be to help the individual get to the point where he can take care of himself at home without an attendant. There can be numerous other goals, of course. I believe that this new program will be a great advance toward serving the more severely handicapped individuals in our country, many of whom are neglected at this time.

Several other new programs I shall refer to briefly. The bill includes the authority to appropriate $25,000,000 a year to make grants to assist in maintaining the work capacity of individuals with end-stage kidney disease. Helping these individuals is one of the great unsolved programs in our country. A survey revealed that practically all vocational rehabilitation agencies now have programs helping in one way or another to serve such individuals. This appropriation will enable them to operate more

systematically and with fewer limitations than under the regular Vocational Rehabilitation law.

The bill also includes authority for the Secretary of Health, Education, and Welfare to establish comprehensive centers to serve the low-achieving deaf. We have Gallaudet College which offers liberal arts education to deaf individuals who can profit from the kind of educational experience.

We also have the National Technical School for the Deaf in Rochester, which prepares individuals who are suitable for high level technical positions. The centers to be established under this bill will provide demonstrations of how deaf people whose abilities are not suitable for training in the two institutions referred to above can be most effectively utilized.

The bill also includes the authority to establish special centers for spinal cord injured individuals. Accidents and disease continue to provide a staggering total of spinal cord injured individuals. The centers to be established under this bill are expected to demonstrate methods of providing a total rehabilitation experience for such injured individuals.

We recognize more and more that environmental factors are often most important in preventing severely handicapped individuals from achieving the ability to be independent and self-supporting. A few years ago, under the Vocational Rehabilitation Act, there was set up an Architectural Barriers Commission which studied this subject and made recommendations to Congress, the President, and the State legislatures. As a result of the report of this Commission, a great deal of progress has been made in tearing down the barriers that have denied handicapped and older people access to and use of buildings.

There are equally great problems in the area of transportation and housing. This bill provides for the establishment of a National Commission on Transportation and Housing for Handicapped individuals which will serve in these fields as the Commission on Architectural Barriers served in that field. We believe that the report of such a commission is going to be required to impress upon the public the needs of handicapped people to have houses or apartments suitable for their use and transportation systems that will enable them to get to and from work without prohibitive expense.

Mr. Speaker, I want to express my appreciation to the gentleman from Indiana (Mr. BRADEMAS) chairman of the Select Subcommittee on Education and to the members of the subcommittee on both sides of the aisle who drafted this legislation and cooperated in assuring nonpartisan support for this bill. I urge unanimous passage of this important legislation.

Mr. BRADEMAS. I thank the distinguished chairman.

Mr. Speaker, the authorization of programs under the Vocational Rehabilitation Act is scheduled to expire on June 30, 1972; thus, it is time for us to assure that services to the handicapped are continued.

Mr. Speaker, we still have a long way to go to make sure that every handicapped person, particularly those who have severe handicaps, is assured of adequate services. Too many severely handicapped persons are not served at all. Too many with real potential for competitive employment are still being placed in sheltered workshops when more intensive efforts by rehabilitation workers and citizen helpers in our Governor's and mayors' committee on employment of the handicapped could develop job opportunities for them. Our subcommittee was not satisfied that the most innovative ways of bringing jobs and competent disabled workers were really being used. We hear of imaginative means of developing new jobs and of restructuring jobs so that disabled people can fill them as adequately as before they were injured. These new techniques of job finding and placement should be used throughout the country so that none of our disabled citizens need to stagnate in any poorly paid, unproductive work which is less than they could undertake.

We must expand greatly the total rehabilitation program; and in that expanded program, we need to refocus priorities to make sure that the severely disabled: the blind, the deaf, the deaf-blind, the person with the kidney disease that is life-taking, the mentally retarded, the cerebral palsied, the heart and stroke patient, multiple amputees, paraplegics and others with really severe handicaps are given the services they need for as long as they need them.

Mr. Speaker, the bill before us today is designed to accomplish these objectives.

First, H.R. 8395 would provide authorizations of appropriations of the basic title I programs of grants to the States for vocational rehabilitation of $800 million for fiscal 1973; $950 million for fiscal 1974; and $1,100 million for fiscal 1975.

Second, it would provide authorizations for appropriations for grants to States for supplementary comprehensive services for the severely disabled with amounts at $160 million over the next 3 years.

Third, the Rehabilitation Act of 1972 would provide: for the establishment of a National Information and Resource Center for the Handicapped; for a temporary National Commission on Transportation and Housing for the Handicapped; for comprehensive rehabilitation centers for low-achieving deaf; for national centers for rehabilitation of people with spinal cord injuries; and for centers to provide services for people with end stage renal disease who can be kept alive and rehabilitated with modern methods of transplants and hemodialysis.

In conclusion, Mr. Speaker, I would like to express my appreciation to all members of the committee on both sides of the aisle for their overwhelming support of this legislation.

It is, I think, significant that in the 52-year history of the vocational rehabilitation program there has never been a negative vote cast against it. I hope very much we can continue today this tradition of bipartisan support of a program which has meant so much to so many human beings.

I reserve the balance of my time.

Mr. REID. Mr. Speaker, I yield myself 6 minutes.

The SPEAKER. The gentleman from New York is recognized for 6 minutes.

Mr. REID. Mr. Speaker, I rise to join my distinguished colleague, the gentleman from Indiana (Mr. BRADEMAS) in urging the Members of this body to support H.R. 8395, the Vocational Rehabilitation amendments of 1972. As the ranking minority Member of the Select Subcommitee on Education, I want to emphasize that this bill has the unanimous, bipartisan support of all members of the full Committee on Education and Labor. I would particularly like to thank the distinguished ranking minority Member, the gentleman from Minnesota (Mr. QUIE), and the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) for their unstinting efforts as this legislation was shaped, as well as the Members on our side of the subcommittee, the gentleman from California (Mr. BELL), the gentleman from Oregon (Mr. DELLENBACK), the gentleman from Idaho (Mr. HANSEN), the gentleman from Pennsylvania (Mr. ESHLEMAN), and the gentleman New York (Mr. PEYSER).

All of us are proud of the tradition which has marked the growth and development of the vocational rehabilitation program since its inception more than 50 years ago. The legislation, we believe, has been improved to make the program more effective in serving the needs of our disabled citizens—to assist all, no matter how severe their handicap, to achieve maximum independence in their daily lives and to restore as many as possible to the work force of the Nation in jobs commensurate with their individual aptitudes and abilities.

In my judgment, this bill before us today holds great promise for making possible a full and productive life for the handicapped. It recognizes that the Federal-State vocational rehabilitation program for the disabled has demonstrated its practical value and has come of age. It authorizes additional funds—several billion dollars over the next 3 fiscal years—for grants to the States for vocational rehabilitation services. With additional matching funds from the States, we expect State vocational rehabilitation agencies to assist thousands of handicapped individuals never before served.

H.R. 8395 is an innovative bill and one to which the committee gave a great deal of thoughtful consideration. After hearing from witnesses and reviewing all of the statistics, we became very much aware that many handicapped individuals were not being served by this program. This has come partly as the result of pressures to serve more and more individuals. The committee recognized that it is not always possible with the limited number of personnel available to expand services and still provide the extensive services which many handicapped individuals often require. It was in this regard the committee directed the Rehabilitation Services Administration to take a look at the programs and services

it is now providing and vigorously explore indepth which clients it is now serving and develop strategies which would give more emphasis to serving those individuals who are the most handicapped. I recognize that everyone is handicapped in one sense or another, but, given the limited dollars, the program focus should be on those individuals who have the severest problems.

As the committee refocused its priority, it did not intend that RSA discontinue services to any disability group which it is now serving; but as moneys are being made available through other legislative authorities, the committee envisions that rehabilitation money will be free to serve the original, physical, and mental handicapped population. I am delighted to note that the administration has substantially expanded its commitment in the areas of treating alcoholics and drug addicts by increasing funding from approximately $21 million in 1969 to $129 million in 1973 for the treatment of alcoholics, and by increasing funding from approximately $38 million in 1969 to $162 million in 1973 for the treatment of drug addicts. Most of this money comes from other programs in HEW outside RSA, but I envision that where other Federal programs provide services for the same clientele RSA might serve and where the objectives, such as rehabilitation and training exist, resources form outside RSA will be used to purchase those services which RSA can best provide. Since other agencies have similar goals, it was the committee's feeling that it would be consistent and in the best interests of clients for other agencies to purchase services in this manner and then provide supplemental services after rehabilitation procedures have been completed. In this way it is possible for the Department to integrate services and at the same time be in the best interests of and ultimately benefit the recipients. It was the committee's feeling that RSA money should not be spent in these areas unless the individual's problems are truly severe or that other funds are not available from any other sources.

The committee heard from many outstanding leaders in the field of rehabilitation and was particularly impressed with the soundness and wisdom of their arguments as well as their concerns. The committee has made a special effort to correct program inadequacies where they exist and place special emphasis where serious needs have been found.

Leading professionals such as Dr. Howard Rusk, director of the New York Insitute for Rehabilitation Medicine, expressed great concern about the sharp curtailment of funds in the area of training of rehabilitation personnel in physical therapy, occupational therapy, rehabilitation nursing, prosthetics and orthotics, rehabilitation counseling, speech therapy, and other related fields. He, along with others, contended that the cutbacks have adversely affected schools throughout the country and threatened the entire rehabilitation effort and that, consequently, programs will not expand. He further pointed out his concerns about the size and scope of all research and demonstration programs, both domestic and international.

I would like at this point to insert in the RECORD a letter written to Congressman BRADEMAS from Dr. Rusk which outlines his recommendations to the committee, particularly in the field of research:

NEW YORK UNIVERSITY MEDICAL CENTER, INSTITUTE OF REHABILITATION MEDICINE,
New York, N.Y., February 3, 1972.

Hon. JOHN BRADEMAS,
Chairman, Select Committee on Education, House Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

MY DEAR CONGRESSMAN BRADEMAS: I appreciated very much your invitation to testify before your subcommittee during the hearings on legislation to amend the Vocational Rehabilitation Act. Since I am scheduled to be out of the country at the time the hearings will be held, I want to convey to you a few of my views regarding the present functioning of the programs under the Act, and to make a few suggestions in connection with your efforts to write a new law.

As I believe you know, I have been deeply interested in the operation of the many programs under the Vocational Rehabilitation Act. This interest and involvement goes back over a period of many years, during which I was closely associated with Miss Mary E. Switzer, who served with such high distinction as Commissioner of the Vocational Rehabilitation Administration and later as Administrator of the Social and Rehabilitation Service. Along with thousands of people across the United States, in rehabilitation and in dozens of other fields, I shared a profound sense of loss in her death last year. Her passing took from all of us a great sense of inspired leadership and a focal point in the development of rehabilitation programs in this country and throughout the world.

I want to express to you the gratitude I feel to the Congress and to the Committee on Education and Labor in particular, for the outstanding contributions you have made to the development of rehabilitation programs over the last twenty years. It has been my privilege to be a part of that growth and to have participated in many of the programs created by the laws you enacted. The amendments passed in 1954 and those in 1965 were landmarks in the history of rehabilitation work in this country. Now I look forward to another period when you again will provide the nation with legislation which will add new vigor and impetus to the growth of the entire field of work for disabled people.

During the past two decades, there has been a tremendous expansion of medical interest in rehabilitation. Thousands of physicians in many specialties have become actively interested in seeing that their patients not only survive the crisis but have the benefit of a comprehensive and modern rehabilitation program, in order that they may resume useful and active lives again.

Within the medical specialty of physical medicine and rehabilitation, there has been a comparable growth, so that we now have available a much larger supply of highly trained physicians who are devoting their entire professional careers to advancing and expanding the work we do for severely disabled people.

Here at the Institute of Rehabilitation Medicine, we have seen a representative sample of this growth process. Large numbers of physicians have come to our Institute to attend training programs and to observe our programs of research and patient care. Even larger numbers of other rehabilitation professionals in physical therapy, occupational therapy, rehabilitation nursing, prosthetics and orthotics, rehabilitation counseling, speech therapy and many other fields have participated in our basic and advanced teaching programs.

I hope, Mr. Chairman, you are aware of the serious threats to these training programs which were presented during the past year as a result of a sudden and sharp curtailment of funds. This cutback has adversely affected schools all over the country and it theatens the entire rehabilitation effort in this country, for obviously we are not going to expand our programs without personnel to staff them. Since the reduction resulted from decisions in the executive branch regarding appropriations, I am not certain that your committee can resolve it, yet I believe that everyone who feels a deep concern for the future of rehabilitation work in this country should be acutely aware that the nation's training programs are in serious jeopardy.

Our training program at the Institute of Rehabilitation Medicine has included a continuing program in international training of students from many foregin countries. This also has been a two-way street, since we have helped large numbers of United States rehabilitation personnel to study and observe in numerous rehabilitation programs abroad.

This international program, together with our international rehabilitation research work, has been one of the most valuable vehicles this nation has had for achieving better understanding among people throughout the world. In dozens of countries, rehabilitation work for the disabled has been a bridge across which people of many different ideologies could proceed to a common objective. In fact, in several countries where our diplomatic relations are strained today, rehabilitation personnel from the United States are still welcomed.

Yet this valuable illustration of international goodwill has in fact been a byproduct, for the immediate objectives of interchanging experience has produced new information and new procedures for United States personnel and has conveyed to workers in other countries the advances we have been making in our own domestic programs.

With this in mind, I hope the committee will make adequate provision for this international research program when it writes new legislation, both in the amount of dollar funds authorized and in provisions for an adequate support program of foreign currencies.

In fact, I would hope that the entire research and demonstration program under the Vocational Rehabilitation Act, both for domestic and foreign objectives, would be a major part of any rewriting of the law. I would hope that your amendments will make clear the intent of the Congress regarding the size of these programs, by indicating substantial increases in the appropriation authorizations for all forms of research and for training.

I would urge the committee to make provision for a substantial growth in rehabilitation research activities, with specific reference in the law to these programs: 1) An expansion of the program of support for rehabilitation research and training centers, with specific provision for these centers in the act; 2) the introduction of organized support for development of a national program of biomedical engineering research through which the best scientists in the bio-medical field can merge their talents with the engineering field to produce advances in such things as prostheses and orthotic devices, a new approach to the whole field of myoelectric control systems, in which there is tremendous potential with respect to new methods of bladder control in paralyzed patients, improved approaches to new protheses, advanced and simplified methods of wheelchair power systems and controls, and a variety of other potential scientific breakthroughs; 3) an organization to launch an expanded cooperative research program between the rehabilitation agency and the scientific leadership in other government agencies and pri-

vate industries, so that many of the research findings in other fields may be promptly identified and adapted to work for disabled people; 4) specific authorization for support of the international rehabilitation research program, as previously mentioned, with authorization for both U.S. dollars and U.S.-owned foreign currencies abroad; and 5) provisions for a five-year research program in the field of spinal cord injury, which will make it possible for this country to bring under control the now largely fragmented efforts in the restoration of the victims of this severely disabling condition.

Mr. Chairman, I wish to also add my support for proposals to expand the funds to be available for the support of the Federal-State program of vocational rehabilitation. Here in New York State we work regularly with the state rehabilitation agency and we provide rehabilitation services for many of their severely disabled clients. If this large service program is to continue to grow, obviously they must have additional funds and I hope your committee will make provision for this.

If I can be of further service to the committee during your consideration of legislation, I will be happy to cooperate in any way I can.

Again I thank you for the leadership you have taken and I hope that the result of all our efforts will be a vastly improved system of rehabilitation services for the disabled people of this nation.

With my personal regards and good wishes, I am

Sincerely,

HOWARD A. RUSK, M.D.,
Director.

The committee considered the concerns of the various experts, evaluated some of the problems and concluded that much of the problems result from the fact that research, training, and demonstration dollars are comingled with dollars from other legislative authorities in HEW over which the Commissioner of Rehabilitation has no control. To correct this matter, the committee has directed that all funds in these areas be under the direct control of the Commissioner of Rehabilitation so that he can provide leadership in order to delineate the areas of research, training and demonstration, and see to it that the objectives of this act are carried out. In doing this, the committee hopes that a refocus in these areas will be realized and that some of the concerns expressed by leaders in the field of rehabilitation such as Dr. Rusk, will be eliminated.

Finally, the committee highlighted the catastrophic problems of the spinal cord injured. Section 414 would authorize the establishment and operation of centers for vocational rehabilitation of individuals with spinal cord injuries. The centers to be developed would be directed primarily to intensive services, training of personnel, and research.

The committee has recognized myriad of physical, psychological, and social trauma set off by the catastrophy of spinal cord injury. Twenty-five years ago few survived this injury. Today medical science has given the spinal cord injured life and it is the purpose of this section to give these people equally a chance to participate and serve their community again. The committee has been aware for some time of the potentialities for rehabilitation of the spinal cord injured, but meeting this problem necessitates the coordination of diverse resources. It is the hope of our committee that creation of this Center will provide the truly coordinated effort needed to meet this challenge.

With the suggestion of Dr. Howard Rusk the committee has recommended, as a complement to the Spinal Cord Center, a 5-year research and demonstration program in the field of spinal cord injury, to be developed by the combined resources of the National Institute of Neurological Diseases and Stroke and the Rehabilitation Services Administration in order to achieve close coordination between new medical research findings and improved methods of delivering comprehensive rehabilitation and aftercare services to people with spinal cord injuries.

We have had evidence that there may be as many as 100,000 Americans suffering from spinal cord injury, and that perhaps at best those receiving adequate treatment number only about 1,000—so it is about one in 100 today who receive effective treatment in this area.

I would point out, Mr. Speaker, that some of those in this area are, of course, among our most valiant men who have served in Vietnam, and they of course deserve the very best of treatment.

It is my sincere hope that the Spinal Cord Center, together with the 5-year research program, will make it possible to bring under control the now largely fragmented efforts in the restoration of victims of this severely disabling condition.

Finally, Mr. Speaker, let me say that the Secretary of Health, Education, and Welfare, Mr. Richardson, has been very helpful in the development of this legislation, and that we have incorporated, I believe, about 90 percent of the suggestions of the Department of Health, Education, and Welfare. He has expressed gratitude for the cooperation shown by the chairman, Mr. BRADEMAS, in this effort to work out a bipartisan approach, although there were one or two administrative initiatives he would have preferred incorporated in the bill. In the main, however, this legislation has enjoyed the support and the active coordination of the administration.

The legislation before us today represents a program which is over 50 years old. H.R. 8395 represents a significant and positive step forward in the rehabilitation of our Nation's handicapped citizens. This legislation has never had a negative vote cast against it. This has been Congress way of indicating its desire to help all handicapped individuals and give them the opportunity to live meaningful lives. I urge all of my colleagues to vote for this outstanding bill.

Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, to say that I rise to this occasion, under a suspension of the rules procedure, with mixed emotions would be the understatement of the year.

For 9½ years immediately prior to coming to the Congress I served as "medical referee" in one of the most active vocational rehabilitation centers in Missouri. I have coordinated with the statewide effort, including the two larger metropolitan areas, so far as the duties of a medical referee in this triple threat rehabilitation program for physical restoration, educational restoration, and mental restoration is concerned. I am a life member of the V–R association of our Nation.

There is no question, Mr. Speaker, but what the work of the vocational rehabilitation commission, headed for so long by my friend of Mr. McNutt's War Manpower Commission during World War II, Miss Mary Switzer—now deceased—is outstanding; but I believe it is time we hoisted a few "flags of warning," if for no other reason than that we are considering a multibillion-dollar bill under a suspension of the rules procedure, without amendments being available except those brought by the committee, with certainly inadequate debate, and with some question about a rollcall vote.

Certainly we are again fostering the idea of the "sacred cow," by saying it has never been opposed. It would take a strong and doughty individual, Mr. Speaker, to oppose the handicapped, but at the same time we should have a flag of warning that we are duplicating programs, especially in the kidney dialysis and other kidney programs, which have a very real place in the physical rehabilitation. One should recall that under the Health Manpower Act and the regional medical programs just this past year we added a crash program of $76 million and added kidney diseases to stroke, cancer, and heart in all the regional programs. So there is duplication and overlapping in the programs.

I have never argued with the question that this is administered in the various States by their departments of education, since we do rehabilitate educationally as well as physically and mentally, but I believe we should also point out, under this suspension of the rules procedure, the report has no departmental views. Oh, yes, it has been stated that they are strongly in favor of it, the Secretary has been quoted; but again I raise the question of a sacred cow, and this great amount of cost, over a billion dollars a year for 3 years, it averages.

I also bring to your attention the fact that we need real time, debate and consideration, because we are running out of people to rehabilitate. Now, one can state all the figures that one wishes about those who can be physically restored and educationally restored, but the fact of the matter is that the vocational rehabilitation councelors are at the present time going into the highways and byways, in order to seek these people out, whether it is the physical restoration or otherwise, and they are given "point credits," and demands are placed upon them to handle so many cases a year.

There is no question about this!

Finally, we have the overlapping and duplication of the question of "catastrophic" care.

I have been known as the father of catastrophic care—that is, these rare and infrequent diseases and injuries that get the headlines, such as spinal cord cases, quadraplegics, and the "living vegetables," such as those which are the result of injury, and those as a result of anoxia, and those as a result of any oth-

er cause including illnesses and mental disease.

We must take care of them, but is not the proper place to do this in the Nation Health Insurance Standards Act that is under consideration at the present time? Is it not in the proper revision of H.R. 1, which has already passed this House and which is pending action in the other body? Is there a necessity for overlapping and duplicating programs? Can we afford them? Indeed, can we afford not to do so, is the dilemma.

Finally, I want to hoist the petard of warning that simply adding personnel and dollars will not necessarily rehabilitate all of these people any more than adding dollars will employ every person in the United States whether they are handicapped or not.

I think because of the timing and because of the status of the U.S. Federal Treasury, because of the borrowing and the expense that we undertake to pay in order to finance our annual public debt alone (that it is time we looked at this and I feel we should give serious consideration to sending this back to the committee by voting no against the suspension of the rules today.

Mr. REID. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I rise in strong support of the committee's bill. The committee report provides an excellent summary of the bill's content regarding the amendments before us, so I will confine my remarks to specific provisions of the legislation which I feel should be highlighted. I have always had a special personal interest in the handicapped and have been working in their behalf since my days in the Minnesota Legislature. I have always been a strong supporter of all pieces of legislation which provide the means and vehicles for handicapped individuals to achieve those things which most of us take for granted. I have always felt a degree of gratification when I see a child who has been paralyzed learn to walk; when I see a child who was totally deaf learn to speak and understand others; when I see a severely spastic cerebral palsied child feed himself; when I see blind individuals functioning in an independent manner, and when I see a crippled person become employed again. All of these things and more have been made possible in great part because of legislation initiated by the Congress as well as State legislatures.

Legislation for the handicapped has always meant something special to the Congress. Virtually every major piece of legislation that has ever been enacted into law on behalf of the handicapped has been initiated by the Congress. I think that the results of those programs have more than justified our interest, our concern, and our support. The legislation before us today is one of the oldest programs for the handicapped and is one that has been eminently successful. Through its 50 years, millions of handicapped citizens have been helped to become contributors to society.

The highlight of the hearings held by the Select Education Subcommittee for me was the testimony of John Kemp, Jr., a 22-year-old congenital quadruple amputee. Mr. Kemp, living without limbs since birth, is an outstanding example of what rehabilitation services can do to help restore an individual physically. Ultimately of course, it is the individual's personal determination and the degree to which he chooses to overcome his adversaries that are the final determining factors in what he may become.

I described John Kemp as handicapped, and by every definition that we know he is technically severely handicapped. But what we often lose sight of is the fact that the individuals such as John Kemp have good sound minds which are not handicapped. When we can help to overcome the handicapping conditions, the native abilities emerge. The Committee found John Kemp to be most well-adjusted, articulate and intelligent. Now with the aid of prosthetic devices, he is able to walk and function with a substantial degree of independence. In his own words, he is an individual who has experienced the miracles of rehabilitation. He is presently a first-year law student, a member of the President's Committee on Employment of the Handicapped, and a member of the board of directors of the National Easter Seal Society. John Kemp is a man who does and will continue to contribute to society. John Kemp is truly no longer handicapped in the traditional sense.

Mr. Kemp and other public witnesses made strong appeals to the committee to provide more services for the severely handicapped. He defined severely handicapped as "somebody who is not easily rehabilitated, one who requires time, patience, and an awful lot of professional assistance to become a truly productive member of society."

During the course of hearings on the bill, the committee received convincing testimony concerning existing barriers to the delivery of high-quality rehabilitation services to severely handicapped clients. They pointed out that thousands of deaf, blind, mentally retarded, mentally ill, cerebral palsied, epileptic and orthopedically handicapped persons are being turned away or terminated by rehabilitation agencies because of the severity of their disabilities. As a result of this testimony and its own inquiries the committee became deeply concerned about the apparent inability of State and local agencies to deal effectively with the service needs of severely handicapped clients.

I, along with my colleagues on the committee, became convinced that many severely handicapped persons could be placed in jobs if rehabilitation agencies would only provide an increased number of such clients with a comprehensive array of social adjustment and training opportunities. In fact, the intent of Congress in enacting the 1965 amendments to the Vocational Rehabilitation Act was to encourage States to move in this direction by extending the period for evaluating a client's vocational potential to a full 18 months. However, in a large majority of States this extended evaluation authority has never been fully utilized.

One of the major barriers to delivering services to severely disabled persons is the present system of reporting case closures. Because of the additional time, expense and staff effort involved in helping a severely handicapped individual, the rehabilitation counselor is often discouraged from including many such clients in his caseload.

Another barrier has been the emphasis placed on returning welfare recipients, public offenders and other socially disadvantaged persons to remunerative employment in the past few years. This trend has tended to thrust efforts to aid the severely handicapped into the background.

While supporting the expansion of job training services to the socially disadvantaged, the committee was disturbed that these trends have resulted in lower service priorities for clients with the greatest needs—the severely handicapped. For this reason, the committee has included language in its report which directs the Department to develop a comprehensive plan for increasing the number of severely disabled persons receiving rehabilitation services. In addition, the committee expects the Department to issue specific directives to State agencies in order to eliminate existing disincentives to serving the severely disabled and to provide separate information and data on the number and types of severely handicapped clients served.

Providing services to the severely handicapped is difficult and time consuming and presents many new problems for rehabilitation personnel. I can see that a deaf client—to use one example—creates particular problems which are unique among others seeking service from a vocational rehabilitation office. His lack of normal communication skills immediately puts him at a disadvantage in even making his needs known unless there is a well-trained counselor who is proficient in the manual alphabet or the language of signs. All too frequently, there is no such counselor or he is not available because of the work load which promptly accumulates when one is known to have special talents to communicate with the deaf. Appointments are difficult to make because of problems in the use of the telephone, thus the client often has to take his chances when he comes in off the street.

In seeking and benefiting from rehabilitation, the communication difficulty is only one of many problems according to recent studies in the field. Deaf persons are frequently unprepared by their educational programs for the world of work and social living outside of specially organized facilities. Difficulties in obtaining transportation, like obtaining bus schedules, require assistance. Responsibility for filling out application blanks, procedures to follow if one is ill and cannot report to work, tendencies to accept a position under one's capabilities because of fear of not getting any work, and so forth, represent only a small sampling of the kinds of problems that are brought to the only person to whom he feels he can "talk"; namely, his vocational rehabilitation counselor.

Without even bringing up the not in-

frequent problems of a deaf client's married life, children, and financial concerns, the typical vocational rehabilitation counselor for the deaf finds himself spending an inordinate amount of time with many of his deaf clients. Such clients may have the potential for full employment, but the difficulties in job development as well as job placement make the task of the counselor much more time consuming than for virtually any other kind of client.

I recognize that everyone is handicapped in one sense or another, but I am also aware that defining severity, at best, is difficult to do since each individual has abilities and disabilities which involve his state of health, his body structure, his emotional state, his life experiences, his ability to relate to others, his motivations, his expectations, the role he sees himself playing in life, and the role in life others see him playing.

I am cognizant that it is not reasonable to equate severity on a physical or mental disability basis alone. There are many examples of people with severe physical impairments who are successful in life and who never need the organized help of the State-Federal program. On the other hand, there are probably an equal number of individuals whose physical or mental problems seem minor, at best, but whose ability to cope is so impaired that they could not possibly make it without outside help in organizing their limited ability.

In its deliberations on this bill, the committee recognized that individuals now engaged in delivering rehabilitation services to America's handicapped citizens chose that profession in no small measure because of the personal satisfaction derived from serving a fellow human being. Official justifications, however, tend to stress the dollars and cents returns to the taxpayer, including such measures as the personal taxes paid by the handicapped person subsequent to rehabilitation into gainful employment. Methods of accounting emphasize "cases closed" without reference to ancillary values; annual statistics are tabulated in such a way that every succeeding report is a numerical triumph over the preceding one.

Quotas imposed on counselors have tended to impair the chances of a quality placement for severely handicapped individuals. The quota system as practiced in many vocational rehabilitation offices often does not recognize the wide variations in the expenditure of time and effort needed to satisfy particular client needs. Moreover, with an emphasis on closure, the counselor is discouraged from the long-term followup that is sometimes necessary for successful adjustment to the work situation. The committee has recommended that quotas and case balancing be abandoned and some system developed to encourage counselors to cope with difficult cases.

The needs and difficulties in appropriate job development and placement are generally complicated for a counselor if the client does not demonstrate any reasonable expectation of becoming fully employable. If such a client is accepted and cannot be placed, he cannot qualify as a closure. Thus the quota is not made, and a deficiency is recorded in the counselor's performance.

The committee has taken this action because it is concerned about the cost to the taxpayers of those individuals who are so severely handicapped that they require continuous personal services or supervision. We hope that in the future attention will be given to correcting the plight of those handicapped individuals who have not been accepted for services because of the severity of the case or terminated as "unrehabilitated" after the initial evaluation because of the severity of their handicaps. We would like this new effort directed toward those blind, deaf, mentally retarded, cerebral palsy, and so forth, who are not now being served. This in no way should reduce the services for the blind. It is in this area, I believe, lies the measure of the system that the committee hopes will be emphasized and receive focus. I want to acknowledge once again the great work done by RSA through the years and it is our hope that through the actions we have taken here today that much of the pressure will be relieved and that the need to play the "numbers game" will no longer be necessary. It is my feeling, and I am sure the feeling of all the members of the committee, that given the limited resources available they should be directed toward the many severely handicapped persons who are still unreached and unserved. I view the moves to refocus this program on these indiduals as a very positive step. It will, in the years ahead, help the RSA to achieve a degree of greatness and accomplishment which is unparalled in its first 50 years.

Mr. REID. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Speaker, the bill before the House today contains a number of major improvements in existing vocational rehabilitation programs. Not only does this bill merge our efforts in this area into a single coordinated program with increased emphasis on rehabilitating the severely handicapped, it also adds the first comprehensive program evaluation title in the 52-year history of the program.

While the Rehabilitation Administration has made progress through program evaluation in the past, the growing pressure on funding makes it imperative that we get the maximum possible benefit for our dollar.

With this in mind I offered an amendment to strengthen the evaluation authority in the bill and establish specific evaluation guidelines for the first time. Briefly, the new title requires that all State plans and direct grant applications contain a clear statement of the goals of the services to be provided. For subsequent evaluation purposes these goals are to be listed in order of priority and stated as much as possible in a form amendable to quantification.

The Secretary is directed to establish standards for evaluating vocational rehabilitation projects prior to the release of funds. He is then directed to evaluate the impact, effectiveness, delivery structure and cost/benefit ratio of all programs. The results of these evaluations are to be published and taken into consideration in future funding recommendations.

Mr. Speaker, we owe it to the taxpayer and the people programs like this are intended to help to deliver a dollar's worth of value for every tax dollar we invest. Rigorous evaluation is a key step toward that goal.

Mr. REID. Mr. Speaker, I would like to put in the RECORD one fiscal fact, and I would like to call to the attention of the Members of the House the actual appropriation figures for past years.

In 1970 we appropriated $525 million, in 1971 $603 million, and in 1972 $687 million. The budget submission for fiscal 1973 calls for $768 million. The actual appropriations have evidently followed fairly closely the authorizations with the exception of the fact that the authorizations have exceeded the appropriations by about $200 million or $300 million. The level has been going up, however, and we are hopeful that the Committee on Appropriations will take a hard look at this. The administration itself asked for an increase of almost $100 million between 1972 and 1973.

Mr. HALL. Will the gentleman yield?

Mr. REID. I am happy to yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding in order to make the legislative record which he has done so well.

It is not true that up until now the Federal Government has borne, through a matching-fund program with the various State departments of education or health or welfare handling these vocational rehabilitation cases in the respective States on an 80-to-20 basis and this bill makes it a 90-to-10 basis?

Mr. REID. That is my understanding.

Mr. BRADEMAS. Mr. Speaker, I yield such time as he may use to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding.

I rise in support of this measure.

I particularly want to commend the committee for giving assistance to the end-stage renal, or kidney disease program. This type of assistance is badly needed, and it is a good step forward.

I am proud to support this legislation.

Mr. BRADEMAS. Mr. Speaker, I yield such time as he may use to the gentleman from Ohio (Mr. VANIK).

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

I want to take this opportunity to congratulate the committee and the subcommittee under the gentleman from Indiana (Mr. BRADEMAS) on bringing out this legislation. I am heartily in support of it.

Mr. Speaker, today's vocational rehabilitation amendments will hopefully continue a program that has accomplished immeasurable good in helping the handicapped of our Nation assimilate into our society.

I will, of course, support this legislation so that these needed programs will be continued and expanded to help our handicapped citizens.

But this is only the first step of a

long, long journey to make "the disabled" a full citizen. Even as we pass this legislation, I cannot be satisfied, knowing that some 4½ million handicapped children are being excluded from the Nation's free public training and educational programs.

Needed programs for the "handicapped" can be and must be developed. I have introduced legislation to amend the Civil Rights Act of 1964 to include the handicapped and make illegal unwarranted discrimination in federally assisted programs.

With a continued effort by legislators and the people of this country, we can eliminate one of the most shameful vestiges of discrimination that still exists in our Nation.

Mr. BRADEMAS. Mr. Speaker, I would like to make an additional observation following the comments of my colleague from Missouri (Mr. HALL) to whose views in these matters one naturally would want to accord particular attention.

I thought I heard my friend from Missouri say that there were no more people in need of rehabilitation services. If I did not understand the gentleman correctly, I hope he will straighten me out at this time.

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

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

Mr. HALL. I believe that in reading back the record it will indicate that I said, VR is having difficulty finding more patients to rehabilitate whether it is physical or educational, and the point was that these systems of awarding "Brownie-points" to our counselors for digging them up instead of having them troop to the source of rehabilitation, is not the proper approach.

Mr. BRADEMAS. I thank my colleague for straightening me out. But, I would tell the gentleman, that according to the Social Security Administration during 1966 there were 17,753,000 disabled persons in the United States between the ages of 18 and 64, 34.4 percent of whom, or about 6.1 million, were classified as severely disabled. That is not to say simply disabled, but severely disabled. If one looks at the facts brought to the attention of the subcommittee with reference to the number served in fiscal year 1971 under the vocational rehabilitation program they will see that it totals approximately only 1 million persons. It is quite clear I think, Mr. Speaker, from figures like these, in addition to the testimony before our subcommittee, that we need to expand these services, not to restrict them.

I do think there is one point that the gentleman from Missouri made with which I would—and I hope he will not be distressed to learn this—and that is indicated on page 10 of the committee report in which the committee says:

> The committee is convinced that a significant number of severely disabled persons could be returned to gainful employment if greater emphasis were placed on accepting such clients for services and providing them with a comprehensive array of social adjustment and training opportunities.
>
> In the future, the committee will include in its measure of the performance of the Rehabilitation Services Administration the degree to which it comes to grips with the multiple problems of the handicapped. The committee will not ask solely how many persons were processed served and rehabilitated but also how difficult was the task and how much change was effected in each individual client.

I believe that this section of the report expresses the spirit or concern of Dr. HALL and I am sympathetic with him. Indeed we want to be sure that, as the gentleman suggests, we are simply not racking up points, because the purpose of the program is in the rehabilitation of individual human beings.

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

Mr. BRADEMAS. I am delighted to yield to the gentleman from New York (Mr. REID) who has contributed so much toward the passage of this legislation.

Mr. REID. I thank the gentleman from Indiana for yielding.

I would add further to this helpful dialog between Dr. HALL and Mr. BRADEMAS the fact that it is my understanding that not only is there critical need in the spinal cord area but the renal area, and if the gentleman will look at section 415 of the bill the gentleman will find that it authorizes the Secretary to make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of projects for providing special services, artificial kidneys, and supplies necessary for the rehabilitation of handicapped individuals suffering from end stage renal disease.

Further, I think it might be appropriate to refer to some of the testimony of Dr. Sam Kountz in this matter. He indicated that there has been a lack of progress in the area of kidney transplants and dialysis treatment and that the program that does exist should be expanded.

Our initial request is for $25 million which will provide treatment for 5,000 persons suffering with this particular disease. Yet, it is estimated that there are 55,000 people who need attention in this field. We are making significant progress in the field of dialysis, but we are reaching only about 1 in 10.

I think the point which Dr. HALL has made is extremely valid, but many of these people do not come there for the purpose of rehabilitation. We are hopeful of addressing ourselves to the overall problem.

Mr. BRADEMAS. Mr. Speaker, I would just like to conclude by saying in respect to funding of title I, the basic Federal State rehabilitation program, that it is 80 percent Federal and 20 percent State. The new title III program funding of services for severely handicapped is 90–10 Federal-State participation. I hope that the Members who are concerned with these programs, as indeed I hope all of the Members are, will read with care the committee report which makes clear that title III is not intended as a substitute for title I, but as a supplement to it, so that we can encourage the States to pay much more attention to the problems of the severely disabled.

I will now yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the chairman of the subcommittee yielding again, and I appreciate his remarks and explanation, and for the legislative record, as well as those of my colleague from New York.

I would certainly be the first to agree that we have not rehabilitated all of the catastrophic cases, be they from injury, illness, or otherwise. I am not sure how far we can go, and I think there are two questions involved here besides whether we will give a kidney dialysis machine to every patient who has to have a dialysis twice a week while waiting for a kidney transplant, in which, incidentally, there are massive technological breakthroughs that enable that to be done fairly successfully and regularly, and offer real hope to the future, beyond any peradventure of a doubt.

But the two questions are: First, is this a sufficient Federal responsibility, or even a 90-percent Federal responsibility that we should assume? And, second, Should we continue to make the program grow?

All of us know that after conquering the problem of polio that the infantile paralysis campaign became the crippled children's campaign. After that was fairly well cleaned up by eight different agencies—most of them supported by the Federal Government—it became the crippled children and adults program, and now it has another name that is especially appropriate, of simply "crippling diseases," especially as we approach Easter time, and the season of resurrection. I have suggested before that these are "sacred cows" in the Congress, but I believe that we should also give consideration in the future to perhaps an amendment, which we cannot do under a suspension of the rules, concerning the expansion of these programs once they get started, and also we should consider the statehood responsibility therein.

Mr. BRADEMAS. Mr. Speaker, I appreciate the observations and the opinions of the gentleman from Missouri (Mr. HALL).

I would only conclude, Mr. Speaker, by observing and reiterating that the subcommittee unanimously reported this bill and the full committee unanimously reported the bill, and further that there is nothing so sacred as a human life.

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

Mr. LEGGETT. Mr. Speaker, the Vocational Rehabilitation Act Amendment bill is responsible and thoroughly desirable legislation. I do not see how anybody could object to it.

The bill would be desirable if it contained nothing but the section providing for the establishment of national centers for spinal cord injuries. Until recently, rehabilitation of spinal cord injuries was not a serious problem, because the victims almost invariably died. Now many of them survive. But many of these wish they had not. Whether a victim of spinal cord injury faces a living death, or has hope of a useful and satisfying life, depends on the quality of the rehabilitative program available to him. There is no better use for our money.

The bill contains a number of other highly commendable sections. It extends the grants for new and promising experi-

mental programs. It establishes a temporary national commission on transportation and housing for the handicapped. It authorizes grants to help with incurable kidney disease. It establishes comprehensive rehabilitation centers for the deaf.

I believe and hope it will pass unanimously.

Mr. BELL. Mr. Speaker, I strongly support H.R. 8395, the Rehabilitation Act of 1972.

The current vocational rehabilitation authorization will expire in June of this year. Presently, vocational rehabilitation services are helping the physically and mentally handicapped of our country to achieve gainful employment and thereby lead productive lives.

The manner in which vocational rehabilitation is implemented has contributed, to a large degree, to its success in the areas in which it has been applied.

Foremost is the fact that the program has a well established purpose—that of enabling the physically and mentally handicapped to achieve gainful employment, economic independence or function in a normal capacity. This has been accomplished by providing services encompassing the entire scope of each individual's needs. Rehabilitation goes beyond purely medical treatment and addresses itself to the totality of the individual, providing such additional services as job training and educational programs where necessary.

The reason that so many individuals can receive such particularized care is due to the flexible approach provided by the program. Rehabilitation agencies, utilizing the authority they have under the Vocational Rehabilitation Act, have been able to bring to bear the services of a number of professions and agencies into an integrated and systematic method of serving the interests of the individual.

Further, the agencies can make arrangement with numerous community services to insure the most efficient distribution of rehabilitation programs.

Finally, a comprehensive system of accountability has permitted Congress and the administration to know precisely the degree to which the agencies are serving the rehabilitation needs of their clients.

The bill before the House today, H.R. 8395, would provide authorizations necessary for the continuation of existing rehabilitation programs. Equally important, however, are the new provisions of this bill. These new services focus on some unique problems of the handicapped.

The Rehabilitation Act of 1972 would authorize the establishment of comprehensive centers for deaf youths and adults with particular emphasis upon the low achieving deaf. A National Commission on Transportation and Housing for the Handicapped would be established to deal with the special problems encountered by handicapped individuals in these areas. Funding for the operation of vocational rehabilitation centers for persons suffering from spinal cord injuries would also be appropriated under H.R. 8395.

My personal interest in vocational rehabilitation led me to introduce legislation incorporated in the Rehabilitation Act of 1972 that would provide assistance to those suffering from end-stage renal disease. Kidney disease is the fourth leading health problem in the Nation today. It is estimated that over 8 million people suffer from kidney related disease. Approximately 50,000 people die each year of terminal kidney disease.

H.R. 8395 would provide funds for services that would save approximately 20,000 lives. The overwhelming majority of those who currently are not being helped by existing dialysis facilities can be attributed to a lack of financial resources. At present, hospital dialysis costs between $35,000 and $40,000 annually; outpatient charges average about $15,000 per year. Home treatment costs considerably less after the initial investment of $20,000. However, subsequent yearly costs of $4,000 to $6,000 heavily burden the average income family. A $25 million annual appropriation for 3 years would be authorized under H.R. 8395 for grants to States and public and other nonprofit organizations and agencies for special services, artificial kidneys and supplies necessary for the rehabilitation of handicapped persons suffering from serious kidney impairment.

In an era when significant scientific and medical breakthroughs are commonplace, our potential to improve the health and well-being of a substantial number of people sometimes lags behind our awareness of the formidable economic and scientific resources that we, as a nation, have at our disposal. The time has come for us to use these resources and provide the potential for a new life to those less fortunate than ourselves.

The House has before it today the means to do this. It is my strong hope that my colleagues will join me in supporting the passage of H.R. 8395, the Rehabilitation Act of 1972.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the House will overwhelmingly approve this bill, H.R. 8395, to amend the Vocational Rehabilitation Act.

The worthwhile and humane intention of this act is to develop and implement a comprehensive and continuing plan for meeting the current and future needs for services to handicapped persons, so they may prepare for and engage in gainful employment to the fullest extent of their capabilities.

Clearly, Mr. Speaker, the provisions of this act in the past have done much to lift the spirits, minds and bodies of those handicapped individuals in the United States, who might not otherwise have had an opportunity to self-sufficiently participate in the fruits and labors of our society. From our past experience with this basic legislation, we have ample proof that the handicapped want to and can become productive members of society. The proposed amendment in the bill before us enhance and strengthen our commitment to achieving this meaningful and humanitarian goal.

The provisions of this legislative measure establish a Rehabilitation Services Administration within the Department of Health, Education, and Welfare. Title III extends new hope and programs to the severely handicapped by providing new supplementary grants for comprehensive services. The amendments also allow for advance funding, which will ease planning efforts; permit consolidated State plans under this act and the Developmental Disabilities and Facilities Construction Act; and provide for joint funding for a single project by more than one Federal Agency.

In summary, Mr. Speaker, the adoption of this bill will give heightened inspiration to the thousands of handicapped men, women and children in this country. It is in full accord with our worthy traditions of American concern for less fortunate fellow citizens and it is obviously in the best overall national interest. I again urge its resounding approval.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to strengthen the Vocational Rehabilitation Act and broaden its reach. Administered through an authentic partnership between the Federal Government and the 50 States, the Vocational Rehabilitation Act has already served more than 3 million of the handicapped. In fiscal 1971 alone, State vocational rehabilitation agencies helped 1,001,660 people disabled by physical or mental handicaps—fully rehabilitating 291,272 to fruitful and meaningful lives, 12.5 percent more than in the year before.

The bill now before us calls for major new funding authorizations: $1.1 billion in fiscal 1973, $1.34 billion in fiscal 1974, $1.6 billion in fiscal 1975. Aside from extending the life of existing vocational rehabilitation programs and improving the services they offer, the bill would establish a clutch of ambitious new programs—especially for the severely handicapped.

This legislation, still further, would allow advance funding to hasten project planning, make possible joint funding for a project by more than one Federal agency, and permit consolidated State plans under the Vocational Rehabilitation Act and the Developmental Disabilities and Facilities Construction Act.

The success of the program so far—a striking success, by anyone's yardstick—fully justifies the renewed commitment sought in this legislation. New knowledge is coming to light each year about rehabilitating the victims of cerebral palsy, epilepsy, asphasia, arthritis, blindness, and many other disabling handicaps. New techniques are being developed for helping people stricken by heart disease, cancer, and cerebral hemorrhage; in the design of artificial limbs and other prostheses; in mobility for the blind, and in the establishment of halfway houses for psychiatric patients.

All available data show that the benefits of these programs far outweigh their cost—by estimated margins ranging up to 35 to 1.

Plainly, Mr. Speaker, this bill deserves prompt passage.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which

to revise and extend their remarks on this bill.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill (H.R. 8395), as amended.

The question was taken.

Mr. REID. 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 327, nays 0, not voting 104, as follows:

[Roll No. 80]

YEAS—327

Abbitt	Davis, Wis.	Hillis
Abernethy	de la Garza	Hogan
Abourezk	Denholm	Horton
Adams	Dennis	Hosmer
Alexander	Dent	Howard
Anderson, Calif.	Devine	Hungate
	Dickinson	Hunt
Anderson, Ill.	Dingell	Hutchinson
Andrews	Donohue	Ichord
Archer	Dow	Jacobs
Ashbrook	Downing	Jarman
Ashley	Dulski	Johnson, Calif.
Aspin	Duncan	Johnson, Pa.
Aspinall	Edwards, Ala.	Jonas
Baker	Eilberg	Jones, Ala.
Barrett	Erlenborn	Jones, N.C.
Begich	Esch	Karth
Bennett	Eshleman	Kastenmeier
Bergland	Evins, Tenn.	Kazen
Bevill	Fascell	Keating
Biaggi	Findley	Kemp
Biester	Fisher	King
Blackburn	Flowers	Koch
Bolling	Flynt	Kuykendall
Brademas	Ford, Gerald R.	Kyros
Bray	Ford, William D.	Landgrebe
Brinkley		Landrum
Brooks	Forsythe	Latta
Broomfield	Fountain	Leggett
Brotzman	Fraser	Lennon
Brown, Mich.	Frenzel	Lent
Brown, Ohio	Fulton	Link
Broyhill, N.C.	Fuqua	Lloyd
Broyhill, Va.	Garmatz	Long, Md.
Buchanan	Gettys	Lujan
Burke, Fla.	Giaimo	McClory
Burke, Mass.	Gibbons	McCollister
Burleson, Tex.	Goldwater	McCormack
Burlison, Mo.	Gonzalez	McDade
Byrne, Pa.	Goodling	McDonald, Mich.
Byrnes, Wis.	Green, Oreg.	
Byron	Green, Pa.	McEwen
Cabell	Griffin	McFall
Camp	Griffiths	McKay
Carey, N.Y.	Gross	McKevitt
Carney	Grover	McKinney
Carter	Gubser	McMillan
Casey, Tex.	Haley	Macdonald, Mass.
Cederberg	Hall	
Chamberlain	Halpern	Madden
Clancy	Hamilton	Mahon
Clark	Hammer-schmidt	Mallary
Clausen, Don H.		Martin
	Hanley	Mathias, Calif.
Clawson, Del	Hanna	Mathis, Ga.
Clay	Hansen, Idaho	Matsunaga
Cleveland	Hansen, Wash.	Mayne
Collier	Harsha	Mazzoli
Collins, Tex.	Harvey	Meeds
Conable	Hastings	Melcher
Conte	Hathaway	Miller, Calif.
Corman	Hawkins	Miller, Ohio
Cotter	Hays	Mills, Ark.
Coughlin	Hechler, W. Va.	Mills, Md.
Culver	Heckler, Mass.	Minish
Daniel, Va.	Heinz	Mink
Daniels, N.J.	Helstoski	Minshall
Danielson	Henderson	Mitchell
Davis, Ga.	Hicks, Mass.	Mizell
Davis, S.C.	Hicks, Wash.	Moorhead
Morgan	Rogers	Sullivan
Morse	Roncalio	Talcott
Mosher	Rooney, N.Y.	Taylor
Moss	Rooney, Pa.	Teague, Calif.
Murphy, Ill.	Rosenthal	Teague, Tex.
Murphy, N.Y.	Rostenkowski	Terry
Myers	Roush	Thompson, N.J.
Natcher	Rousselot	Thomson, Wis.
Nedzi	Roy	Thone
Nelsen	Roybal	Tiernan
Nichols	Runnels	Udall
O'Hara	Ruppe	Ullman
O'Konski	Ruth	Van Deerlin
O'Neill	Ryan	Vander Jagt
Passman	St Germain	Vanik
Patman	Satterfield	Veysey
Patten	Saylor	Waggonner
Pelly	Scherle	Waldie
Perkins	Schmitz	Wampler
Pettis	Schneebeli	Whalen
Pickle	Scott	Whalley
Pike	Sebelius	White
Poage	Seiberling	Whitehurst
Podell	Shipley	Whitten
Poff	Shoup	Widnall
Powell	Shriver	Wiggins
Preyer, N.C.	Sikes	Williams
Price, Ill.	Sisk	Wilson, Bob
Purcell	Skubitz	Wilson, Charles H.
Quie	Slack	
Quillen	Smith, Calif.	Winn
Railsback	Smith, Iowa	Wolff
Randall	Smith, N.Y.	Wyatt
Rarick	Spence	Wylie
Reid	Springer	Wyman
Reuss	Stanton, J. William	Yatron
Rhodes		Young, Fla.
Roberts	Steele	Young, Tex.
Robinson, Va.	Steiger, Ariz.	Zablocki
Robison, N.Y.	Steiger, Wis.	Zion
Rodino	Stephens	Zwach
Roe	Stratton	

NAYS—0

NOT VOTING—104

Abzug	du Pont	Mikva
Addabbo	Dwyer	Mollohan
Anderson, Tenn.	Eckhardt	Monagan
	Edmondson	Montgomery
Annunzio	Edwards, Calif.	Nix
Arends	Edwards, La.	Obey
Badillo	Evans, Colo.	Pepper
Baring	Fish	Peyser
Belcher	Flood	Pirnie
Bell	Foley	Price, Tex.
Betts	Frelinghuysen	Pryor, Ark.
Bingham	Frey	Pucinski
Blanton	Galifianakis	Rangel
Blatnik	Gallagher	Rees
Boggs	Gaydos	Riegle
Boland	Grasso	Sandman
Bow	Gray	Sarbanes
Brasco	Gude	Scheuer
Burton	Hagan	Schwengel
Caffery	Harrington	Snyder
Celler	Hébert	Staggers
Chappell	Holifield	Stanton, James V.
Chisholm	Hull	
Collins, Ill.	Jones, Tenn.	Steed
Colmer	Kee	Stokes
Conyers	Keith	Stubblefield
Crane	Kluczynski	Stuckey
Curlin	Kyl	Symington
Delaney	Long, La.	Thompson, Ga.
Dellenback	McCloskey	Vigorito
Dellums	McClure	Ware
Derwinski	McCulloch	Wright
Diggs	Mailliard	Wydler
Dorn	Mann	Yates
Dowdy	Metcalfe	
Drinan	Michel	

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

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ware.
Mr. Addabbo with Mr. Michel.
Mr. Holifield with Mr. Mailliard.
Mr. Celler with Mr. Frelinghuysen.
Mr. Curlin with Mr. McClure.
Mr. Hull with Mr. Dellenback.
Mr. James V. Stanton with Mr. Bell.
Mr. Steed with Mr. Belcher.
Mr. Stubblefield with Mr. Frey.
Mr. Stuckey with Mr. Crane.
Mr. Wright with Mr. Price of Texas.
Mr. Yates with Mrs. Chisholm.
Mr. Kluczynski with Mr. Derwinski.
Mr. Burton with Mr. Metcalfe.
Mr. Brasco with Mr. Peyser.
Mr. Boggs with Mr. Arends.
Mr. Boland with Mr. Sandman.
Mr. Annunzio with Mr. Kyl.
Mr. Anderson of Tennessee with Mr. du Pont.
Mr. Jones of Tennessee with Mr. Schwengel.
Mr. Chappell with Mr. Keith.
Mr. Delaney with Mr. Pirnie.
Mr. Edwards of California with Mr. Collins of Illinois.
Mr. Evans of Colorado with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Gray with Mr. Snyder.
Mr. Rees with Mr. Flood.
Mr. Pucinski with Mr. Diggs.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Nix with Mr. Galifianakis.
Mr. Mollohan with Mr. Harrington.
Mr. Monogan with Mr. Wydler.
Mr. Montgomery with Mr. Kee.
Mr. Mikva with Mr. Stokes.
Mr. Vigorito with Mr. Conyers.
Mr. Blanton with Mr. Symington.
Mrs. Abzug with Mr. Long of Lousiana.
Mr. Bingham with Mr. Mann.
Mr. Foley with Mr. Dellums.
Mr. Drinan with Mr. Dowdy.
Mr. Dorn with Mr. Baring.
Mr. Edmondson with Badillo.
Mr. Eckhardt with Mr. Gaydos.
Mr. Rangel with Mr. Sarbanes.
Mr. Scheuer with Mr. Hagan.
Mr. Gallagher with Mr. Caffrey.
Mr. Blatnik with Mr. Staggers.
Mr.Colmer with Mr. McCloskey.
Mr. Betts with Mr. Bow.
Mr. Fish with Mr. Gude.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR PARTICIPATION BY THE UNITED STATES IN THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

The Clerk read as follows:

H.R. 11948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 88–244, approved December 3, 1963, is amended to read as follows:

"SEC. 2. There is authorized to be appropriated such sums as may be necessary, not to exceed $50,000 annually, for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, this is a bill to raise the ceiling from $25,000 to $50,000 a year for the payment by the United States of its share of expenses of the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

Mr. Speaker, this institute and conference deal with private law of interest to the citizens of the United States, and to lawyers who have international practices, or who become involved in international questions.

These two institutions represent a very important effort on the part of the international community to standardize approaches to procedural questions across national boundaries, and in trying to come to some agreement on substantive legal principles.

In the Hague conference we participate through the payment of roughly 6 percent of the total cost of the conference, and in the Rome Institute it is only 4.5 percent.

This participation by the United States in the Hague conference and the Rome Institute is supported by all of the legal organizations of the United States. I think this bill is without any substantial controversy. It was reported unanimously by our committee.

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

Mr. FRASER. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman if I am correct in that this appropriation or, rather, this authorization for an appropriation, has been doubled over what it was previously?

Mr. FRASER. That is right.

Mr. GROSS. And yet it does not provide for the expenses of the delegates. Is that not correct?

Mr. FRASER. That is right. Up until now those expenses have been covered under the $25,000 limitation, but if this bill is adopted then they will be covered under the regular appropriation for international conferences and contingencies, separate from this authorization.

Mr. GROSS. So even though the authorization has been doubled for these two organizations they are going to have to look elsewhere for funds to attend the meetings?

Mr. FRASER. They will be put on the same basis as other international conferences, which come under the regular and general authority in the general appropriations for the Department of State for participation in international conferences.

I would make the further point that while we have raised the authorization the expectation is that it will not be necessary to spend the full $50,000 but will stay fairly close to the previous $25,000 figure for the immediate future. As I stated previously, we are assessed for less than 6 percent of the budget of both of these organizations.

Mr. GROSS. I hope the gentleman is right, but it does not usually work out that way.

Mr. FRASER. It is a very modest amount. We pay a very small portion of the total expense of these conferences, and the conferences are very useful to the lawyers who meet these problems overseas.

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

Mr. FRASER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me. I also want to say that I appreciate his explanation of this bill. It was because I thought that such an explanation was needed that I asked that it be put over from the Consent Calendar to the Suspension of the Rules Calendar in order that such a statement might be made, and the legislative record entered for future guidance.

Let me ask the gentleman just one question, and that is: How much of this increased cost is based upon a new demand or formula of the Universal Postal Union, and what is the tie-in between our representation at the Hague conference, and these peoples, other than that it affects our mailings?

Mr. FRASER. I am not sure I understand the question asked by the gentleman. The gentleman refers to the Universal Postal Union, and may refer to the other bill which is for the protection of intellectual property.

Mr. HALL. Mr. Speaker, if the gentleman did not understand my question, I will call the attention of the gentleman to page 3 of the report, in the second paragraph, where it says, in part:

> The formula for payment of contributions to these organizations is based upon that followed by the Universal Postal Union in which States are assigned various categories. . . .

My query is, is that simply to say that we pay 6 percent as the Universal Postal Union does for the U.S. allocation thereunto; and just as we pay 30.06 percent to the United Nations? Or are they actually "pulling the string" for the cost of mailing?

That is my only question.

Mr. FRASER. My understanding is that this is apparently the same formula as used in the Universal Postal Union in which they take into account the population and the geographic area and the gross national product which comes out at about 6 percent in one and 4½ percent on the others.

Mr. HALL. I thank the gentleman.

Mr. WHALEN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I rise in support of H.R. 11948.

This bill would increase the authorization for appropriation of funds for U.S. participation in the Hague Conference on Private International Law and the International Institute for the Unification of Private Law from a maximum of $25,000 per year to $50,000 per year.

U.S. participation in these organizations is helping to lay the foundation for a codification of legal rules in the private area throughout the world.

Through the Hague Conference on Private International Law the United States is able to participate in the shaping of conventions which may protect the rights of U.S. citizens involved in cases requiring application of rules of private international law.

Through the International—Rome—Institute for Unification of Private Law, the United States has the opportunity to influence the development of uniform laws which may affect the rights and interests of American citizens who travel or own property abroad.

The entry of the United States into this field was strongly urged by all the major legal associations in this country. They endorse efforts to bring about some significant results in the unification of private law.

The expenses of the Hague Conference and the Rome Institute are modest. The United States pays just 6 percent of the budget for the Conference and only 4½ percent of the Institute's budget.

Harmonizing the varying legal positions of different countries to achieve a greater degree of certainty in such areas as international judicial assistance and international commercial transactions is a long process. It deserves our continued support.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and pass the bill H.R. 11948.

The question was taken.

Mr. RARICK. 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 315, nays 18, not voting 98, as follows:

[Roll No. 81]

YEAS—315

Abbitt	Burke, Fla.	Dennis
Abernethy	Burke, Mass.	Dent
Abourezk	Burleson, Tex.	Devine
Adams	Burlison, Mo.	Dickinson
Alexander	Byrne, Pa.	Dingell
Anderson, Calif.	Byrnes, Wis.	Donohue
	Byron	Dow
Anderson, Ill.	Cabell	Downing
Andrews	Caffery	Dulski
Archer	Carey, N.Y.	Duncan
Ashley	Carney	Edwards, Ala.
Aspin	Carter	Eilberg
Aspinall	Casey, Tex.	Erlenborn
Baker	Cederberg	Esch
Barrett	Chamberlain	Eshleman
Begich	Clancy	Evins, Tenn.
Bennett	Clark	Fascell
Bergland	Clausen, Don H.	Findley
Betts		Fish
Bevill	Clawson, Del	Fisher
Biaggi	Clay	Flowers
Biester	Cleveland	Flynt
Blackburn	Collier	Ford, Gerald R.
Blatnik	Collins, Tex.	Ford, William D.
Bolling	Conable	
Bow	Conte	Forsythe
Brademas	Corman	Fountain
Bray	Cotter	Fraser
Brinkley	Coughlin	Frenzel
Brooks	Culver	Fulton
Broomfield	Daniel, Va.	Fuqua
Brotzman	Daniels, N.J.	Gallagher
Brown, Mich.	Danielson	Garmatz
Brown, Ohio	Davis, S.C.	Gettys
Broyhill, N.C.	Davis, Wis.	Giaimo
Broyhill, Va.	de la Garza	Gibbons
Buchanan	Denholm	Goldwater

Gonzalez	McKinney	Roybal
Goodling	McMillan	Ruppe
Green, Oreg.	Macdonald, Mass.	Ruth
Green, Pa.	Madden	Ryan
Griffin	Mahon	St Germain
Griffiths	Mallary	Satterfield
Grover	Martin	Saylor
Gubser	Mathias, Calif.	Schneebeli
Gude	Matsunaga	Scott
Hagan	Mayne	Seiberling
Halpern	Mazzoli	Shipley
Hamilton	Meeds	Shoup
Hanley	Melcher	Shriver
Hanna	Miller, Calif.	Sikes
Hansen, Idaho	Miller, Ohio	Sisk
Hansen, Wash.	Mills, Ark.	Skubitz
Harsha	Mills, Md.	Slack
Harvey	Minish	Smith, Calif.
Hastings	Mink	Smith, N.Y.
Hathaway	Minshall	Spence
Hawkins	Mitchell	Springer
Hays	Mizell	Staggers
Hechler, W. Va.	Moorhead	Stanton, J. William
Heinz	Morgan	Steele
Helstoski	Mosher	Steiger, Ariz.
Henderson	Moss	Steiger, Wis.
Hicks, Mass.	Murphy, Ill.	Stephens
Hicks, Wash.	Murphy, N.Y.	Stratton
Hillis	Myers	Sullivan
Hogan	Natcher	Talcott
Horton	Nedzi	Taylor
Howard	Nelsen	Teague, Calif.
Hungate	Nichols	Teague, Tex.
Hunt	O'Hara	Terry
Hutchinson	O'Konski	Thompson, N.J.
Ichord	O'Neill	Thomson, Wis.
Jacobs	Passman	Thone
Jarman	Patman	Tiernan
Johnson, Calif.	Patten	Udall
Johnson, Pa.	Pelly	Ullman
Jonas	Perkins	Van Deerlin
Jones, Ala.	Pettis	Vander Jagt
Jones, N.C.	Pickle	Vanik
Karth	Pike	Veysey
Kastenmeier	Poage	Waggonner
Kazen	Podell	Waldie
Keating	Poff	Wampler
Kemp	Powell	Whalen
King	Preyer, N.C.	Whalley
Koch	Price, Ill.	White
Kuykendall	Quie	Whitehurst
Kyros	Quillen	Widnall
Latta	Railsback	Wiggins
Lennon	Randall	Williams
Lent	Reid	Wilson, Bob
Link	Reuss	Wilson, Charles H.
Lloyd	Rhodes	Winn
Long, Md.	Roberts	Wolff
Lujan	Robinson, Va.	Wyatt
McClory	Robison, N.Y.	Wylie
McCloskey	Rodino	Wyman
McCollister	Roe	Yatron
McCormack	Rogers	Young, Fla.
McCulloch	Roncalio	Young, Tex.
McDade	Rooney, N.Y.	Zablocki
McDonald, Mich.	Rooney, Pa.	Zion
McEwen	Rosenthal	Zwach
McFall	Rostenkowski	
McKay	Roush	
McKevitt	Roy	

NAYS—18

Ashbrook	Hosmer	Schmitz
Camp	Landgrebe	Sebelius
Colmer	Landrum	Whitten
Gross	Mathis, Ga.	
Haley	Rarick	
Hall	Rousselot	
Hammer-schmidt	Runnels	
	Scherle	

NOT VOTING—98

Abzug	Davis, Ga.	Gray
Addabbo	Delaney	Harrington
Anderson, Tenn.	Dellenback	Hébert
Annunzio	Dellums	Heckler, Mass.
Arends	Derwinski	Holifield
Badillo	Diggs	Hull
Baring	Dorn	Jones, Tenn.
Belcher	Dowdy	Kee
Bell	Drinan	Keith
Bingham	du Pont	Kluczynski
Blanton	Dwyer	Kyl
Boggs	Eckhardt	Leggett
Boland	Edmondson	Long, La.
Brasco	Edwards, Calif.	McClure
Burton	Edwards, La.	Mailliard
Celler	Evans, Colo.	Mann
Chappell	Flood	Metcalfe
Chisholm	Foley	Michel
Collins, Ill.	Frelinghuysen	Mikva
Conyers	Frey	Mollohan
Crane	Galifianakis	Monagan
Curlin	Gaydos	Montgomery
	Grasso	Morse
Nix	Riegle	Stubblefield
Obey	Sandman	Stuckey
Pepper	Sarbanes	Symington
Peyser	Scheuer	Thompson, Ga.
Pirnie	Schwengel	Vigorito
Price, Tex.	Smith, Iowa	Ware
Pryor, Ark.	Snyder	Wright
Pucinski	Stanton, James V.	Wydler
Purcell	Steed	Yates
Rangel	Stokes	
Rees		

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

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ware.
Mr. Addabbo with Mr. Michel.
Mr. Holifield with Mr. Mailliard.
Mr. Celler with Mr. Frelinghuysen.
Mr. Curlin with Mr. McClure.
Mr. Hull with Mr. Dellenback.
Mr. James V. Stanton with Mr. Bell.
Mr. Steed with Mr. Belcher.
Mr. Stubblefield with Mr. Frey.
Mr. Stuckey with Mr. Crane.
Mr. Wright with Mrs. Heckler of Massachusetts.
Mr. Yates with Mrs. Chisholm.
Mr. Kluczynski with Mr. Derwinski.
Mr. Burton with Mr. Metcalfe.
Mr. Brasco with Mr. Peyser.
Mr. Boggs with Mr. Arends.
Mr. Boland with Mr. Sandman.
Mr. Annunzio with Mr. Kyl.
Mr. Anderson of Tennessee with Mr. du Pont.
Mr. Jones of Tennessee with Mr. Schwengel.
Mr. Chappell with Mr. Keith.
Mr. Delaney with Mr. Pirnie.
Mr. Edwards of California with Mr. Collins of Illinois.
Mr. Evans of Colorado with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Gray with Mr. Snyder.
Mr. Rees with Mr. Flood.
Mr. Pucinski with Mr. Diggs.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Nix with Mr. Galifianakis.
Mr. Mollohan with Mr. Harrington.
Mr. Monagan with Mr. Wydler.
Mr. Montgomery with Mr. Kee.
Mr. Mikva with Mr. Stokes.
Mr. Vigorito with Mr. Conyers.
Mr. Blanton with Mr. Symington.
Mrs. Abzug with Mr. Long of Louisiana.
Mr. Bingham with Mr. Mann.
Mr. Foley with Mr. Dellums.
Mr. Drinan with Mr. Dowdy.
Mr. Dorn with Mr. Barring.
Mr. Edmondson with Mr. Badillo.
Mr. Eckhardt with Mr. Gaydos.
Mr. Rangel with Mr. Sarbanes.
Mr. Scheuer with Mr. Morse.
Mr. Davis of Georgia with Mr. Pryor of Arkansas.
Mr. Purcell with Mr. Smith of Iowa.

Mr. O'KONSKI changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property, as amended.

The Clerk read as follows:

H.J. RES. 984

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 12, 1960 (74 Stat. 381), as amended by the Act of July 19, 1963 (77 Stat. 82) is hereby further amended by (1) striking out the words "International Bureau for the Protection of Industrial Property" and inserting in lieu thereof the words "International Bureau of Intellectual Property", and (2) in subsection (b) thereof, deleting the phrase ", not to exceed $15,000 annually," and the word "thereafter" and inserting after the word "b reau" the phrase "as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised".

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, this bill removes the current $15,000 ceiling on the U.S. assessed contribution for participation in the International Bureau for the Protection of Industrial Property. This is the Bureau in Paris that administers to conventions dealing with patents and copyrights. It is important to the United States, because we have more patents and copyrights than any other country in the world and, therefore, we have an interest in seeing that we pay our fair share toward the Bureau's efficient and effective operation.

Our contribution runs 4 percent of the total of all contributions of participating nations. I think it is a very good bill. There was no objection to it in the committee, where it was reported out unanimously.

Mr. BROOMFIELD. Mr. Speaker, I support passage of House Joint Resolution 984.

This resolution has already been discussed in detail by the gentleman from Minnesota (Mr. FRASER).

The United States contributes to the International Bureau as a party to the convention of Paris for the Protection of Industrial Property. This convention is the principal multilateral agreement in the industrial property field and has 78 member states.

The International Bureau is responsible for the administration of two basic conventions, the Paris Industrial Property Convention covering Patents and Trademarks, and the Berne Copyright Convention. This includes preparation for meetings of the assembly of all the member states of the Paris Industrial Property Convention.

One of the Bureau's most important responsibilities is to serve as a clearinghouse for information on and interpretation of patent and trademark laws. This is particularly important to the United States, since Americans have more industrial property abroad than any other nation. The effective administration of the Paris Convention by the International Bureau contributes to the protection of this property.

The international bureau was also in-

volved in the development and successful negotiation at the recent Washington Diplomatic Conference on the Patent Cooperation Treaty of a new treaty that will be of benefit to Americans filing abroad.

In summary this little known organization is providing a vital service that should be continued.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and pass the joint resolution, House Joint Resolution 984, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

UNIFORM TIME ACT AMENDMENT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4174) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases, as amended.

The Clerk read as follows:

H.R. 4174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone."

The SPEAKER. Is a second demanded?

Mr. BROYHILL of North Carolina. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) is recognized.

Mr. STAGGERS. Mr. Speaker, H.R. 4174 would amend the Uniform Time Act of 1966. Under that act each State must observe advanced or "daylight saving" time from the last Sunday in April until the last Sunday in October, unless the State, by law, exempts the entire State from observance of advanced time.

H.R. 4174 would provide another alternative to the 12 States which are, today, split by time zone boundaries. They are Indiana, Kentucky, Tennessee, Florida, Texas, Kansas, Nebraska, South Dakota, North Dakota, Oregon, Idaho, and Alaska. This new alternative would permit any of those States to exempt all of the State lying within one time zone from observance of advanced time.

The State of Indiana is particularly anxious to have this legislation enacted. Indiana is split by the boundary between the eastern and central time zones. Eighty counties in Indiana are in the eastern time zone. Two pockets of six counties each—one in the Northwest and the other in the Southwest—are in the central time zone. Indiana has enacted a law in compliance with the Uniform Time Act which exempts the entire State from the observance of advanced time. The result is that the 12 counties in the central time zone from the last Sunday in April until the last Sunday in October are "time islands." They are observing the same time that is being observed in Vale, Oreg.

The city of Evansville, Ind., has legislation which places the city on advanced central standard time during the period of its observance. An action to enjoin observance of this legislation and to have it declared invalid has been brought by the Secretary of Transportation.

H.R. 4174 has been recommended by the administration. All of the witnesses at the hearings on the legislation supported its enactment. It was reported by an overwhelming voice vote in our committee. I do not know of any group that opposes its enactment. The Senate has passed a bill (S. 904) which is almost identical. Enactment of this legislation would not cost the Federal Government a penny. It could in fact save some money by avoiding the need for lawsuits such as that which the Secretary of Transportation has brought against the mayor and city of Evansville, Ind.

Mr. Speaker, I trust the House will pass H.R. 4174. It is a good bill.

They were not heard because it was a sort of emergency. The committee does intend to have hearings on that particular question. I have been asked about it. I have said that if we have time during this session of Congress, we will hold hearings. But to be truthful, I do not know that we will have time. If I come back here as chairman, I promise there will be hearings on this particular issue, because I think the will of the people should prevail through their Representatives in Congress. I believe that any question that arises should be heard. That is a promise I have made.

We are trying here to correct only a part of the section which we found to be wrong, and we are trying to make it equitable to the extent that we can.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I take this time to address a question or two to the chairman of the Interstate and Foreign Commerce Committee with respect to daylight time. I am not opposed to the purpose of this bill, because I believe it is a unique case affecting the State of Indiana. But some of us have had bills pending before Congress for a long time with respect to shortening the period of daylight saving time.

While I heard the gentleman say that sometime in the indefinite future we might be able to get a hearing, I do believe the chairman of the committee could be a little more specific and tell us whether we are going to get a hearing this year, next year, or the year following that. I would hope the gentleman could assure us that before this session of Congress ends, in the shortest possible time, we might be given a hearing on the bills to reduce the period of daylight saving time from Memorial Day until Labor Day. Can the gentleman give us more assurance, more definite assurance than he has?

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

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I recognize the situation. I recognize there are Members of Congress who want a hearing on this subject and, if possible, before the end of this session. To be truthful with the gentleman, I do not believe it is possible to do so, because the committee has a number of bills already under consideration which we are trying to get marked up. The committee is now holding hearings with regard to securities exchanges. But I assure the gentleman, as I said in my statement, during the early part of next session, if I am back and still chairman of the committee, there will be hearings in our committee on the subject the gentleman is speaking about.

Mr. GROSS. If your members are so busy during the regular hours of the day, perhaps we can arrange to pay members of the subcommittee a little overtime.

Mr. STAGGERS. If the gentleman will yield further, they have been working very hard. We attempted without success to have a session this morning, because the committee has worked on Mondays and Fridays when many other committees have not.

Mr. GROSS. I thank the gentleman for his response, which is about what he said before.

I will vote against this bill only because it is not subject to an amendment which would give us an opportunity to try to shorten the period of so-called daylight time.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I would like to ask our distinguished chairman a question along the same line the distinguished gentleman from Iowa mentioned. I, too, am interested in the bill to reduce the daylight saving time period to the period from April 30 to Labor Day, the first Monday in September. I have introduced such a bill each year and I have been told that we would have hearings even last year. You do not think it is possible for us to have hearings, then, this year?

Now before this body is legislation that would make a great move toward removing the rust from the mainspring of our national timepiece, and eliminating much of the confusion now existing in our timekeeping system.

As individuals we are but seconds in a thousand years, and it often seems that time does not know us nor does it desire to make an acquaintance with less than an hour. Indeed, that very difference of 1 hour within the boundaries of the many States, including the Commonwealth of Kentucky, that are divided by time zones creates very little more than broken clocks and frayed nerves.

Man invented the clock. Do not let him

become a slave to it in a greater degree than he is now.

My distinguished colleagues from my neighboring State of Indiana know well the disruption that has taken place in the past. This bill would move to remedy the situation that exists there, as elsewhere.

My State's motto is "United We Stand, Divided We Fall." I ask my colleagues today to refuse to let the issue of time divide my State and the many others that face this problem. I urge passage of this legislation; I have long been aware of the need for this.

Mr. STAGGERS. I have said to the gentleman from Iowa I doubted it very much. If the time does permit, we will have hearings, but I would doubt it will be possible. With all we have to do in our committee and looking at the matter realistically, it would be very difficult to get to the hearings this year. I have said if we do not get to them in this session, we will at the next session if I am here.

Mr. CARTER. People in more than 20 States have written asking that this be considered. In mountainous areas of my State, and I am sure in the distinguished gentleman's State also, many children are waiting for school buses in darkness and in danger, and this is why we would like to see the time period shortened.

Mr. STAGGERS. I assure the gentleman the bill will get hearings as soon as we can. I will say this to the gentleman. If it is so important in his State, all the State has to do is say it is not going on daylight saving time, and that will take care of it, but we will try to take care of it for the gentleman.

Mr. CARTER. I know the gentleman is right, but at least some hearings might be held before some dreadful accident occurs in my State or in the State of the distinguished gentleman.

Mr. Speaker, I thank the gentleman.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I must respectfully protest this legislation affecting our time standards being taken up under the suspension procedure. This procedure makes the Members powerless to offer any amendment to try to undo some of the very serious damage being done to the rural areas of America by having daylight saving time run all the way from the last Sunday of April to the last Sunday of October. Many of us have been hearing continuously from our constituents who are saying their children are subjected to serious inconvenience and danger in the dark hours of the early morning when in many rural areas, including the northwestern district of Iowa, the little children have to be herded out, in real danger, onto the busy highways to get on the schoolbuses.

Mr. Speaker, we should at least be able to bring the remedial amendments I and others have proposed to the Uniform Time Act to the floor of the House on a vote, but the committee has for 15 solid months refused even to give our constituents the courtesy of a hearing on a matter which vitally affects the welfare and safety of the children of rural America. The committee has taken no action on my H.R. 897, introduced January 22, 1971, in which I proposed to limit daylight savings time to the period between Memorial Day and Labor Day, or on other proposals in this area. The committee took no action on similar bills in the previous Congress. Under these circumstances I have no choice but to vote against this suspension procedure, which again blocks us from any consideration of appropriate amendments. Even this day on the floor we are given absolutely no assurance that there is going to be any committee hearing this year on the various proposals to shorten the period to which daylight savings time applies.

In other words, this matter does not have enough priority for the majority and the chairman of the House Interstate and Foreign Commerce Committee even to set it down for hearing. I must protest. Unless we have some assurance of getting committee consideration of this matter of particularly vital urgency to our schoolchildren and their parents, I will regretfully vote against the motion. I do not like to go against the wishes of my friends from Indiana, but there is a principle involved here that Members of the House should be able to work their will on legislation which so vitally affects us. I cannot accept more than a 2-year delay as adequate good faith and diligence on the part of this committee.

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

Mr. MAYNE. I am happy to yield to the gentleman frrom West Virginia, the chairman of the House Interstate and Foreign Commerce Committee.

Mr. STAGGERS. Mr. Speaker, has the gentleman gone to his State legislature and asked them to pass a law exempting the State?

Mr. MAYNE. I am responsible to the people of my district, and I am here on a mandate from the people to see that we are not overlooked on this issue. The Congress enacted the Uniform Time Standards Act, and we cannot avoid our responsibility to correct its defects or shift the responsibility to the State legislatures. I think it is right to come to the gentleman's committee and ask for consideration of remedial legislation. That is what I am doing today. We have not been able to get consideration of the matter off the floor. Maybe we can get it on the floor today.

Mr. STAGGERS. I do not know about that. That remains to be seen. I have said, as a matter of fact, in replying to an earlier question, that we will try to have the hearings this year, but I doubt very much if time will permit and I have said if we do not have the hearings this year, we will get to them next year.

That is as far as I can go, beyond that I would not be telling the truth. But I would say this: The States where this does affect the people they ought to get to the legislature and say, "Exempt this State." It could be done, and has been done in several cases.

Mr. MAYNE. I thank the gentleman.

I should like to urge every Member who has heard from his constituents about the unfairness and the arbitrariness of daylight saving time being spread over America for so many months, rather than limited to the 3 summer months when children are generally not going to school, if they want to do something to show their constituents they are concerned about trying to get this matter at least heard by the committee, to vote with me against suspending the rules and passing this bill. We may then have opportunity to offer the needed amendments to the Uniform Time Act on the House floor when this bill comes before the House under the normal rules permitting such amendments. If we do not act now, it is apparent that there can be little hope of changing the law in this Congress so that schoolchildren will not be required to stand in predawn cold in northwest Iowa and elsewhere next October, sometimes in snow or rain, waiting for their schoolbus. That earlier hour in September and October is not only much colder and darker, it is also far more dangerous to drive. Even if only one less schoolbus accident was avoided by reverting to standard time on Labor Day, surely it is worth the effort.

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

Mr. MAYNE. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I am not fully conversant with the law, but I do not believe the legislature of the State of Iowa can shorten the period of daylight saving time. I believe it is either voted out altogether or accepted, one or the other.

Mr. MAYNE. I believe the gentleman is right. I am sure the chairman of the committee did not wish to leave the House with any other impression.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield myself 3 minutes.

Prior to enactment of the Uniform Time Act of 1966, there was an extended period of time each spring when airlines and other transportation schedules were in complete and incomprehensible confusion. Throughout the land, States, counties, and individual cities were converting on a ragged schedule to their own versions of daylight savings time. Communications as well as transportation became difficult. Because of this confusion, the main elements of the transportation industry asked for a minimal relief by way of legislation which would merely require uniformity in the duration of advanced time if a community chooses to use it.

After the act became effective, the difficulties started to appear. Some lines were rearranged including the one dividing eastern from central time in the hope of solving the inequities. This has not been completely successful.

The bill before the House today would add one option to what State legislatures may do about advanced time. The need for this legislation is forcefully illustrated in the problems of the State of Indiana, one of four States which has enacted laws exercising the option of exempting themselves from the observance of advanced time. Indiana is one of only 12 States which straddle time zone boundaries. In Indiana, 80 counties are in the eastern time zone and 12 counties, six in the northwest corner of the State and six in the southwest corner, are in the central time zone.

When the Indiana General Assembly voted to exempt the State from the ob-

servance of advanced time under the provisions of the Uniform Time Act, it made "time islands" of the six counties in the northwest corner of the State and of the six counties in the southwest corner. Consequently, the legal time in Evansville and Gary is 2 hours behind Cincinnati and Louisville, and 1 hour behind Indianapolis, Detroit, Chicago, and St. Louis. The obvious problems to industry resulting from these different time periods reinforces the need for a uniform policy with regard to States in more than one time zone.

At the present time, a State law must either exempt the whole State or leave it entirely alone. The bill under consideration today would give a State which is split by a time zone line a chance to exempt from using advanced time that part of the State in one of the zones. The result of such a move would keep the two parts of the State on different time for half of the year, but make it possible for the entire State to be on the same time for the other half. More importantly, it avoids the worst situations where small segments of a State which are economically identified with a neighboring State in the next time zone get completely out of harmony and have 2-hour time differences in small areas. This is presently the case in Indiana.

Enactment of H.R. 4174 will not entail any increased costs or expenditures. It could, in fact, reduce such costs by eliminating the need for current litigation resulting from the inequities in the present system.

For these reasons, I recommend that my colleagues approve this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ZION).

Mr. ZION. I thank the gentleman.

Mr. Speaker, I rise to commend the chairman for helping us solve a very difficult problem in the State of Indiana.

As the gentleman from North Carolina (Mr. BROYHILL) said, this has nothing to do with shortening or lengthening the period of daylight saving time. This is an emergency bill which is brought up as a result of pressure from the people in Indiana, particularly southwest and northwest Indiana. We are suffering adverse economic consequences as a result of being 2 hours behind our major centers of commerce.

When we are 2 hours behind the people across the river from us, with whom we do business, it is very harmful to us.

Second, if this is not corrected we will be getting our major television programs from the East 2 hours early, at a time when our people are on the way home from work.

Third, the Department of Transportation has been very kind and have tried not to enforce the provisions of the Uniform Time Act, because they recognize the injustice to those in northwest and southwest Indiana. Friday I spoke with the Secretary of Transportation, who has a suit pending against the city of Evansville. I asked if that suit would be dropped should this bill be passed today. He said it would.

This has nothing to do with whether we lengthen or shorten daylight saving time in other States. It simply helps the people of Indiana solve a major problem.

I thank the chairman very much for accommodating us on that issue, and I ask for support of the bill.

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

Mr. ZION. I yield to the gentleman from Indiana.

Mr. LANDGREBE. I should like to associate my comments with those made by the gentleman from Indiana.

The passage of this bill is most important to the people who reside in the northwestern and southwestern areas of Indiana.

It will legalize daylight savings time in those areas of Indiana that are in the central standard time zone during the period of the year that daylight saving time is in effect in the central time zone. Those areas will have uniform time with Illinois to the west and all of Indiana to the east that is permanently on eastern time.

I most sincerely request and urge the affirmative vote of all Members of this Congress.

PARLIAMENTARY INQUIRY

Mr. LANDRUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANDRUM. Under the rules of suspension, is an amendment in order to change the effective date of this from the last Sunday in April?

The SPEAKER. No amendment is in order under the suspension rule.

Mr. GERALD R. FORD. Will the gentleman yield to me?

Mr. STAGGERS. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The State of Michigan historically has had the Lower Peninsula on one time and a portion of the Upper Peninsula on another time. Does this legislation permit the State of Michigan by its own legislative action to have that condition in the future?

Mr. STAGGERS. I have forgotten the situation.

Mr. GERALD R. FORD. With those facts in mind what is the answer?

Mr. STAGGERS. Unless the time zone is changed they could not correct your situation at all. I do not see why that could not be changed by the Department of Transportation.

Mr. GERALD R. FORD. It is ridiculous, I agree. I have never understood why they were so arbitrary. But the net result is at least the far western part of the Upper Peninsula is not logically in the same time zone as the eastern portion of Michigan.

Mr. STAGGERS. I would agree with the gentleman. If he will make an appeal to the DOT about changing that time zone in that belt, I would certainly try to help him out in every way that I could.

Mr. GERALD R. FORD. Let me ask this: Is it the option of a State to act? It is only if the Department of Transportation makes a modification in the drawing of its own lines. Is that correct?

Mr. BROYHILL of North Carolina. In the case of Michigan I would say that would be correct, because of the line change after the 1966 act was enacted and passed. If you could follow the procedures that are laid down by the Secretary of Transportation, you could have the line changed back in its own way.

Mr. GERALD R. FORD. But the State must take the initiative in order to get a change in the drawing of the lines?

Mr. BROYHILL of North Carolina. That would be correct.

Mr. ROUSH. Mr. Speaker, I rise in support of H.R. 4174, a bill that would allow those States, and only those States, divided into more than one time zone, to have the same option now enjoyed by States residing in a single time zone; namely, to decide for each time zone whether to adopt or reject daylight time.

Indiana is one of a few States, 12 in number, which have suffered from the requirement of the Uniform Time Act that a State adopt or reject daylight time throughout the entire State. Kentucky, Tennessee, Florida, North Dakota, South Dakota, Nebraska, Kansas, Texas, Idaho, Oregon, Alaska are also divided into more than one time zone.

Were Indiana and these other 11 States in a single time zone, as the rest of the Nation, there would be no problem. But these States are unique; they lack the uniformity of a single time zone, and therefore must be treated in a different way. H.R. 4174 would allow just the exception that is needed and nothing more; namely, to allow these States to adopt or reject daylight time for an entire area of a State lying within a time zone.

Let me give you a few of the details about Indiana's time problem, a problem this amendment to the Uniform Time Act could essentially resolve.

Indiana is divided into eastern and central time zones. Although the U.S. Department of Transportation moved the time zone line in 1969 from the middle of the State to the Illinois border, except for 12 counties in the western part of the State economically tied to central time, this did not solve the problem posed by passage of the Uniform Time Act of 1966.

For each year since that time the people of Indiana must make a cruel choice. Either the 80 counties in the eastern time zone must adopt daylight time in the summer months, which because of geographical location means to these people a kind of "double daylight time" and then the 12 counties in the western section of the State, in central standard time, can enjoy daylight time; or those 12 counties are forced to accede to central standard time year round so that the eastern counties are not saddled with daylight time. In this latter instance, the 12 counties in the northwestern and southwestern parts of the State around Gary, East Chicago, Hammond, and Evansville become a "time island" removed by a clock hour from those areas in Kentucky and Illinois which do adopt daylight time 6 months of the year.

Mr. Speaker, it is with the communities in Illinois and Kentucky that the cities in those 12 western counties of Indiana do business, where many people from Indiana work, go to school, enjoy social activities, attend meetings. Ironically the time zone line was changed in 1969 by the Department of Transporta-

tion in recognition of the regional ties between these areas, ties radically upset when Illinois and Kentucky go on daylight time for 6 months and Evansville, Gary, and so forth cannot do so.

Nor is it any more agreeable to all the counties of Indiana to adopt daylight time for 6 months of the year. Indeed parents in the eastern time zone are very concerned about that their children going to school in the dark in this situation and farmers find that their animals simply do not respond to clock time when it varies from actual sun time.

At this time the State legislature has no choice but to disappoint and inconvenience one part of the State or the other. The Indiana Legislature has chosen to exempt the entire State from daylight time. But the State Legislature also passed a resolution urging the U.S. Congress to amend the Uniform Time Act to permit Indiana counties within the central time zone to observe daylight time and for good measure memorialized the Department of Transportation to the same effect. Moreover, the Indiana Legislature in passing the ordinance to exempt Indiana from daylight time, included a provision that would allow the 12 western counties to adopt daylight time if and when the Uniform Time Act were amended. So the Indiana Legislature is ahead of the U.S. Congress. The State simply awaits the action of Congress this day on H.R. 4174 and the basic time problem in my State will be resolved.

I might add that the Department of Transportation agrees with the Indiana Legislature on the need for passage of this legislation. But the Department's hands are tied by that same Uniform Time Act, and so they, too, rely on the Congress for this amendment, which would only exempt those States which are in more than one time zone, from the demand for uniformity as to daylight time throughout the State; and the amendment embodied in H.R. 4174 would only allow an option in the adoption of advanced or daylight time for each area of a State lying within a time zone. Nothing else would be changed in the Uniform Time Act.

Ironically, for the State of Indiana such an amendment will not reduce but provide uniformity. Indiana was accustomed to having daylight time in those 12 western counties 6 months of the year while the eastern counties—most of the State in fact—stayed on eastern time. This meant that for 6 months of the year the whole State was on the same clock time. That uniformity has been denied to us since 1966.

I would add, Mr. Speaker that the other body has concurred in the need for this legislation and has passed the same bill already.

Finally, H.R. 4174 would not destroy the uniformity secured by the Uniform Time Act; but simply make an adjustment for those 12 States with a special problem for whom supposed uniformity has meant time chaos.

Nor would this amendment change the option now available to States that are not split into more than one time zone.

H.R. 4174 has the single and simple purpose of providing an option for States that have a special, a unique situation not created by themselves. I earnestly recommend passage.

Mr. MADDEN. Mr. Speaker, I wish to first thank Chairman STAGGERS and subcommittee chairman Moss and members of the House Interstate and Foreign Commerce Committee for reporting favorably on H.R. 4174 and presenting it to the House Chamber under the suspension of rules procedure today.

In my 30 years of service in the House of Representatives very few bills have ever come to the floor of the House when the 11 Hoosier Members of both parties were unanimous in support of legislation as they are in support of H.R. 4174.

Indiana is one of the few States which, unfortunately, is split between eastern and central standard time. All except 12 of our counties which are located on the western border are even in the eastern time zone. The 12 counties in the western time zone are evenly divided—six counties lying immediately across from the Illinois boundary and contiguous to approximately 6 million people in the Chicagoland area. Six other counties are located in southwest Indiana in the Evansville area and immediately adjacent to the highly populated area in southern Illinois and northern Kentucky. The Indiana Legislature has acted to exempt Indiana from daylight saving time.

The pending legislation would properly adjust and right an intolerable situation for the above-named 12 counties. During the last session of the Congress the Senate unanimously passed similar legislation by voice vote.

The administration, the Department of Transportation, and the Indiana General Assembly have endorsed this legislation. Last year the Indiana congressional delegation consulted with Secretary of Transportation Volpe and he is in complete sympathy and agreement that the passage of this legislation would virtually relieve an unfortunate time situation and endorsed the pending amendment. He also was highly considerate in postponing any action last year on account of this legislation pending in the Congress for debate and action.

Passage of this amendment will enable industry, schools, churches, retail stores, professional people, and thousands of wage and salary earners, along with the traveling public, both interstate and intrastate, to completely eliminate this confusing and complex time hazard which would exist in the 12 counties of Indiana who are petitioning for this legislative relief.

The New York Times of June 21, 1971, had a rather interesting and amusing editorial on the time hazard which was inflicted on Switzerland County in the southwest corner of Indiana and I am asking permission to have a few paragraphs of that editorial included with my remarks. The editorial remarks particularly on an incident which occurred in the town of Vevay, Ind.

[From the New York Times, June 21, 1971]

IN INDIANA, TIME EXERTS A SPECIAL TYRANNY

(By George Vecsey)

VEVAY, IND., June 20.—When a popular resident of Switzerland County died last week, many people wanted to attend the funeral.

The problem was, half the people thought the funeral was 2 P.M. "fast time" and the other half thought the funeral was 2 P.M. "slow time." The result was a half-attended funeral.

This seems to happen all the time in Indiana, because time is a haphazard thing in this part of the country.

It is confusing enough that the border between the Eastern and Central time zone runs through the state. But when individual counties, and individual merchants, and anybody with a wrist watch can decide what time is is, the result is madness.

On these long summer evenings, time—whether "fast," (Daylight saving time) or "slow" (standard time)—is particularly noticeable.

Summer will arrive at 1:20 A.M. Tuesday—"fast time"—in Vevay, where it will stay light until 10 P.M. (because it is on the edge of the Eastern time zone). But a few miles to the west, in Maverick, Jefferson County, it will get dark at 9 P.M.—"slow time," that is.

PLEA FOR UNIFORMITY

"I don't care what time they make it," said Capt. Clayton Arney, pilot of the side-wheeler ferry across the Ohio River, "I just wish they'd all be the same."

Technically, the entire state is on Eastern time except for six counties in the northwest and six counties in the southwest, which are on Central time.

But when daylight saving time begins in April, the farmers as well as theater and restaurant owners are unhappy about the long evening hours of daylight. So the Indiana Legislature passed a law last winter exempting the state from daylight time, whether Central or Eastern.

Normally, one could expect the calm, conservative people of Indiana to obey any law, but not this one.

In Vevay's white stone courthouse, the official clocks and the state-supervised employes work on "slow time," even if the rest of the town is on "fast time."

"My husband works at the Rex Chain Belt Factory, which is on fast time," said Mrs. William Frazier, the county's deputy auditor. "He leaves at 5 A.M. by slow time. Then he's back by 3 P.M. while I'm still working. It does get pretty confusing—school kids on one time, their parents are on another."

Mr. Speaker, the time is but a few weeks away so I do hope the House will take unanimous action today on granting much-needed relief to the tens of thousands of people in 12 counties in Indiana by extending to them an option to enjoy time that will not disorganize their daily routine from their business, social and all angles pertaining to their livelihood during the 6 months of the daylight saving time period.

Mr. SPRINGER. Mr. Speaker, there is a very funny song about a community named Morrow and the consternation it causes in discussing transportation schedules. The punch line states that the train that goes to Morrow has already gone today.

For many years the situation lampooned in the song was only too real. When no regulations existed every community set up a local time based on sunup, noon, and sundown. As railroads began to spread out over most of the Nation the users of the service were more than mildly interested in when the train left a given place and might arrive at another. Departure and arrival schedules were a farce until the carriers agreed among themselves on a standard of time which at least they could understand and by which they could operate. It took a world war, however, to get the idea into

law and in 1918 the Standard Time Act came into being. It worked quite well for emergency purposes, fell into disuse between wars and then was revived during World War II. When mobilization was no longer the objective, courts tended to rule that despite the existence of a uniform time act, communities could do pretty much as they pleased about observing daylight saving time, or ignoring it. This brought us almost full circle because once more the railroads, joined now by airlines, buses and trucks, needed to have a system of time standards if operations were to be coordinated.

For some years the modes of transportation politely asked Congress for a law which would require communities determined to use daylight saving time during the summer to do so between certain set dates—whatever those dates might be. When Congress finally did act it went considerably further than mandating the beginning and ending times for daylight savings time. The act of 1966 required that the entire United States observe daylight saving time between the last Sunday in April and the last Sunday in October. The only way to avoid it was to legislate at the State level and the only change in the scheme which would be allowed was a statewide exemption from daylight saving time for the entire State.

Now it happens that the lines separating one time zone from another, which are set by the Department of Transportation roughly along longitudinal lines every 15 degrees, also go smack through the center of several States. Worse than that in a few instances a line lops off a small portion from the end of a State. Indiana is a classic example of this situation. At the time the act was passed it seemed that the solution to these peculiar situations lay in rearranging the time zone boundaries but this proved to be more difficult than imagined. As a result there were instances where small areas could be in time harmony neither with the rest of the State of which it was a part nor with the adjoining State with which it was economically identified.

The bill before us today gives States one additional option regarding time. The legislature may exempt the whole State from the act as in the past or it may exempt only that portion lying in one time zone. This results in the State having itself uniform time part of the year and disparate time the remainder of the year but it does allow those tag end or western portions to be consistent with adjacent areas in the next time zone.

In discussing this subject one always ends up wondering just what time it really is so while I still understand it I should stop. The bill does alleviate a few sticky situations concerning daylight savings time and I recommend it to the House.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill, H.R. 4174.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 333, nays 7, not voting 91, as follows:

[Roll No. 82]

YEAS—333

Abbitt	Esch	Link
Abernethy	Eshleman	Lloyd
Abourezk	Evins, Tenn.	Long, Md.
Adams	Fascell	Lujan
Alexander	Findley	McClory
Anderson, Calif.	Fish	McCloskey
Anderson, Ill.	Fisher	McCollister
Andrews	Flowers	McCormack
Archer	Flynt	McDade
Ashbrook	Ford, Gerald R.	McDonald, Mich.
Ashley	Ford, William D.	McEwen
Aspin	Forsythe	McFall
Aspinall	Fountain	McKay
Baker	Fraser	McKevitt
Barrett	Frenzel	McKinney
Begich	Fulton	McMillan
Bennett	Fuqua	Macdonald, Mass.
Bergland	Gallagher	Madden
Bevill	Garmatz	Mahon
Biaggi	Gettys	Mallary
Biester	Giaimo	Martin
Blackburn	Gibbons	Mathias, Calif.
Blanton	Goldwater	Mathis, Ga.
Blatnik	Gonzalez	Matsunaga
Boggs	Goodling	Mazzoli
Boland	Gray	Meeds
Bolling	Green, Oreg.	Melcher
Brademas	Green, Pa.	Miller, Calif.
Bray	Griffin	Miller, Ohio
Brinkley	Griffiths	Mills, Md.
Brooks	Grover	Minish
Broomfield	Gubser	Mink
Brotzman	Gude	Minshall
Brown, Mich.	Hagan	Mitchell
Brown, Ohio	Haley	Mizell
Broyhill, N.C.	Hall	Moorhead
Broyhill, Va.	Halpern	Morgan
Buchanan	Hamilton	Morse
Burke, Fla.	Hammer-schmidt	Mosher
Burke, Mass.	Hanley	Murphy, Ill.
Burleson, Tex.	Hanna	Murphy, N.Y.
Burlison, Mo.	Hansen, Idaho	Myers
Byrne, Pa.	Hansen, Wash.	Natcher
Byrnes, Wis.	Harrington	Nedzi
Byron	Harsha	Nelsen
Cabell	Harvey	Nichols
Caffery	Hastings	O'Hara
Camp	Hathaway	O'Neill
Carey, N.Y.	Hawkins	Passman
Carney	Hays	Patman
Carter	Hechler, W. Va.	Patten
Casey, Tex.	Heckler, Mass.	Pelly
Cederberg	Heinz	Perkins
Chamberlain	Helstoski	Pettis
Clancy	Henderson	Pickle
Clark	Hicks, Mass.	Pike
Clausen, Don H.	Hicks, Wash.	Poage
Clawson, Del	Hillis	Podell
Cleveland	Hogan	Poff
Collier	Horton	Powell
Collins, Tex.	Hosmer	Preyer, N.C.
Colmer	Howard	Price, Ill.
Conable	Hungate	Purcell
Conte	Hunt	Quie
Corman	Hutchinson	Quillen
Cotter	Ichord	Railsback
Coughlin	Jacobs	Randall
Culver	Jarman	Rarick
Daniel, Va.	Johnson, Calif.	Reid
Daniels, N.J.	Johnson, Pa.	Reuss
Danielson	Jonas	Rhodes
Davis, Ga.	Jones, Ala.	Roberts
Davis, S.C.	Jones, N.C.	Robinson, Va.
Davis, Wis.	Karth	Robison, N.Y.
de la Garza	Kastenmeier	Rodino
Denholm	Kazen	Roe
Dennis	Keating	Rogers
Dent	Kemp	Roncalio
Devine	King	Rooney, N.Y.
Dickinson	Koch	Rooney, Pa.
Dingell	Kuykendall	Rosenthal
Donohue	Kyros	Rostenkowski
Downing	Landgrebe	Roush
Dulski	Landrum	Rousselot
Duncan	Latta	Roy
Edwards, Ala.	Leggett	Roybal
Eilberg	Lennon	Runnels
Erlenborn	Lent	Ruppe
Ruth	Steed	Whalen
Ryan	Steele	Whalley
St Germain	Steiger, Ariz.	White
Sandman	Steiger, Wis.	Whitehurst
Satterfield	Stephens	Whitten
Saylor	Stratton	Widnall
Schmitz	Sullivan	Wiggins
Schneebeli	Talcott	Williams
Scott	Taylor	Wilson, Bob
Sebelius	Teague, Calif.	Wilson, Charles H.
Seiberling	Teague, Tex.	Wolff
Shoup	Terry	Wyatt
Shriver	Thompson, N.J.	Wylie
Sikes	Thomson, Wis.	Wyman
Sisk	Thone	Yatron
Skubitz	Tiernan	Young, Fla.
Slack	Udall	Young, Tex.
Smith, Calif.	Ullman	Zablocki
Smith, Iowa	Van Deerlin	Zion
Smith, N.Y.	Vander Jagt	Zwach
Spence	Vanik	
Springer	Veysey	
Staggers	Waggonner	
Stanton, J. William	Waldie	
	Wampler	

NAYS—7

Betts	Mayne	Scherle
Gross	Moss	
McCulloch	O'Konski	

NOT VOTING—91

Abzug	du Pont	Monagan
Addabbo	Dwyer	Montgomery
Anderson, Tenn.	Eckhardt	Nix
Annunzio	Edmondson	Obey
Arends	Edwards, Calif.	Pepper
Badillo	Edwards, La.	Peyser
Baring	Evans, Colo.	Pirnie
Belcher	Flood	Price, Tex.
Bell	Foley	Pryor, Ark.
Bingham	Frelinghuysen	Pucinski
Bow	Frey	Rangel
Brasco	Galifianakis	Rees
Burton	Gaydos	Riegle
Celler	Grasso	Sarbanes
Chappell	Hébert	Scheuer
Chisholm	Holifield	Schwengel
Clay	Hull	Shipley
Collins, Ill.	Jones, Tenn.	Snyder
Conyers	Kee	Stanton, James V.
Crane	Keith	Stokes
Curlin	Kluczynski	Stubblefield
Delaney	Kyl	Stuckey
Dellenback	Long, La.	Symington
Dellums	McClure	Thompson, Ga.
Derwinski	Mailliard	Vigorito
Diggs	Mann	Ware
Dorn	Metcalfe	Winn
Dow	Michel	Wright
Dowdy	Mikva	Wydler
Drinan	Mills, Ark.	Yates
	Mollohan	

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

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Kyl.
Mr. Hébert with Mr. Arends.
Mr. Holifield with Mr. Frelinguysen.
Mr. Celler with Mr. McClure.
Mr. Curlin with Mr. Dellenback.
Mr. Hull with Mr. Michel.
Mr. James V. Stanton with Mr. Bell.
Mr. Shipley with Mr. Belcher.
Mr. Stubblefield with Mr. Frey.
Mr. Stuckey with Mr. Crane.
Mr. Wright with Mr. Rangel.
Mr. Yates with Mrs. Chisholm.
Mr. Kluczynski with Mr. Derwinski.
Mr. Burton with Mr. Metcalfe.
Mr. Addabbo with Mr. Mailliard.
Mr. Brasco with Mr. Peyser.
Mr. Gaydos with Mr. Bow.
Mr. Anderson of Tennessee with Mr. du Pont.
Mr. Jones of Tennessee with Mr. Schwengel.
Mr. Chappell with Mr. Keith.
Mr. Delaney with Mr. Pirnie.
Mr. Edwards of California with Mr. Collins of Illinois.
Mr. Evans of Colorado with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Rees with Mr. Flood.
Mr. Pucinski with Mr. Diggs.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Nix with Mr. Ware.

Mr. Mollohan with Mr. Price of Texas.
Mr. Monogan with Mr. Winn.
Mr. Montgomery with Mr. Baring.
Mr. Mikva with Mr. Stokes.
Mr. Vigorito with Mr. Wydler.
Mrs. Abzug with Mr. Symington.
Mr. Mann with Mr. Mills of Arkansas.
Mr. Conyers with Mr. Badillo.
Mr. Scheuer with Mr. Galifianakis.
Mr. Dellums with Mr. Sarbanes.
Mr. Bingham with Mr. Clay.
Mr. Kee with Mr. Dorn.
Mr. Drinan with Mr. Dowdy.
Mr. Dow with Mr. Pryor of Arkansas.
Mr. Foley with Mr. Edmondson.
Mr. Long of Louisiana with Mr. Eckhardt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of a similar Senate bill (S. 904) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 904

An Act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone".

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 904 and to insert in lieu thereof the provisions of H.R. 4174, as passed.

The motion was agreed to.

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

A similar House bill (H.R. 4174) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

GUNN McKAY DEFENDS CONGRESS

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

Mr. RONCALIO. Mr. Speaker, while it is imperative for the leaders and the people of this Nation to analyze and understand the motives and actions which have led to the continuing unfortunate engagement of American military forces in Vietnam, the searching questions often take the form of an undisguised hunt for a scapegoat.

In his recently published article, "In Defense of the President's Foreign Policy Powers," which appeared in the Washington Star of February 20, the former Presidential adviser Walt Rostow has set his sights on the Congress.

Extending his defense of Presidential powers, and, by implication, his denouncement of the role of Congress, Mr. Rostow linked the defeat of the League of Nations, World War II, the cold war, the Korean war and the extended presence in Vietnam.

I am pleased to report to my colleagues that our able friend Mr. McKAY of Utah has risen to the challenge. In the Washington Star of March 12, Mr. McKAY answers the criticisms and provides a thoughtful and perceptive analysis of how the best laid foreign policy plans go awry.

I salute his effort and the research and thought it represents and commend it to my colleagues as a guide not only to the errors of the past 50 years, but a warning of the folly of believing that foreign affairs policy is too important a matter to be undertaken by Congress, the directly elected body of spokesmen for the people.

Mr. McKAY's article, which follows, goes a long way to dismissing the oversimplifications which would attribute shortcomings in foreign policy to the misguided efforts of Congress:

THE PRESIDENT AND CONGRESS: A REPLY TO W. W. ROSTOW

(By Representative GUNN McKAY)

W. W. Rostow's article, "In Defense of the President's Foreign Policy Powers," which appeared in these pages on Feb. 20, begins with an acknowledgment of the "complex" executive-congressional relationship in the field of foreign affairs and follows that acknowledgment with one of the most simplistic and misleading analyses yet published on that subject.

After reaffirming the constitutional superiority of the Executive over the Congressional branch, and after condescendingly suggesting no diminution of congressional powers, Mr. Rostow proceeds to blame the defeat of the League of Nations, World War II, the Cold War, the Korean War and the prolongation of the Vietnam conflict on Congress!

Anyone familiar with U.S. diplomatic history will immediately recognize not only serious oversimplification but perhaps even intentional distortion. Each of Mr. Rostow's charges against Congress warrant further exploration.

FAILURE TO CONSULT

While the Senate did play a role in the defeat of the League of Nations at the conclusion of World War I, it is wrong to fault the Senate solely; there were a number of other contributory factors.

First, President Wilson's blatant failure to consult the Senate *in any way* during the drafting of the terms of both the Covenant and Peace Treaty was a monumental failure in human judgment.

How Wilson, and for that matter most of his successors in the Oval Office, can expect to have bipartisan support of foreign policies when Congress not only is denied information but is actually misled about foreign policy is a question which perhaps can be answered only by persons more familiar with psychoanalysis than I.

Mr. Kissinger's recently revealed desire to find some way of getting aid to a foreign country without letting Congress know about it is only the most recent manifestation of this attitude.

Franklin Roosevelt's success in securing virtually unanimous agreement on the U.N. reveals not so much an improvement in the U.N. over the League as it does his skill in involving Congress in the initial planning for the U.N. Wilson's stubbornness prompted him to ignore some early compromises which may have saved the League in America, to ignore Congress in every aspect of U.S. planning for the League, and to disregard advice to take at least one Republican with him to Paris.

Each of these mistakes was serious. Together they virtually guaranteed Senate defeat of the League.

Secondly, the Senate vote on Wilson's League was a reflection of an overwhelming isolationist attitude which captured the mind of America and only awaited another election to be reflected in presidential as well as congressional thinking. To blame the Senate for being responsive to the mood of the country is to confuse symptoms with causes.

This mood was inflamed to astronomical proportions under the rhetoric of the Republican party in 1920. While presidential candidate Harding waffled beautifully on both sides of the League issue, Hughes, Root, Taft and Simpson advocated joining a gutted league while Senator Borah said the Republican party would not join a league of any kind.

Immediately following his election, Harding announced that his victory was a mandate against American participation in the League of Nations in this country. I find it difficult to agree with Rostow that Congress, in this case, the Senate, scuttled the League.

ISOLATIONISM

Rostow also charges that Congress was responsible for the isolationism of the 1930s. This allegation is even further from the truth than is the first.

Whatever moods seized the Senate in the 1930s were, to a considerable degree, merely a reaping of the harvest of 13 years of intense isolationism nurtured by a succession of Republican administrations aided and abetted by a Republic majority in both the Senate and the House.

Secretary of State Charles Evans Hughes, under President Harding, immediately reversed most of Wilson's foreign policies. Hughes' actions included a complete renunciation of the League and all of its activities.

A cropping out of the perennial executive syndrome in this period was the Harding administration's secret preparations for the Washington Naval Disarmament Conference begun in late 1921. Hughes kept all planning for the conference not only a secret from Congress, but also a secret from our major ally in the conference, Great Britain.

And for economic nationalism during the interwar period, we again must point more towards the Executive than Congress. While Wilson had believed that sound economic recovery and expansion of Europe was wholly

interwoven with the requirements for global stability, the Harding, Coolidge, and Hoover administrations steadily increased tariffs and pursued policies of economic nationalism at home which were, in turn, used by Germany to justify her failure to pay reparations.

Even the Reciprocal Tariff Act of 1934, which attempted to reverse the trend of economic warfare, was passed by Congress only under pressure from Roosevelt and Hull.

The specific neutrality legislation to which Mr. Rostow refers was begun by Congress in 1935 and reached its apex (or better put, nadir) in 1937. After a decade of encouragement by the Executive, it was difficult for Congress to change direction quickly.

It is important to understand that these laws were enacted with bipartisan support in Congress and with the encouragement of a majority of the American people. This kind of widespread support was not the result of a congressional misuse of power so much as it was a natural consequence of a decade of isolationism preached by the Executive branch and the Republican Party and readily received by a majority of the American people.

The most serious congressional failure during this period was not giving Roosevelt the amendments to the Neutrality Acts of 1936 and 1937 which he wanted.

Even here, however, primary blame must be laid at the feet of Roosevelt and Hull, who failed to provide strong leadership in behalf of the attempt.

If Rostow is blaming World War II on Congress because it failed to lift the arms embargo in 1939, then he has forgotten that the pending war was virtually inevitable at that point. After all, Japan had gone to war in Asia in 1931, Italy attacked Ethiopia in 1934, and Hitler had reoccupied the Rhineland in 1936 and seized Austria and the Sudetenland in 1938.

COLD WAR

Mr. Rostow's charge that "Congressional pressure to pull our forces out of Europe and unilaterally demobilize our military strength helped encourage Stalin, in 1945–47, to make the Cold War inevitable," is even more incredible than his previous charges.

It ignores two basic facts. In the first place, whatever degree of inevitability there was about the Cold War was a consequence of Stalin's desire to seize Eastern European countries in order to provide security for the Soviet Union. It did not exist because of a misuse of congressional power! In fact, whatever happened to U.S. foreign policy from 1945 up through 1947 happened, by and large, because of Executive-Congressional cooperation and a bipartisan approach. Few periods of American diplomatic history have been marked by such a high degree of both inter-branch and inter-party cooperation.

Mr. Rostow's two final accusations can only be called absurd. He blames a congressional misuse of power for "gravely" complicating the conduct of the Korean War.

He admits that this misuse of power amounted to "extra-constitutional communications between a general and a senior member of the Congress," but nevertheless he deduces from the activities of one "senior member of the Congress" that Congress cannot be trusted in the field of foreign affairs.

It is absolutely mind-boggling to read Mr. Rostow as he concludes by attributing the prolongation of the war in Vietnam to the "shifting positions of Congress!"

Rarely in the history of our foreign relations has Congress been found less at fault. While no one has clean hands over Vietnam, Congress has at least had serious second thoughts about its earlier Pavlovian responses to Executive bell-ringing. The errors of Congress in regard to Vietnam are not due to a misuse of its power but to its unwillingness and inability to assert its proper role.

When America finds itself fighting for nearly 10 years at an enormous human, moral and economic expense without a congressional declaration of war, Congress cannot be blamed for a misuse of power! If any single branch of government has misused its foreign policy powers in America's recent history it is the Executive branch.

No one should deny that Congress is cumbersome, somewhat erratic, petulant, and deliberate; it sometimes moves too fast and sometimes too slowly; it remembers some things too long and forgets other things too fast; it can be frugal when it should be lavish and lavish when it should be frugal.

But for all its faults, Congress as a collective unit is the most representative element in our governmental system. It is closer to the people than any other branch of the federal system. Only when our presidents learn that both houses of Congress should be consulted and kept informed about the development of our foreign policies will the confidence and credibility which the Executive so needs in foreign affairs be restored.

No, Mr. Rostow, Congress is less guilty of either arrogance or ignorance than is the Executive. This is the fact we should all face.

CAMPAIGN 1972—THE YEAR OF THE RAT

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

Mr. UDALL. Mr. Speaker, lacking any real appreciation of Buddhist traditions, many Americans have been amused to learn that throughout the Orient 1972 is known as The Year of the Rat. Two weeks ago, watching what was billed in New Hampshire as a debate among presidential candidates, Americans found out that this year the rat has symbolic meaning in this country as well.

The most startling moments of that debate were provided by a nuisance candidate, Edward Coll, who chose to dramatize his gripes against society by dangling in front of the other candidates and a stunned television audience a black rubber rat. That single act perhaps told more about this year's New Hampshire primary, and the state of the primary system, than the combined analysis of scores of pundits and newsmen who daily trailed the candidates through the winter snows in search of copy.

Admittedly, Mr. Coll is an extreme example of what is wrong with the primary system. Yet he produced the kind of outrage which should spur thoughtful men to ponder the future of the system whose carnival-like atmosphere degrades serious candidates for this country's highest office.

Already the backlash has set in. Proposals either banning the presidential primary outright or forcing the candidates and States to join in one "sudden death" showdown are winning new advocates. I believe there is a middle ground that combines the best features of the existing hodgepodge arrangement and the so-called national primary.

The presidential primary has a long and uneven history. Largely a 20th-century phenomenon, it was born in a populist tradition as a reaction to "King Caucus," the selection of presidential nominees by party or congressional bosses.

Florida claims to have been the first to enact a primary law, in 1901; 4 years later, led by the forces of Robert M. La Follette, Wisconsin adopted the most widely celebrated system for the direct selection of delegates. By 1913, President Woodrow Wilson had called upon the Congress to enact a national presidential primary. Before the euphoria of the progressive movement died out, presidential primaries were passed in 26 States. But inevitably problems arose. Citing high costs and low turnout, eight of the original primary States had dropped the practice by 1935, and until the surprising Harold Stassen campaign of 1948 their influence on the presidential selection process was clearly on the wane.

Stassen and Estes Kefauver, in 1952, brought the primaries back to prominence; it is interesting that while both won a majority of those entered neither was nominated. It can be argued that the primary election had failed to achieve much in the way of nominating candidates.

If it had failed as an effective device to bring public sentiment to bear on the nomination process, the presidential primary had indeed proved a useful public relations tool to advance the cause of a particular candidate. In 1960, John Kennedy sharpened the tool and perfected an approach to primary electioneering that is still with us today.

Making the first really skillful use of television salesmanship in American politics during his West Virginia campaign, he managed in one stroke to deliver a political death blow to a major opponent and gain national acceptance of the heresy that a Catholic could be elected President. In that campaign, television as we know it today made its debut in American politics, and its influence on the electoral process changed the face of the presidential primary.

By 1964 television's investment in the primaries had grown so that one network executive would tell a group of colleagues in California:

As far as we're concerned, this thing isn't between Goldwater and Rockefeller, it's between CBS and NBC.

That night CBS commentators projected a winner 38 minutes before some of the polls closed. By 1968 the medium had truly become the message: Eugene McCarthy, as everyone knows, "won" the New Hampshire primary even though Lyndon Johnson received more votes. It was said of the New Hampshire campaign that if one more television cable were run in, the State would blow a fuse.

In 1972 the candidates, the American people, and the democratic process will suffer through no fewer than 25 such media extravaganzas at a cost of millions of dollars and man-hours—and at a cost to the stature of the presidency yet unknown. And the likely outcome? It is probable that more ballots than ever before will have been cast for candidates having no chance to win the nomination of either party.

I would like to suggest that the presidential primary system is seriously ill and in need of major surgery. I list the following ailments:

Lacking uniform rules and procedures,

the primaries are not a reasonable yardstick of a candidate's potential support in a general election.

Depending on where he or she chooses to run, the candidate may be a contestant in a beauty contest meeting all others head on; in an election in which delegates pledged to a candidate are selected; or in a primary that blends both approaches. If the rules vary, so do the prizes. A victory in Illinois does not guarantee the candidate one delegate; 51 percent in Florida could theoretically yield little convention support if the candidate does not win a majority in each of the State's congressional districts; a plurality in Indiana will assure him of the backing of that State's delegates for one ballot; a similar showing in Oregon will lock in delegates until victory or the bitter end. A candidate who can do well in New Hampshire or Wisconsin, but is unknown elsewhere, may want to dodge primaries on the west coast. Yet he may be listed on the Oregon ballot anyway, particularly if he is a promising democrat and the controlling State official a Republican, or vice versa.

In short, a candidate's future is in the hands of a hodgepodge of laws, regulations, and faceless officials over whom he has no control or recourse.

As the primaries lack uniformity, their results are frequently undecipherable.

It is difficult to find any two elections where the results are easily compared, and yet, when the votes are tabulated, all are treated more or less equally by the press. And it is not necessarily their fault; after all, the public is interested in quick results and it is the job of the press to report them. I have often wondered how I, as a journalist, would explain the election procedures of each State is just such a way so that the general public could properly weigh the outcome. And would my carefully couched explanation have the desired effect anyway? Probably not, because the winner and his public-relations people would cry "Foul."

But the plain fact remains there is a tremendous difference between a victory in California where a delegate slate is elected; in Nebraska where a candidate has clearly won a preference poll; and in Wisconsin where voters can, and sometimes do, cross over to vote the weakest candidate of the opposition party.

The rewards of victory are small in proportion to the devastating price of defeat.

In 1952, Estes Kefauver entered 15 primaries and lost only three—the kind of won-lost percentage that would claim a professional football championship. Yet three defeats were sufficient to kill his chances for the presidential nomination. In 1948, Harold Stassen, after a sensational showing in the early primaries, took on Robert Taft in Taft's home State. Ohio predictably went for its favorite son and the Republican nomination went to Thomas Dewey. Arguments can be made that neither Kefauver nor Stassen would have won the nomination of their respective parties in any event, but there can be little doubt that each was severely and perhaps unfairly hurt by a single primary defeat. Candidates today, knowledgeable of the pitfalls, seek to enter only those races where they can expect to win or make a showing, thus negating the original purpose of the primary—to allow a broad geographical cross section of the party faithful to directly select the nominee.

Worse, victory apparently no longer depends on who wins the most votes, but rather who is most adept at playing the numbers game. Newspapers and television accounts of the last two New Hampshire primaries left little doubt that the leading vote getters were the big losers. And because the press said so, they were. We are now in the age of the moral or psychological victory—a development further devaluing the presidential primary by assuring it will be a multicandidate affair, each vying not for a majority or a plurality but rather for some fragment of the vote that can be pieced together and sold as a surprising showing. And with the multicandidate trend well underway, the bane of the serious contender—and every broadcaster, I might add—is the so-called equal time requirement. Voters benefit from exposure to candidates through debates; yet debates like tennis, were designed for two. Because of the numbers involved, the recent exchange of views televised in New Hampshire took the form of a quiz show rather than a serious debate, and its net effect was to degrade the candidates and insult the public. Mr. Coll and his rat aside, with no numbers involved, this still would have been the likely result.

The presidential primary process is protracted beyond all reason.

From the snows of New Hampshire to the summer heat of California, candidates are expected to follow the sun, perform acrobatics for television, and panhandle for votes, knowing that their absence in any of the States may be read by the press as an admission of defeat. The candidate is subjected over an intolerable stretch of time to the moods of a fickle public, to temporary emotions on a single controversial issue, or the whims of some local political boss. It is one thing to sustain winning momentum for a period of weeks, but to submit a candidate to reelection in 25 States over a period of 5 months is quite another. The primary trail is too long, too expensive, too unrewarding.

Mr. Speaker, having laid out some of my major criticisms of the presidential primary, I do not want to leave the impression that it is a system without merit. There is something to be said for a process that exposes presidential candidates to the public for early and thorough viewing; it has, as someone remarked, provided Americans a way to separate the men from the boys, those who can take the draining pace and pressures of the presidency from those who cannot. I accept this theory in part. But I believe the rules of the game should be reasonable and fair. In legislation I am introducing today, the following reforms in the presidential primary are recommended.

One, establish reasonable perimeters within which a meaningful battle can take place. My bill says to the States: Have your primaries but only on one of three specified dates in April, May or June. No longer would we have an exhausting series of inconclusive primary bouts, nor would we have one sudden death national primary. Instead I recommend three rounds, leaving the States free to choose the round in which they wish to participate. Thus the single greatest flaw in the primary system would be set right—it would be significantly shortened.

Second, assure that the contest will be held between the major candidates and held in a way that rules out major distortion of the results. I achieve this by requiring a candidate wishing to enter any of the primaries to enter all being held in that round. Prior to the first primary date, selection boards consisting of the chairmen and congressional leaders of each major party—the chairman alone in the case of minor parties—will draw up a list of presidential candidates and place them on the ballots of each State holding a preference primary on the April date. An unrecognized candidate may petition to be included and candidates may withdraw. But the same rule that applies to entrance applies to withdrawals: withdraw from one, withdraw from all. And having withdrawn, it is made more difficult for a candidate to reenter a later round.

The goal in all this is entirely reasonable—to provide the public and the parties with a clear and honest picture of the candidates' relative appeal. My plan would succeed in identifying those candidates who have a broad base as opposed to those whose following is purely sectional. It would minimize the aberrations and distortions inherent in the existing system and place moral victories in their proper perspective.

Third, equalize the risks, and insure that a successful effort will be rewarded with an appropriate prize.

As I mentioned earlier, the prize in a nonbinding preference primary is not commensurate with the risk of defeat. Under my proposal, all States choosing to hold primaries would bind delegates on the basis of the results. They would allot delegates on proportional basis except that in cases where one candidate received a majority of the popular vote, he would win all delegates. At some point a candidate's margin should deprive all others of the spoils, but such a prize is clearly unjustifiable in multi-candidate races where the winner may garner as little as 25 or 30 percent of the vote. In addition, under my plan, crossovers would be banned, but the growing independent bloc could choose to participate in one or the other primary.

These are the basics of the National Primary Act of 1972; details appear in the draft bill following my remarks.

Mr. Speaker, my proposal really attempts to achieve three worthy adjectives: to substantially shorten the primary trail, to make these contests a struggle between main contenders, and granting inevitable inequities make it as fair and as uniform as possible. The proposal may not be perfect in every respect, but it does repair the basic flaws which threaten to bring down a system worth keeping. I ask the appropriate committees of Congress to give this and related proposals early consideration.

THE FAA DICTATES—PART SIX

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

Mr. KARTH. Mr. Speaker, at this point in my series of reports and warnings to our colleagues on the high-handed habits of the FAA Administrator, Mr. John H. Shaffer, I am reminded of a phrase the Administrator used in his most abrasive letter. Referring to an action taken by the Metropolitan Council, Mr. Shaffer said it was "the straw which burst the dam."

After the Administrator once again thrust his advice upon local officials in the deliberation over a second airport site in the Twin Cities I felt much the same. Once again the Administrator was breaking his pledge of neutrality and handsoff local decisionmakers a year after he had assured me that he would stop trying to bludgeon local officials. Perhaps the Administrator thought he could sneak one by me, or perhaps that I had forgotten his word after a year. I do hope he was not too surprised that I did not forget.

This time the Administrator was at it again by writing the chairman of the Metropolitan Airports Commission—an advisory body to the metro council. In short he once again wanted to have his way on the site selection of a second Twin Cities airport. And once again he endorsed the environmentally disastrous site that had been rejected twice by the Metro Council.

Mr. Speaker, I do not stand alone in asking that the Administrator stop his meddling in Twin Cities affairs. While I believe I have a particular interest in the methods the Administrator has been using since he is constantly going back on pledges made to me, the more important issue is the improper exercise of his influence.

Rather than continue comment myself—in my last five reports my observations concerning the dictatorial methods by the Administrator have been fully outlined—I would like to refer to several respected community leaders for their reactions to the Administrator's new dictates.

The Minneapolis Tribune's editorial reaction was fairly typical of how the Twin Cities felt about Mr. Shaffer's meddling. That paper's editors wrote:

> The position that the chief of the Federal Aviation Administration (FAA), John Shaffer, has stated on a new major Twin Cities airport is hard to take seriously. He said a new airport must not impinge on the airspace of any other field, and that Minneapolis-St. Paul International must remain open as a "major airport" for commercial airline use, even after a new one is built . . . Shaffer's position is hardly credible when applied to this area or when compared to FAA posture in other parts of the country.

The Tribune ended with a fitting conclusion:

> Metropolitan Council member David Graven said last week that Shaffer's position is "arrogant" and "violates everything I know about state-federal relations." It also violates what Shaffer's superiors, Secretary of Transportation Volpe and President Nixon, have been saying for more than three years about returning decision-making authority from Washington to state and local areas.

The Tribune was hardly alone in its assessment of Shaffer's continued interference. In an editorial entitled, "More Airport Nonsense," the St. Paul Pioneer Press said:

> The latest development in the seemingly endless conflict over the future of Minneapolis-St. Paul International Airport is enough to make one wish the Wright Brothers had stuck to repairing bicycles.
>
> As if we have not had enough turmoil over the selection of a new airport and the eventual disposition of the old one, now we have a federal bureaucrat trying to dictate to Twin Cities residents where their airport (or, if the bureaucrat has his way, airports) will be and how it (they) will be used.

The Minneapolis Star also editorialized on the Administrator's actions saying:

> The blunt letter by J. H. Shaffer, administrator of the Federal Aviation Administration (FAA), to Lawrence Hall, chairman of the Metropolitan Airports Commission (MAC), was dismaying even though it was largely a reaffirmation of positions Shaffer previously has taken.
>
> In its baldest interpretation, the letter says this metropolitan area is not really free to decide to concentrate all air carrier activity at a single new major airport.

The Star's editorial concluded:

> The decision on whether to have one or two major airports and where they should be located is, to be sure, at least partly an aviation decision. More than that, however, it is a fundamental social and political choice affecting the shape and substance of this region for some years. And that kind of choice belongs to local general purpose agencies, not to Washington administrators.

I am also particularly proud to report, Mr. Speaker, that the MAC members refused to be intimidated by the Administrator's arrogance. As reported in the St. Paul Pioneer Press, their reaction to the latest Shaffer offensive was:

> E. Peter Gillette Jr., Minneapolis, recalled Shaffer's past endorsement of the Ham Lake site north of the Twin Cities. "Why should we bow before a federal administrator?" he asked.
>
> "For any one of the groups to bow down or genuflect to the other is folly. We have to work it out," said Stanley Kegler, Maplewood.

The most optimistic reaction was given by George Pennock, of Golden Valley, who told the press:

> Mr. Shaffer is a political appointee and may not be around next year. His successor may have a different attitude on two airports.

The respected editor of the St. Paul Dispatch, William Sumner, compared Mr. Shaffer's position to that of a shill, and wrote in the January 28 edition of the Dispatch:

> Those who had hoped that the big push to locate an airport at Ham Lake had finally been laid to rest may now regard themselves as jolted. A federal bureaucrat has entered the lists on the side of the Metropolitan Airports Commission Chairman Lawrence Hall, who has been hot for the Ham Lake site for what seems an eternity.

Mr. Sumner concluded his column saying:

> While mulling these positions though, Shaffer should be invited out of town. The area's destiny should be planned here and determined here and if we don't want two commercial airports then 1) we are sensible folks, and 2) our wishes should be respected.
>
> I think Karth described the Shaffer letter correctly as being a "cute and clever trick" to remove a southern airport site from consideration. Hall gets a lot of help from his friends.

Mr. Speaker, I will conclude my series on the Administrator's conduct in my next report.

DEEP SEABED MINING LEGISLATION

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

Mr. DOWNING. Mr. Speaker, I am introducing the Deep Seabed Hard Mineral Resources Act, a bill to promote the conservation and orderly development of hard mineral resources of the deep seabed prior to broad ratification of an International Treaty concerning these resources. This interim legislation will permit domestic miners, ship designers, engineers, and chemists to continue to apply their energy, capability, and capital to potentially beneficial marine projects such as the mining of manganese nodules and other oceanic hard minerals.

Such projects, Mr. Speaker, involve application of technology at the very leading edge of the state of the art in a highly hostile natural environment—hundreds of miles from the nearest land and at depth of up to 4 miles. Weather and current conditions, pressure variations some 15 times greater than those encountered on the moon, operation in a highly corrosive fluid, and remoteness from land all add to the natural risks ordinarily encountered by the miner. Volatile conditions in current metal markets introduce additional risks, but all of these risks are of a nature, if not of a size, normally assumed by progressive free enterprise in its role as innovator, efficient creator of human value, and timely satisfier of human need.

The risk ocean miners are not willing to assume is the risk of unreasonable interference with their right to operate upon a particular ore body. Government has traditionally recognized this problem and systems of tenurial security are common to all legal systems—with the notable exception of the law of the sea. It is for this reason that I address you today.

THE RESOURCE

Our domestic technology, followed by that of Europe, Japan, and the Soviet Union, has identified two major sources of deep ocean mineral resources—metalliferous brines and manganese nodules.

Briefly, the metal-rich brines are found in abundance in limited, and disputed, areas of the Red Sea. While the content of copper and zinc in the brines is encouraging in reference to land resources, the technology for recovery is in the embryonic stage and the politics of the area are, at the least, not sufficiently stable to encourage development.

Manganese nodules are of more immediate promise in our Nation's search for an alternative supply of manganese, copper, nickel, and cobalt—metals for which we are now dependent upon polit-

ically hostile or unpredictable countries. These nodules may be found on many areas of the ocean floor in varying densities up to several pounds per square foot and in varying assays, the total metal percentage of which may be well above that in land-based ores. The complexity of the ore, its variability according to location, the diversity of bottom conditions, weather, distances, currents, and depths all dictate a high degree of tailoring of the engineering systems to a particular mine site. It is for this reason that the miner requires early security of his expectations as to the ore body—or, as the lawyers label this concept—security of tenure. The miner must be able to depend on a continuing supply of a specific ore before he commits the extensive funds needed to build and put into operation his mining and processing system.

Ocean mining is, according to the industry, a major project. A manganese nodule operation of this sort may cost up to $200 million. Who is willing to supply these funds from which the Nation will benefit by diversifying its sources of vital metals, creating new jobs, and redressing its balance of payments? Government, in these days of deficit budgets, cannot respond with funds. Venture capital will not enter high-risk low-return activities. But private enterprise has indicated its willingness, indeed eagerness, to invest in ocean mining and to assume the natural and market risks, if Government will do two things, neither of which involve the expenditure of Government funds:

First, reduce the political and legal risks by legislative process; and

Second, allow a reward commensurate with the risk by not overburdening the operation with discriminatory economic rents imposed at the beginning of the operation.

CONGRESSIONAL INTEREST

In Congress the Special Subcommittee on Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs has held hearings to evaluate policies and proposals relating to the resources of the Continental Shelf and deep seabeds beyond. The subcommittee concluded that the Senate Committee on Interior and Insular Affairs should in the future provide for:

(1) A continuing extensive review of the working paper introduced by the United States delegation at the August session of the United Nations Seabed Committee, with a view toward seeking modifications of it to conform to our interpretation of the President's intent and with our recommendations in our report;

(2) An investigation of the special problem of an interim policy which would insure continued exploration and exploitation of the natural resources of our continental margin under present law, and would establish appropriate protection for investments related to mineral recovery by United States nationals in areas of the deep seabed beyond the limits of exclusive national jurisdiction.

In 1971, to strengthen its knowledge, the committee sent Mr. Charles F. Cook, Jr., minority counsel, Senate Committee on Interior and Insular Affairs, and Mr. Merrill W. Englund, administrative assistant to Senator LEE METCALF, as observers to the July-August 1971 session of the United Nations Seabed Meetings in Geneva, held in preparation for a proposed 1973 Law of the Sea Conference. The report has cited an urgent need for such interim domestic legislation in the light of the unreasonable demands and threatened delays manifested at those meetings by nations having less direct interest in orderly uses of the oceans.

EXECUTIVE INTEREST

Congress is not alone in recognizing the need for legislation. President Nixon, on May 23, 1970, called for an International Conference on the Law of the Sea, now scheduled for 1973. His motives were to achieve cooperation, equity, and order in ocean use through an international regime. He proposed a limited number of functions for such a regime:

1. The regime should provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries,

2. The regime should establish general rules to prevent unreasonable interference with other uses of the ocean,

3. To protect the ocean from pollution,

4. To assure the integrity of the investment necessary for such exploitation, and

5. To provide for peaceful and compulsory settlement of disputes.

The President also recognized that negotiation and broad ratification of the product of such a convention might take some time, based upon current attitudes and past experience with United Nations sponsored treaties dealing with ocean law. Accordingly, he expressed simultaneously the intent to make domestic policy decisions and legislative changes necessary to protect the security of investments in ocean uses made in the interim period.

NONGOVERNMENTAL INTEREST

In addition to Congress and the executive branch, trade and professional associations have recognized the need for domestic initiatives to accommodate the needs of new uses for seabed mining. At the same time to protect the traditional freedoms of the seas from being eroded in the spirit of economic nationalism and international bloc-politics, reports supporting the traditional concepts have been published or are being drafted, within the American Mining Congress, the American Bar Association, the National Petroleum Council, the National Security Industrial Association, the American Manufacturers Association and many other organizations. The chamber of commerce of my own State of Virginia has passed an important resolution to this effect.

COMMERCIAL INTEREST

Meanwhile, some 19 organizations in some five countries are actively engaged in the preoperational development of technology associated with the recovery, processing, and introduction into practical use of the metals contained in deep ocean manganese nodules.

The accomplishments by private industry as of this date are very impressive. On a pilot level, nodules have been successfully mined at a depth of 2800 feet by one company using a steel conduit and airlift pump. Another company is presently building a $30,000,000 ship to mine nodules. Incidentally, this investment leads ocean mining engineers to believe the ship will be capable of mining as an economic unit as early as mid-1973.

Our domestic success has not been limited to the mining stages. The nodules have been successfully processed to provide for economic recovery of manganese, copper, cobalt and nickel, tons of which are now imported.

Source: *Minerals Yearbook, 1969.*—Bureau of Mines, U.S. Department of the Interior.

	Copper	*Short tons*
U.S. Mine production, 1969		1,544,579
U.S. Imports, 1969		414,057
	Cobalt	*Pounds*
U.S. Mine production, 1969, no direct primary production.		
U.S. Imports, 1969		11,975,000
	Manganese	*Short tons*
U.S. Mine Production, 1969		5,630
U.S. Imports, 1969		1,962,166
	Nickel	*Short tons*
U.S. Mine Production, 1969		17,056
U.S. Imports, 1969		129,332

Interest in manganese nodules is not limited only to the United States. The Japanese have been successful in their experimental recovery of nodules through a continuous line and bucket technique. Western European nations are subsidizing their domestic ocean mining industry heavily in order to shorten the U.S. lead in this technology.

The success that has been enjoyed by our domestic industry as of this date has provided the emphasis for the legislation that I am introducing today. It is imperative that we provide for some interim program until an equitable and efficient treaty has been ratified by the United States. Unfortunately, Congress and the Executive have not kept in step with the progress of our domestic industries.

We have witnessed in the past decade the foreign confiscation or nationalization of many of the resources upon which our Nation is dependent. With one exception, the mining of manganese, copper, nickel and cobalt has been virtually absent in the United States—copper is produced domestically, but the United States is increasingly dependent upon Latin America and Africa for much of its copper. Consequently, our own domestic companies have found it necessary to mine elsewhere. One only has to look closely at the copper situation to appreciate the precarious posture of our Nation in reference to this metal. We have witnessed the formation of hostile governmental bargaining cartels—OPEC as to oil and CIPEC as to copper—and yet increasingly, we depend upon these political entities for vital raw materials. Such dependence not only affects our economic posture but is always a major inhibitor in the formulation of vital foreign policy.

The year of 1971 will be recorded in history as the year in which the Soviet Union finally exceeded the United States in the production of basic metal—steel. It was also the year in which our imports exceeded our exports in dollar value. It is a recognized fact that when a nation reaches this point, it assumes a sec-

ondary position in international trade. Mr. Speaker, the balance-of-payments problem alone should create the domestic sense of urgency required to implement in a timely manner the investment climate conducive to ocean mineral mining activity.

The year of 1971 will be especially noted by those individuals and communities which have enjoyed prosperity through the aerospace program.

Once again, many of our citizens learned that the government not only gives, but also can take away and today in many cities like Seattle, highly trained engineers and technicians are facing the realities of changing careers. The ocean mining program will offer economically productive opportunities for highly educated individuals such as are now idle in the aerospace industry.

This legislation which I am introducing today will make no demand on our Treasury. It only provides for an interim program under which domestic as well as international corporations may operate beyond territorial jurisdictions without endangering their investments. Just as our fishing industries have enjoyed the freedom of the seas, this legislation will insure the same freedom, with certain restraints, for those persons who desire to mine the seabeds. We seek to obtain the following objectives through this legislation:

1. Diversity of mineral supply for the nation.
2. Security of tenure for the operator.
3. Regulation and taxation measures which encourage expansion of knowledge and human capability, and the acquisition of material value.
4. Flexible administration capable of being modified as experience is gained in ocean use.
5. International cooperation between ocean users.
6. Multiple use of areas under exploitation and noninterference with other ocean users.
7. Stringent work requirements to discourage speculation.
8. Freedom of scientific research and commercial reconnaissance from unreasonable political interference.
9. Protection of the ocean environment.
10. Participation by less-developed countries in a reasonable portion of the tax revenues derived from ocean mineral operations.

Our domestic ocean mining companies find it difficult to marshal required funds from commercial sources because of the lack of a domestic government authority assuring security of investment. Bankers, as well as potential partners, while anxious to participate in the programs, find it impossible to do so because of the lack of safeguards which my legislation will provide. It is incumbent upon government to become a partner in this endeavor by studying not only the legislation but also the industry.

We have before us a creative and potentially productive plan by industry which can benefit the national economy and security in many areas which are critical at this point in the Nation's history. Industry is asking little. It is willing to assume its role as commercial risk-taker; it merely asks government not to default on government's responsibility to mitigate political risk or to bring order to the interaction of its citizens.

I would like at this time to ask all of my colleagues who are interested to join me as a cosponsor of this important legislation, and to participate with me in timely and comprehensive hearings before this body on the subject of oceans diplomacy and domestic marine mineral policy.

Mr. GOODLING. Mr. Speaker, I would like to call attention to the fact that today legislation has been introduced to this House of Representatives that would serve to promote the production of strategic materials from the deep seabed. I am proud to say that I am a cosponsor to this legislation.

The bill concerned is, in effect, "interim" legislation designed to permit American private enterprise to use its genius in recovering valuable mineral resources from the floor of the ocean.

Various U.S. companies have been studying ways and means of recovering these strategic materials, and one of these enterprises, Deepsea Ventures, Inc., has proved particularly active and has developed something that approximates a gigantic vacuum cleaner which operates from a dridge ship and draws the minerals up through a long suction pipe and aboard the vessel.

The most valuable item recovered from the seabed in this fashion is the manganese nodule. These egg-like deposits are presumed to have evolved through an electrochemical process that took place over a vast number of years and are scattered on the ocean floor in considerable abundance. They offer the prospect of being a new and competitive source of manganese which is, of course, an important alloying element in the manufacture of steel. As everyone knows, steel is a vital element in the American industrial complex.

It should be mentioned that samples of the manganese nodules that have been recovered from the floor of the ocean reveal that the manganese content ranges from 25 to 35 percent. This does not compare favorably with the 46- to 50-percent manganese content of land-mined ores. What saves the economic day for manganese recovery from these nodules, however, is the fact that these nodules also contain modest concentrations of other strategic metals like nickel and cobalt, as well as copper.

One thing to be remembered is that these seabed strategic materials are to be found in their greatest concentrations hundreds of miles from the nearest land and at ocean depths up to 4 miles. It is reported that some 19 organizations in five countries are actively engaged in preoperational activities related to mineral recovery from the ocean floor, and this raises the question as to who has jurisdiction over these ocean realms.

Toward the end of bringing order to this jurisdictional wilderness, President Nixon has called for an International Conference on the Law of the Sea, and such a conference is expected to be held sometime in 1973. The ultimate object is a treaty, and as per a release from the White House:

The treaty should establish an international regime for the exploitation of seabed resources. . . . The regime should provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. It should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation, and to provide for peaceful and compulsory settlement of disputes.

The "interim" legislation that I have cosponsored today would, in the anticipation of a treaty, set up a program under which both domestic and international corporations could function in their ocean floor operations beyond territorial jurisdictions without endangering their investment. It should be noted that estimates reveal it would take $100 million to $200 million to set up a commercial mining and processing operation for strategic seabed minerals; hence, there is need of some protection for this investment.

This legislation, I would like to stress, requires no Federal money. Instead, it acts to make the Federal Government a noncapital contributing partner in a risk venture which holds the prospect of a benefit for our Nation as well as for private enterprise. It is also designed to provide protection for the ocean environment. The legislation does this by giving Federal backing to domestic operations. At the same time, it recognizes the right of other countries to support their nationals engaged in the recovery of minerals from the seabed.

I sincerely hope the current Congress will act expeditiously and favorably on this legislation.

THE PRESIDENT SUBMITTED PROPOSAL TO STOP BUSING

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

Mr. MIZELL. Mr. Speaker, President Nixon had made two proposals designed to halt temporarily, and ultimately to eliminate completely, the ordering by Federal courts of massive busing of schoolchildren to achieve racial balance in public schools.

With his announcement of last Thursday night, and with the two legislative messages he sent to the Congress on Friday, President Nixon became the first Chief Executive to make any proposal to stop busing, and I salute him for his initiative.

His first proposal is for a moratorium on any new court orders requiring massive busing for racial balance. This moratorium extends to July 1, 1973.

The second, and more comprehensive proposal, is the Equal Educational Opportunities Act, which provides for an increase in funds to provide truly equal education in all of our Nation's schools and lays the groundwork for establishment of a nationwide neighborhood schools policy.

This second measure also provides a means of relief for school districts already suffering under the burden of massive busing, by providing a clause permitting the reopening of proceedings in courts to eliminate currently required cross-busing plans and fashion alternate desegregation plans complying with the

neighborhood school provisions of this act.

While I applaud the President's initiative in this issue, I see a danger in extending the moratorium beyond the conclusion of this Congress and through another school year.

I believe the net effect of so long a moratorium would be to lessen the urgency of passing the companion equal opportunities legislation, and thus leave school districts already under court order to bus with no relief for another full school term.

I believe we would do better to extend moratorium only to August 1, 1972. This would give the Congress ample time to consider and act on the President's Equal Educational Opportunities Act, and it would give local school districts sufficient time to prepare desegregation plans for the coming school year along the more reasonable lines set forth in the President's legislation.

It has been speculated that these bills may not stand the test of constitutionality in the courts, and this is all the more reason for immediate action on these proposals. For if the courts rule these measures unconstitutional, then we will see beyond doubt the need for passage of a constitutional amendment, such as the one that I have proposed, to prohibit cross-busing.

A COMMEMORATIVE STAMP IN HONOR OF R. E. OLDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, this year marks the 75th anniversary of gasoline-powered automobile production. In 1897, the first enterprise ever organized for the purpose of manufacturing automobiles, the Olds Motor Vehicle Co., was founded by R. E. Olds of Lansing, Mich. In view of the tremendous contribution that the automobile has made to the growth of our country, this occasion should not go unnoted and particularly the leading role played by Mr. Olds. For this reason. I believe that it would be altogether fitting and appropriate that a commemorative stamp be issued in his honor.

R. E. Olds' unique accomplishments were many and proved pioneering in the automotive industry. They included the following:

In 1886 he built the first "horseless carriage".

In 1894 he brought out his first automobile with gasoline engine power.

He was the first man to produce automobiles in quantities.

The first automobile builder to produce a car sturdy and dependable enough to make cross-country run.

And he was the first to build a side entrance car.

Ransom Eli Olds was born during the Civil War, and educated at Lansing in the 1870's and 1880's. While still a student, he purchased an interest in his father's machine repair shop at Lansing and, being of an inventive turn of mind, began building small steam engines, boilers, and internal combustion engines. In 1886 he constructed and drove a three-wheeled, steam-powered horseless carriage, which achieved the extraordinary speed of 5 to 10 miles per hour. He next manufactured a four-wheel steamer equipped with a flash boiler of his own design, which became world famous and was purchased abroad—the first recorded sale for export of an American-manufactured self-propelled vehicle.

In 1890, R. E. Olds became president and general manager of P. F. Olds & Son, Inc., and turned his attention to the gasoline engine. In 5 years' time he had constructed the first Oldsmobile, and in 1897 the Olds Motor Vehicle Co. was capitalized at $50,000, with R. E. Olds as president. In 1899 a new company, the Olds Motor Works, was capitalized at $500,000, and the first American factory especially designed for automobile production was established in Detroit, where the first assembly line system of production was installed. The first Oldsmobile to catch the public attention was a one-cylinder gasoline runabout with a "curved dash," weighing 700 pounds. In 1903, 400 Oldsmobiles were retailed at $650 apiece; the following year the output rose to 5,000.

In demonstrating, before any other American car, that automobiles could be made and sold in quantity, the Oldsmobile practically established Michigan as the automobile manufacturing center of the world, and R. E. Olds became known as the "father of the popular-priced car." Selling his interest in the Olds Motor Works in 1904, Mr. Olds attempted to retire, but was urged to return, by friends and associates, as president and general manager of another $500,000 company, the Reo Motor Car Co. The new venture also proved remarkably successful.

R. E. Olds passed away in Lansing in the year 1950, leaving behind an exceptional record of accomplishment. He was a symbol of the intelligence, integrity, and entrepreneurial genius that brought our Nation international acclaim and industrial leadership.

It is entirely fitting that a commemorative stamp should be issued in honor of R. E. Olds. I hope that many will join me in this request and express their interest to the Citizens' Stamp Advisory Committee, U.S. Postal Service, Washington, D.C. 20260.

RESULTS OF FIFTH ANNUAL QUESTIONNAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. For the past 5 years, Mr. Speaker, I have sent questionnaires to my constituents in the 10th Congressional District of Massachusetts, seeking their opinion on the major issues before the Nation.

Their response has been both gratifying and enormously helpful. Added to the day-to-day contacts I have had with the district through correspondence and conversation, these questionnaire replies have given me an extra dimension of understanding of the concerns and feelings of my constituents.

They have provided me a base on which to build my own judgments in confronting the issues and in making decisions on them. I am, of course, very glad to have the benefit of their thinking and I am grateful that they take time to play their part in making representative government work.

The replies to my fifth annual questionnaire this year have once again been informative and helpful.

And, for the first time, I welcomed replies from the new voters, the 18- 19-, and 20-year-olds and those younger who are no less aware and no less concerned. Their responses are especially interesting.

This year's replies indicate both adult men and women and the youth are principally concerned with the Nation's social problems, such as crime, drugs, and race relations, and with the economy.

All the respondents—men, women, and youth—voted slightly in favor of social problems as the most important problem facing the country today. This was very closely followed by those who considered the inflation and unemployment aspects of the economy as the most pressing issue.

On the question of Vietnam, women and youth prefer an immediate withdrawal while men favor a continuation of the present phaseout schedule. The majority figures are 39.3 percent of the women, 49.3 percent of the youth, and 43.8 percent of the men.

After Vietnam, 41.7 percent of the men want the same level of defense preparedness as we have now. But 40.5 percent of the women and 46.1 percent of the youth expressed a preference for an all-volunteer army and a built-up Navy as an alternative. Of the youth, more than 30 percent said they would rather reduce the Defense Establishment to a minimum.

Approximately half of the people replying approved of wage and price controls and more than half would like to see them continued.

Less than a third of those replying would like to pay higher taxes to combat pollution, but three-quarters think polluting industries should bear the cost burden of any antipollution effort even if it means higher consumer prices.

Only a small percentage, 20 percent at the most, think consumers are adequately protected. Upward of three-quarters favor no-fault automobile insurance.

Mr. Speaker, I submit the complete tabulation of the returns for the information and guidance of my colleagues.

REPRESENTATIVE MARGARET HECKLER'S 5TH ANNUAL QUESTIONNAIRE

	His	Hers	Youth
VIETNAM			
Do you favor:			
Immediate withdrawal of U.S. troops	34.0	39.3	49.3
Phased withdrawal toward a date certain	22.2	25.0	27.0
Continuation of present phaseout	43.8	35.7	23.7

REPRESENTATIVE MARGARET HECKLER'S 5TH ANNUAL QUESTIONNAIRE—Continued

	His	Hers	Youth
REORDERING PRIORITIES			
Defense: After Vietnam, which defense policies should the United States pursue?			
Maintain current level of preparedness	41.7	39.1	23.7
After defense spending to accommodate volunteer army and naval buildup	38.9	40.5	46.1
Reduce defense establishment to a minimum	19.4	20.4	30.2
nomy:			
Check if you favor wage and price controls to fight inflation	53.9	48.9	43.4
Check if you favor their continuation on a temporary basis	58.4	53.7	48.1
Pollution:			
Check if you would pay higher taxes to control pollution	30.4	27.0	28.5
Check if you think industries should be assessed for their pollution (in which case the consumer would pay higher prices)	75.6	71.3	64.5
Consumers:			
Check if you think present consumer protection is adequate	20.4	19.1	12.3
Check if you favor nationwide no-fault car insurance	76.9	71.8	68.3
Crime: Check if you are satisfied with law enforcement in following areas:			
Narcotics control	8.3	6.8	8.8
Safe streets	8.2	6.1	6.4
Organized crime	4 9	3.8	4.3
Prison reform	12.8	9.3	7.2
Individual versus society's rights	19.7	15.0	10.8
Priority: Check what you consider the single most important problem in the Nation today—			
Economy (inflation, unemployment, etc.)	41.3	33.9	20.9
Environment (air and water pollution, etc.)	13.0	14.7	28.6
Foreign relations (Southeast Asia, Middle East, etc.)	8.7	9.6	10.4
Social problems (crime, drugs, race relations, etc.)	42.0	45.0	38.4

A SPECIAL STUDY ON QUALITY OF AMERICA'S POPULAR FOOD PRODUCTS

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, today I am submitting for the RECORD the results of a special study I have conducted to determine the quali ,y of one of America's staple and popular food products.

I feel that the Members of this body will find the results of this study quite revealing. I was startled to learn that today's shoppers are paying inflated prices for frankfurters that are only 60 percent as nutritious as they were 40 years ago. Other information which came to light as a result of this study is that modern consumers are getting an alarmingly high bacteria count in each serving.

The U.S. Department of Agriculture in 1971 said that the average frankfurter averaged 28 percent fat and only 11.7 percent protein. One might think that this is an unusually high quantity of fat but this is well within USDA regulations. Also, the average hot dog contains anywhere from 53 percent water to 57 percent water.

Putting this in perspective I discovered that the best and most expensive frankfurters on the market today contain more than 6 times the amount of water and fat as they do protein. This is unconscionable when you consider that many American families use the frankfurter as part of their weekly menu.

Last year the public was shocked to learn that their favorite all-meat frankfurter contained almost 15 percent chicken. Now they discover that the price of the wiener has gone sky high and that, if they were to pay for protein by the pound as it is contained in the best hot dog, they would be paying $11.70 per pound of protein.

Besides these disturbing facts regarding the general low quality of frankfurters there are some very serious deficiencies in the health aspects connected with the manufacturing of hot dogs. Food experts generally agree that putrefaction has set in when a frankfurter's total bacteria count has reached 10 million per gram. Nearly 40 percent of all the frankfurters tested have begun to spoil before they are eaten. Often frankfurter's have as much as 140 million bacteria per gram find their way into the consumer market.

One nutrition expert suggests that 10,000 bacteria per gram be the maximum allowable level and only a few brands meet this standard now. What is more serious, is that New York City has a much less stringent allowable bacteria level and yet one recent study revealed that only four of the 32 brands tested meet that requirement.

Because this situation is so serious, I have asked Secretary of Agriculture Butz to take several steps which would go a long way toward eliminating the unnecessarily high bacteria level found in frankfurters and to improve the quality of food products consumed in the United States.

This study, is a careful examination of the most recent information available. I have called upon the Department of the Army, dieticians, and purchasing agents in both the House and Senate for the expertise in this matter. I have also studied Consumer Reports, Senate Government Operations Committee testimony, U.S. Department of Agriculture publications, New York City Consumer Affairs Department publications, and reports issued by Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs. I believe, therefore, I have examined a broad sepctrum of the information available and I offer for the RECORD, the full text of this study:

REPORT ON THE HIGH PRICES AND LOW NUTRITIONAL VALUE OF FRANKFURTERS

Each year American's consume more than 1½ billion pounds of frankfurters. Some eat them as a snack, other as a staple item in their weekly diet. The hotdog has become an American tradition—just as popular as apple pie, fries and a coke.

It goes without saying that all foods should meet a minimum level of quality before they are consumed but in the case of the hotdog, where it is probably the most often ingested product in the country, the present standards as well as how well the individual manufacturers adhere to these regulations should be a matter of close scrutiny.

In January 1970, Mrs. Virginia Kanuer, Special Assistant to the President for Consumer Affairs, testified before a Senate Subcommittee citing her efforts to have the Department of Agriculture reduce the allowable fat content in frankfurters to 30 percent. This was the first such adjustment by the Department of Agriculture in almost 30 years. Clearly our dietary habits and our economic abilities, working in close relation with one another must be carefully examined so that American consumers can shop with a justifiable degree of confidence.

Too frequently we discover how the unsuspecting consumer is short changed at the grocery store due to poor quality foods or blantant mismanagement on the part of manufacturers and owners.

It is in this spirit that I have undertaken this study.

Several decades ago, largely through the efforts of Theodore Roosevelt and Upton Sinclair, Americans became aware of consumer problems. From about 1900 until the 1960's, people, because of government regulations, naively assumed that they were adequately protected against unsafe and unhealthy food products. However, recent studies reveal that certain food products are not as healthful as they were thought to be and in certain instances, they are not as healthful nor as inexpensive as they were 30 years ago. The frankfurther is a typical case in point.

American's eat more than 1½ billion pounds of frankfurters each year. It has also been estimated that the hotdog is Americans most consumed food. Being such a staple item in our everyday diet it seems rather apparent that the standards established to assure minimal nutrition value be examined and tested so that if there are any deficiencies they can be quickly corrected.

WHAT IS A FRANKFURTER

The American consumer can usually buy two kinds of frankfurters; All Beef or All Meat.

All Beef—If the label of a hotdog package say All Beef, the meat content must be just that. The United States Department of Agriculture requiest that a frankfurther labeled, All Beef be free of any type of filler. This means that pork, chicken, cereal or milk solids are prohibited from being included in any All Beef wieners.

All Meat—If a label on a frank package says All Meat the hotdog may contain pork, chicken, beef, lamb or even goat. As a matter of fact, U.S.D.A. regulations permit franks to contain as much as 15 percent chicken. While it is true, that all meat poultry inclusions be noted on the package there is no regulation requiring the manufacture to list the exact proportions of the components.

Because a consumer is buying an All Beef frankfurter as opposed to one labeled All Meat, one should not assume he is getting a higher quality product. For one thing, the quality of the beef might be lower than the quality of the combined amount of meat included in an All Meat wiener.

Sometimes, frankfurters contain such substances as hydrolyzed plant protein or soy-protein concentrate and therefore, are legally precluded from carrying an All Beef or All Meat label. This is the case in *Hebrew National* franks and *Sterling* franks.

NUTRITION VALUE

The nutritional value of the frankfurter varies greatly from manufacture to manufacturer. The most nutritious frankfurter tested in 1972 are nowhere as nutritious as they were in the 1930's. Yet the price per pound of a hotdog has increased substantially.

In 1937, the United States Department of Agriculture said that weiners tested that year contained only 19 percent fat. The protein level was rated at 19.6 percent. During the depression, manfacturers did not add fat or water to any of their products. Today they do.

Consequently, in 1970, the U.S.D.A. reported that the cooked sausage products that they tested averaged 28 percent fat and only 11.7 percent protein.

One reason for this abrupt change in frankfurter content could be that in the 1930's manufacturers did not have the techniques to add extra fat and water. Tech-

nology has changed that and now it is easy to add as much extra fat or water as a manufacturer wishes.

The sudden rise in fat content to 28 percent and the simultaneous drop in the protein is acceptable under U.S.D.A. standards. Considering the adjustment in the contents of weiners we see that consumers are paying todays prices for frankfurters which are only 60 percent as nutritious as they were in the 1930's.

This information is most distressing when one considers that most experts believe heart disease is caused by improper diets, especially high fat content in food.

Most recently frankfurters, hamburgers, milk shakes, butter and eggs were put on a restricted diet list for children in high risk families. (High risk refers to a family in which there has been a premature coronary heart disease in a parent or close relation).

Besides the protein and fat content in frankfurters, a large portion of the hotdog is water. Because of its natural quality, any meat product contains a great deal of water but hotdogs as a rule contain more because producers add extra water during manufacturing. They say that this additional water is added to keep the temperature down during the grinding and mixing operation rather than to dilute the quality of the product. Tests show that water content in frankfurters varies from as high as 57.5 percent to as low as 53.9 percent! In any event, more than 50 percent of a frankfurter is water.

Present U.S.D.A. limits permit a manufacturer to add as much as 10 percent more water to cooked sausage products then there is in its natural state.

The U.S.D.A. estimates that in a typical cut of meat, the amount of water should be approximately four times the amount of protein. Therefore, a meat product with 12 percent protein would contain 48 percent water. This particular cut of meat would not be declared by the U.S.D.A. standards "adulterated" unless the water content *exceeded* 58 percent. Current regulations stipulate that water content below this formula need not be printed on the package label but only its presence (not quantity) must be noted.

This standard is generous when we consider the ration of water to lean beef is 3.7:1 or fresh port trimming is 3.6:1. A most disturbing fact which must be included is that in a recent test 12 out of 32 frankfurters sampled revealed more than the 10 percent extra water limit.

As stated in the preface, Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, recently urged U.S.D.A. to lower the permissible fat content from, an unlimited amount to 30 percent. Statistics reveal that almost without exception all manufacturers are complying. However, one must ask if even these requirements aren't too lenient. As of now there are no requirements as to the limit of protein in the manufacture of hotdogs.

Other ingredients besides meat, fats and water which are included in the manufacturing of weiners are corn-syrup solids and flavoring additives. The legal U.S.D.A. limit in this area is a 2 percent and 3 percent respectively.

NUTRITION-HEALTH NEEDS

Keeping in mind that the frankfurter is a staple item on most American diets one must observe that frankfurters as a meat nutrient is not nutritionally rich enough to meet minimum daily requirements.

The National Academy of Science-National Research Council recommends that a 12 year old boy needs 2500 calories and 45 grams of protein per day. A lunch of two frankfurters on a bun would provide about 450 calories but only 10 grams of protein. Certainly, the weiner does not provide nearly enough protein for a growing child. The parent must be knowledgeable enough to be able to supplement the diet with the proper foods so that the recommended minimum level of protein will be added.

The consumer should know that fish, other meats and poultry would yield more in protein than a frankfurter. In terms of a 7 ounce serving of poultry would yield 52 grams of protein on the average, and fish will yield 50 grams while beef, lamb or pork will yield 48 grams. The frankfurter would yield only 20 grams.

NUTRITION AND MONEY

Not only is the protein content in weiners one of the lowest of all available meats but it is the most expensive per pound. The average cost per pound for All-Meat frankfurters is approximately 81¢ while the average cost per pound of All-Beef hotdogs is 92¢ per pound. If we project these figures to an average cost per pound of protein we see that All Meat frankfurters cost $6.98 and All-Beef cost $7.94.

The packaging of franks may be so deceptive that a consumer may pick up a 12 ounce package of hotdogs and think he is buying the one pound bag. This is especially true if he selects the one pound pack of Armour All-Beef, Super-Right All Meat, and Ruth All Meat. All these manufacturers prepare their 12 and 16 ounce packages to look alike.

WHOLESOMENESS

Like any other meat, frankfurters even if properly refrigerated, will stay their best for only two to four weeks.

Proper packaging, can prolong the freshness of frankfurters by preventing the entry of bacteria as well as keeping the bacteria count down. Some packages that are shipped as "air tight" become punctured sometime prior to retail purchase which then becomes highly susceptible to bacteria. Most distressing is that several brands of frankfurters recently tested by a private organization revealed that 40% of their samples had begun to spoil soon after being purchased.

While the question of what is a reasonable bacteria count is still not settled, the general unsafe level of bacteria count is usually 10 million per gram. One sample had 140 million bacteria per gram.

A leading expert has suggested a maximum allowable count of 10,000 bacteria per gram for any precooked sausage products. Only two brands tested *Kroger All Meat* and *Swift's All Meat* met that standard. Shockingly only *Super-Right Dinner Franks* and *Oscar Mayer All Meat*—met New York city's more lenient 100,000 bacteria per gram regulation.

Mild gastric distress usually sets in between 1 and 5 million per gram. Only 25 percent of a recent test revealed a count less than 1 million bacteria per gram. One study revealed that insect and rodent contamination turned up in almost 19 percent of the samples analyzed for wholesomeness.

The high bacteria counts found in many franks is a clear indication of poor industrial sanitation and are due to the lag in the distribution cycle.

RECOMMENDATIONS

Under the Wholesome Meat Act of 1967, all meat processed in the United States must be inspected either by Federal officers or by state authorities working within guidelines certified as at least equal to Federal standards.

Federal standards, however, do not prohibit the states to impose still higher standards. However, only Michigan has done that.

Clearly, one answer to the declining nutritional value of frankfurters is stricter regulatory action. Therefore, I recommend that the U.S.D.A. impose the following standards:

1) Lower the legal limit of permissable fat content from 30 percent to 20 percent.

2) Establish a minimum level of 25 percent protein.

3) Effective labeling requiring the manufacturer to list in proportion the contents of the frankfurters.

4) All non-meat ingredients be limited to no more than five percent.

5) Stronger in-plant inspection.

6) Strict temperature control in wholesale and retail distribution.

RATING OF FRANKFURTERS

	Price per pound	Protein: Percentage	Protein: Price per pound	Fat, percent	Water, percent
Hebrew National kosher frankfurters [1]	$1.60	13.7	$11.70	25.4	57.7
Machiaeh pure beef franks	1.00	11.3	8.88	29.8	54.2
Best's kosher beef frankfurters	1.24	13.3	10.18	27.8	55.2
Morrell Pride German brand all meat wieners	.99	14.0	7.07	22.6	56.2
Armours all beef franks [2]	.85	11.1	7.63	28.3	55.1
Swift's premium all beef skinless	.89	11.8	7.62	27.8	55.2
Kahn's pure beef franks	.87	11.0	7.92	29.9	53.2
Kroger all beef wieners	.81	10.6	7.68	27.8	56.7
Rath pure beef wieners	.95	11.9	7.96	27.4	54.0
Safeway all meat franks	.73	12.3	5.95	24.5	58.2
Dubuque German brands all meat [2]	.94	13.3	7.06	26.1	57.3
Super-Right brand dinner franks [1]	.77	11.8	6.55	28.3	55.6
Hygrade's Ball Park brand all meat franks [2]	.94	11.0	8.55	30.0	56.6
Kahn's Our Giant beef franks	.94	11.0	8.55	28.3	55.9
Safeway skinless all beef	.80	13.2	6.06	24.1	56.8
Super-Right brand all meat skinless franks	.71	11.2	6.36	29.6	55.0
Armour all meat hot dogs franks	.81	11.6	6.96	28.4	56.3
Kroger all meat weiners	.72	11.6	6.19	30.6	53.3
Super-Right brand all beef skinless franks	.93	11.5	8.08	29.0	55.0
Morrell all beef dinner franks	.79	10.8	7.35	29.2	53.9
Oscar Mayer pure beef franks	.91	11.1	8.18	29.6	54.7
Hormel all beef wieners	.87	12.1	7.18	27.2	56.4
Corn King all meat franks	.95	10.9	6.79	30.4	54.4
Dubuque all meat wieners	.69	11.6	5.95	28.2	54.9
Hormel all meat wieners	.75	11.5	6.60	28.6	55.3
Wilson's certified skinless all meat franks	.77	11.2	6.89	28.1	57.1
Swift's premium all meat skinless franks	.89	11.2	7.95	29.5	55.2
Rath all meat wieners	.81	12.0	6.77	27.1	55.4
Kahn's all meat wieners	.83	11.4	7.31	29.9	54.2
Cudahy Bar S all meat wieners	.71	10.7	6.64	29.3	54.8
Oscar Mayer all meat wieners	.89	10.4	8.57	30.9	52.9
Sterling brand skinless franks [1]	.65	13.4	4.85	23.0	57.1

[1] Not designated as either all meat or all beef.

[2] Used by the Department of Defense for supply to all armed services.

A TIME TO STOP MAKING NOISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 20 minutes.

Mr. ROSENTHAL. Mr. Speaker, the problem of excessive noise abuse from jet traffic has dominated citizens' concerns ever since the first jet began swooping and soaring over their homes. The situation has deteriorated for residents as jet traffic has increased to a point of constant bombardment of noise. Studies amply demonstrating the psychological and physical traumatic effects on people have been made on the debilitating effects of jet noise. The noise impact is 10 times more disturbing during the normal sleeping hours, when it is much more difficult to assimilate sounds, than during the day.

Action by airports and airlines to remedy the problem have been inadequate for the most part. The constitutional right to domestic tranquility includes freedom from noise. Unfortunately, this generally has been blatantly ignored by the noisemakers.

One of the few successful attempts at regulation has been the ban on late evening and predawn jet traffic at Washington National Airport. I strongly urge other airports to follow this example. It in morally, socially, and environmentally necessary.

Increasingly, and at a very disturbing rate, the people are furiously complaining about the "sleep-shattering whine and roar" of jet aircraft operating out of nearby airports. The complaints have been present for some time but are even more vociferous today because those responsible have failed to substantially reduce engine noise levels.

The airlines, in fact, privately favor a plan of increasing noise levels to correspondingly increase public tolerance and thereby build a generation of Americans acclimated—albeit slightly deaf—to aircraft noise pollution. The carriers are perhaps the worst offenders; with only the slightest exceptions they have shown themselves unwilling to do anything substantive to reduce noise, especially if it looks like it will cost them money. At the same time, however, they are constantly running to the Civil Aeronautics Board for rate increases. Their greed will get the best of them. They have an obligation to the public, too, not just their stockholders.

Those thousands of my constituents who live near La Guardia Airport and beneath its flight patterns, like those in other cities, suffer the consequences of decades of neglect of the noise pollution problem. Most of them were there before the jets arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now those people come home from their jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs. The night does not bring peace to them because La-Guardia and the Port of New York Authority do not understand or recognize the citizen's right to quiet.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more noise, more distraction and more simple human discomfort than their jobs in the heart of the city.

Alleviation of this situation is not terribly difficult. A reasonable solution would be to begin curtailment of all but essential military air traffic from scheduling departures and arrivals between 10 p.m. and 7 a.m., the hours normally reserved for sleeping.

The number of flights during those hours is relatively small. At LaGuardia, for example, only 29 of the day's 716 flights arrive or takeoff between 10 p.m. and 7 a.m., or about 4 percent of the total operations for the 24-hour period, according to Federal Aviation Administration figures for March 1972. That's a drop of 1 percent—36 out of 718 operations—from a year ago. In June 1970, 44 of 662 flights, or about 6.6 percent, were during these sleeping hours. I am inserting at the end of my remarks the FAA charts showing an hour-by-hour breakdown of scheduled aircraft operations.

Not all middle-of-the-night flights carry passengers. A great many are all freight at many terminals. Others are what are called "repositioning flights," which are primarily designed to move a plane from one city to another to be on hand for the next day's service. To schedule these at less disturbing times would benefit thousands, if not millions of people, while offering the airlines only minor inconvenience.

The number of flights during normal sleeping hours is relatively small. But it does not seem that way if you happen to live nearby. Then the din of the aircraft becomes almost unbearable. Aircraft noise during these hours has a compounding impact on residents because the noise cannot be assimilated as it is during the day with other noises. One jetliner taking off at midnight has 10 times the effective noise impact of the same plane taking off at noon.

Washington National Airport prohibits scheduled jet commercial traffic between 10 p.m. and 7 a.m. The FAA, which runs National, and the airlines operating out of the airport, have a voluntary agreement on the night flight limitations. The agreement began in 1966 and has worked rather well. Only minor adjustments by the airlines were needed in rescheduling flights to conform. Similar agreements exist in Los Angeles and Fresno, Calif., and Boise, Idaho, as well as London, England, and many major European cities.

The constitutional right of domestic tranquility includes freedom from oppressive noise. Steps must be taken by airport managements, airlines, and public officials, including the Congress, to protect and respect that right and to halt the acoustic abuse heaped mercilessly upon the citizenry.

I have personally written to the Port of New York Authority, LaGuardia Airport management and the airlines using that airport, requesting they voluntarily set noise curfews. For once, those noisemakers are strangely silent. They have turned a deaf ear on the request. Their silence is a demonstration of their contempt for the people bombarded by aircraft noise. It is also further evidence that voluntary self-regulation, which industry in general professes to prefer, is meaningless. The only answer, unfortunately, appears to be stiffer governmental regulation.

Mr. Speaker, I am, therefore, offering today legislation to take the first step toward solving the problem of aircraft noise pollution. What I propose is a thorough study of the possibilities of establishing curfews on non-military flight operations at the Nation's airports.

Joining me in introducing this legislation is Mr. MIKVA and 24 of our colleagues; their names are listed following my remarks.

This bill would set up a nine-member commission consisting of the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, two representatives of the aviation industry and five public members. They would report the findings of their investigation and their recommendations to the Congress within 6 months of this act.

This Commission would be a temporary investigative body, not a new governmental agency. It would exist solely for the purpose of informing the Congress and would go out of existence upon submitting its report and recommendations.

A curfew on aircraft operations is a short-term solution to the problem and is not meant to be an alternative to such long-term answers as quieter engines and improved operational procedures. Both approaches are needed; they are complementary. This bill is a valuable and important first step toward solving the vexing problem of aircraft noise pollution.

Following are charts provided by the Federal Aviation Administration showing hourly aircraft movements at LaGuardia Airport during three representative months, June 1970, March 1971 and March 1972.

The bill and a list of cosponsors follows the charts.

SPONSOR OF AIRPORT NOISE CURFEW COMMISSION BILL

Hon. BELLA ABZUG, Hon. JOSEPH ADDABBO, Hon. HERMAN BADILLO, Hon. FRANK BRASCO, and Hon. ALPHONZO BELL.

Hon. SHIRLEY CHISHOLM, Hon. GEORGE COLLINS, Hon. JOHN DOW, Hon. DON EDWARDS, and Hon. HAMILTON FISH.

Hon. DONALD FRASER, Hon. GILBERT GUDE, Hon. SEYMOUR HALPERN, Hon. MICHAEL HARRINGTON, and Hon. HENRY HELSTOSKI.

Hon. ABNER MIKVA, Hon. PATSY MINK, Hon. BRADFORD MORSE, Hon. JOHN MOSS, and Hon. BERTRAM PODELL.

Hon. THOMAS REES, Hon. BENJAMIN ROSENTHAL, Hon. WILLIAM RYAN, Hon. CHARLES WILSON, Hon. LESTER WOLFF, and Hon. JOHN WYDLER.

H.R. 13919

A bill to establish the Airport Noise Curfew Commission and to define its functions and duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established the Airport Noise Curfew Commission (hereinafter referred to as the "Commission"). The Commission shall study and make recommendations to the Congress regarding the establishment of curfews on nonmilitary aircraft operations over populated areas of the United States during normal sleeping hours. The Commission shall report its findings and recommendations to the Congress no later than six months after the date of the enactment of this Act, at which time the Commission shall cease to exist.

SEC. 2. The Commission shall be composed of nine members, as follows: four appointed by the Speaker of the House, three appointed by the President Pro Tempore of the Senate, the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration. One each of those members appointed by the Speaker of the House and the President Pro Tempore of the Senate, respectively, shall represent the aviation industry; the remaining such members so appointed shall be private citizens not involved in the aviation industry. One such private citizen shall be elected chairman. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

SEC. 3. Except as provided in section 4 of this Act, members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

SEC. 5. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

SEC. 6. Subject to such rules as may be adopted by the Commission, the Chairman may appoint and fix the pay of such personnel as he deems desirable. The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 7. Subject to such rules as may be adopted by the Commission, the Chairman may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grades GS–18 of the General Schedule.

SEC. 8. Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 9. The Commission may for the purpose of carrying out its duties and functions under this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

SEC. 10. When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

SEC. 11. The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties and functions. Upon request of the Chairman of the Commission, the head of such department or aegncy shall furnish such information to the Commission.

SEC. 12. The Commission may use the United States mails in the same manner and upon the same conditions as the various departments and agencies of the United States.

SEC. 13. The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 14. The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by this Act. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

SCHEDULED AIR CARRIER MOVEMENTS,[1] LAGUARDIA AIRPORT—AVERAGE DAY,[2] MARCH 1972

Local time	Arrivals			Departures			Movements		
	Jet	Prop	Total	Jet	Prop	Total	Jet	Prop	Total
0000–0059	3	0	3	0	0	0	3	0	3
0100–0159	0	0	0	0	0	0	0	0	0
0200–0259	1	0	1	0	0	0	1	0	1
0300–0359	0	0	0	0	0	0	0	0	0
0400–0459	0	0	0	0	0	0	0	0	0
0500–0559	0	0	0	0	0	0	0	0	0
0600–0659	1	0	1	1	0	1	2	0	2
0700–0759	3	1	4	30	5	35	33	6	39
0800–0859	14	3	17	26	3	29	40	6	46
0900–0959	23	1	24	20	2	22	43	3	46
1000–1059	26	2	28	17	1	18	43	3	46
1100–1159	19	3	22	22	1	23	41	4	45
1200–1259	19	1	20	24	3	27	43	4	47
1300–1359	21	0	21	20	2	22	41	2	43
1400–1459	21	2	23	16	2	18	37	4	41
1500–1559	21	2	23	22	2	24	43	4	47
1600–1659	23	1	24	21	2	23	44	3	47
1700–1759	19	3	22	23	3	26	42	6	48
1800–1859	23	4	27	24	1	25	47	5	52
1900–1959	21	0	21	24	3	27	45	3	48
2000–2059	31	6	37	14	1	15	45	7	52
2100–2159	20	1	21	17	2	19	37	3	40
2200–2259	12	3	15	2	0	2	14	3	17
2300–2359	4	0	4	2	0	2	6	0	6
24-hour total	325	33	358	325	33	358	650	66	716

[1] Does not include helicopter operations.
[2] Lists those flights occurring at least 5 times per week.

Source: Federal Aviation Administration.

NEW YORK-LAGUARDIA—SCHEDULED AIRCRAFT MOVEMENTS, GROSS DAY

Hour	Arrivals		Departures		
	Jets	Prop	Jets	Prop	Total
JUNE 1970					
0000–0059	3			1	4
0100–0159					
0200–0259					
0300–0359					
0400–0459					
0500–0559	2				2
0600–0659	1		1		2
0700–0759	7	1	21	2	31
0800–0859	13	4	26	2	45
0900–0959	15	2	18	4	39
1000–1059	16	3	17	2	38
1100–1159	20	1	16	2	39
1200–1259	16	2	23	1	42
1300–1359	20	1	19	2	42
1400–1459	18	2	23	1	44
1500–1559	16	2	15	3	36
1600–1659	25	1	18	1	45
1700–1759	18	3	21	2	44
1800–1859	21	2	22	3	48
1900–1959	21	5	18	2	46
2000–2059	19	2	17	3	41
2100–2159	18	4	14	2	38
2200–2259	15	1	3	3	22
2300–2359	10	1	2	1	14
Total	294	37	294	37	662

Hour	Arrivals		Departures		
	Jets	Prop	Jets	Prop	Total
MARCH 1971					
0000–0059	2		1	1	4
0100–0159	1				1
0200–0259	1				1
0300–0359	1				1
0400–0459	1				1
0500–0559					
0600–0659	1		2		3
0700–0759	4	1	27	4	36
0800–0859	15	3	27	1	46
0900–0959	19	3	17	5	44
1000–1059	24	1	22	1	48
1100–1159	25	1	20		46
1200–1259	19	1	24	2	46
1300–1359	22	1	23	1	47
1400–1459	17	3	19	2	41
1500–1559	21	2	20	3	46
1600–1659	22	2	23	1	48
1700–1759	19	3	23	5	50
1800–1859	23	3	22	1	49
1900–1959	20	1	24	2	47
2000–2059	26	4	16	3	49
2100–2159	25	2	12		39
2200–2259	12		3		15
2300–2359	7	1	2		10
Total	327	32	327	32	718

Notes: Does not include air taxi or helicopter. Gross day includes all flights scheduled 5 or more days per week.

Source: Federal Aviation Administration.

PREPAID LEGAL SERVICES PLANS FOR WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON), is recognized for 10 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am today introducing a bill which I hope will stimulate the growth of prepaid legal services plans for workers. Senator HARRISON A. WILLIAMS, JR. is introducing an identical bill in the other body.

During the past few years, the American Bar Association's special committee on prepaid legal cost insurance has been participating in a number of experimental plans, and has been studying other independently developed plans.

These plans differ widely in origin, scope of services, and method of delivery.

Some companies have bought into plans as a fringe benefit for their employees; some lawyers have organized plans and have offered subscriptions to the general public; many unions, notably

the Laborers' International Union and the International Brotherhood of Teamsters, have negotiated prepaid legal services plans financed through a "cents per hour" wage checkoff.

The plans vary widely in scope; some cover only specific areas, such as workmen's compensation cases; some cover individual legal problems, but may limit the kinds of problems or the amount of legal costs covered; there is a great deal of experimentation going on.

Some plans operate on an insurance principle, where the client picks his own lawyer, and the plan either pays the lawyer directly or reimburses the plan member. Others operate on a group legal services basis, where the plan furnishes the lawyer, law firm, or other group of lawyers to the member. Not enough is known about these plans yet to decide which approach is best.

The bill which Senator WILLIAMS and I are sponsoring would remove a legal obstacle to the negotiation by labor and management of jointly administered legal services plans, by permitting employer contributions to trust funds established to finance legal services plans.

Section 302 of the Labor-Management Relations Act prohibits all payments by employers to employee representatives for purposes other than those specifically excepted in that section. This section was enacted to prevent bribery, extortion and other corrupt practices, and to protect the beneficiaries of lawful employer-supported funds. Section 302(c) contains seven exceptions to this general prohibition, and thus permits employer contributions to trust funds to finance medical care programs, retirement pension plans, apprenticeship programs, and other specific programs.

This bill would add an eighth exception to section 302(c)—jointly administered trust funds for the purpose of defraying the costs of legal services—and thus legalize such jointly administered programs.

PROJECT SANGUINE

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, I have been informed by the Navy's Office of Legislative Affairs that the Navy plans to file the final environmental impact statement for Project Sanguine on April 7.

As my colleagues know, the National Environmental Policy Act requires that Federal agencies file with the Council of Environmental Quality an environmental impact statement that fully discloses the expected environmental effects of a project.

If built, Project Sanguine will cover 150 miles of Wisconsin woodlands with an enormous underground grid used to provide low frequency communication with submarines in the event of a national emergency.

The Navy for fiscal year 1973 has requested an additional $450,000 for further environmental studies. It is hard to explain how the Navy is able to issue a final impact statement while at the same time requesting an additional $450,000 for more environmental studies.

Certainly the situation is confused and in need of immediate explanation. As a result I have asked Secretary of the Navy Chafee to clarify the status of Project Sanguine.

It is also my fear, Mr. Speaker, that the final environmental impact statement planned for April 7 will be inadequate. While the Navy admits that many of the results will be based on interim data they say that no additional study is planned unless the project is moved outside of Wisconsin.

The Navy should prepare one final environmental impact statement that comprehensively discuss all of the potential dangers and hazards of Project Sanguine rather than issue a so-called final environmental impact statement that is based on incomplete and insufficient information.

MARCH 20, 1972.

Hon. JOHN H. CHAFEE,
Secretary of the Navy, Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I have been informed by the Office of Legislative Affairs that the Navy plans to issue a final environmental impact statement for Project Sanguine on April 7.

In its budget for fiscal year 1973 the Navy is requesting an additional $450,000 for environmental studies. The present situation is confused and in need of immediate explanation. I believe that is necessary for you to explain why the Navy is filing a final environmental impact statement while at the same time asking the Congress for $450,000 for additional environmental studies.

It is my fear that this so-called final report will be inadequate. Much of the study will be based on interim data and the request for additional funds points to the need for additional study.

The Navy should prepare one final report that will comprehensively review the true impact of Project Sanguine. It is my hope that the Navy will eventually issue such a report.

Sincerely,

LES ASPIN,
Member of Congress.

FORTY-ONE DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, it has now been 41 days since House Ways and Means Committee Chairman WILBUR MILLS wrote President Nixon asking for the tax reform proposals the President promised in September of last year. Chairman MILLS pointed out in his February letter that such proposals should be submitted by March 15 in order for Congress to have time to act on them in this session. The ides of March has come and gone, and there has been no word from President Nixon on tax reform.

The President's continued silence on this important issue is a serious failure of leadership. It is no easy matter to get meaningful, loophole-closing tax reform legislation through Congress. The special interest groups that benefit from the loopholes and preferences in our tax system will oppose it every inch of the way. Their skillful and highly paid lawyers and lobbyists will devise complex and sophistical justifications for even the most indefensible loopholes. Unless the President and the Treasury Department are prepared to do battle on the side of those in Congress who are seeking real tax reform, the reformers will be swamped by the special interests.

Evidence of the gross unfairness of our present Federal tax system continues to flow in. A report I have just received from the Treasury Department, for example, gives more details on the number of persons in each adjusted gross income bracket who paid no Federal income taxes for 1970.

In addition to the three persons with reported 1970 incomes in excess of $1 million, who paid no tax, there were nearly 400 more with incomes over $100,000 who escaped scot free.

Furthermore, the Treasury figures make clear that one's chances of escaping all taxes get progressively better as income goes up. With one minor exception, the percentage of people who escaped all taxes rose steadily in every income bracket from $15,000 up to $1 million. Only 0.12 percent of those in the $15,000 to $20,000 bracket paid no tax, but the percentage was almost four times as high—0.45 percent—in the $100,000 to $200,000 bracket, and nine times as high—1.07 percent—among people reporting incomes of $500,000 to $1 million.

A total of 1,338 Americans with 1970 adjusted gross incomes in excess of $50,000 escaped all Federal income taxes for the year.

And this is just the tip of the iceberg. First of all, not all kinds of income are included in the "adjusted gross income" covered by the Treasury statistics. Income from the interest on State and local bonds is not included, nor is one-half of all long-term capital gains. If income from these sources was included in the Treasury statistics, the number of wealthy nontaxpayers would skyrocket. Second, for every wealthy person who pays no taxes at all, there are many, many more who pay only a small pittance.

The 1969 Tax Reform Act was supposed to end this grand-scale tax avoidance by the rich once and for all, but it has not done so. Though the number of nontaxpayers with incomes over $50,000 did drop from 2,224 in 1969 to the 1970 level of 1,338, there should not be any of these wealthy tax avoiders around at all.

I was joined by 58 other Democrats last Thursday in introducing a "quick-yield" tax reform bill which would raise $7.25 billion a year in new revenues by closing some of the loopholes that allow wealthy Americans to pay little or nothing in taxes.

I hope President Nixon will get behind our bill. The House Democrat caucus resolved overwhelmingly last week that passage of legislation further increasing the Federal debt ceiling "will be jeopardized" unless President Nixon supports meaningful, revenue-raising tax reform—or at least indicates that he will not veto it. Time is running out. I urge the President to act.

The following table shows the number and percentage of nontaxpayers in each

adjusted gross income bracket for the 1970 taxable year:

Adjusted gross income bracket	Number of returns	Number who paid no taxes	Percentage
Under $5,000	28,302,078	14,482,948	51.20
$5,000 to $9,999	22,312,030	427,060	1.91
$10,000 to $14,999	14,104,611	24,701	.18
$15,000 to $19,999	5,541,347	6,508	.12
$20,000 to $24,999	1,909,637	2,817	.15
$25,000 to $29,999	768,389	1,766	.23
$30,000 to $49,999	918,322	1,976	.22
$50,000 to $99,999	351,669	944	.27
$100,000 to $199,999	62,576	282	.45
$200,000 to $499,999	12,930	90	.70
$500,000 to $999,999	1,769	19	1.07
$1,000,000	624	3	.48

OCEAN MAMMAL CORRESPONDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 5 minutes.

Mr. BEGICH. Mr. Speaker, when the Marine Mammal Protection Act was debated last week, I concluded my own remarks by inserting all the correspondence I had received from my constituents on this subject to that time. Some new letters and telegrams have come in, and I would like to bring those also to the attention of my colleagues.

The correspondence follow:

ANCHORAGE, ALASKA,
March 8, 1972.

Representative NICK BEGICH,
Washington, D.C.:

The sea mammal bill being discussed on the House floor today March 8 will seriously affect the livelihood of natives who traditionally have made a living from subsistence hunting in addition to deriving modest incomes from arts and crafts from sea mammals. Amendments eliminating subsistence hunting of sea mammals would amount to cultural genocide. Rural Alaska community action program favors humanitarian sea mammal harvest, but we oppose any attempt to destroy traditional Alaska native livilihood.

We urge the present bill be tabled until hearings can be held in Alaska.

JOHN SHIVELY,
Executive Director, Ruralcap.

ANCHORAGE, ALASKA,
March 8, 1972.

Representative BEGICH,
Washington, D.C.:

Copy of wire sent to Congressman PRYOR.

This is to clarify that Friends of the Earth opposes any provision that would ban native subsistence hunting of marine mammals with the possible exception of an endangered species.

Thank you.

ART DAVIDSON,
Alaska Representative, Friends of the Earth.

COMMISSIONER BENJAMIN MALCOLM MOVES ON PRISON REFORM

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

Mr. KOCH. Mr. Speaker, prison reform will require the prison authorities to deal with a multitude of sins. Many of the matters which require changes by the prison authorities do not involve the expenditure of money and are very important and, being costless, easier to effectuate. I would like to report on one small success in this area of prison reform.

On January 26, 1972, I urged Commissioner Benjamin Malcolm of the New York City Department of Corrections to change the regulations which then prohibited children under the age of 16 from visiting members of their family held in the city's prisons. I received a reply on February 25 from the Commissioner, advising that he was then in the process of amending the visitation rules and regulations and that he concurred in my suggestion.

Today he has announced that within the next few days children will be able to visit their mother or father in the city jails. He also published another change in the city's visitation policy—to wit, that friends of prisoners as well as relatives will be permitted to visit. At the present time inmates both in detention and inmates in institutions for the convicted are allowed only visits by close relatives who are more than 16 years old.

I want to commend Commissioner Benjamin Malcolm for having moved so quickly, after his taking office a short time ago, to remove what surely everyone would agree was a ridiculous policy and one that was not helpful either to the prison institution or the prisoners.

We are all quick to assail a Commissioner when we see what we consider to be maladministration. We must be just as quick to commend a Commissioner when he takes a positive and forward step.

The correspondence to which I refer is appended.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 26, 1972.

Mr. BENJAMIN MALCOLM,
Commissioner, Department of Correction, New York, N.Y.

DEAR BEN: This is the first request that I make to you in your new capacity as Commissioner of Correction. I am advised that City prisoners may not receive visits from those under 16 years of age pursuant to a general order of the Department of Correction. That order I submit to you makes no sense whatsoever. Surely it is in the interest of the prisoner, his family and society at large that as many family contacts as possible be retained. A visit from a son or daughter is, I suggest, the most wholesome of visits and the kind that there should be more of. Since there is no statute mandating this restriction I ask you to rescind it by executive order and that there be no age limitation on those visiting prisoners. Whether a mother or father wishes to bring an infant in arms to prison to visit a close relative is a decision that should be left to the parent to make.

When I first became interested in prison reform as a result of a visit to the Tombs in January, 1970, I learned that New York State prisoners were denied the right of visitation by common law wives. It took a year and much correspondence with the then State Corrections Commissioner to rescind that ban. I know that you will respond immediately.

Sincerely,

EDWARD I. KOCH.

THE COMMISSIONER OF CORRECTION,
New York, N.Y., February 25, 1972.

Hon. EDWARD I. KOCH,
Federal Plaza,
New York City, N.Y.

DEAR ED: Thank you for your letter of January 26, 1972, concerning visitation to prisons by persons under 16 years of age. I am happy to advise you that we are in the process of amending our visitation rules and regulations and your suggestions will receive top priority since we concur that this should be happening.

Sincerely,

BENJAMIN J. MALCOLM,
Commissioner.

EQUAL RIGHTS FOR WOMEN NOW

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

Mr. KOCH. Mr. Speaker, one of the major issues that we must give priority to is opening up top management positions in the businesses of this country to women. It is well known that women are not adequately represented in middle management, to say nothing of the very top management of the major businesses conducted in the United States.

I recently had a discussion with the chairman of the board of one of our largest utility companies and asked the question, "How many women are there among the top 30 management personnel in your company?" The chairman thought a moment and said, "I must say that we have none in that category."

As our colleagues may know the Labor Department has recently mandated that companies doing business with the Federal Government must provide equal employment opportunities for women. This requirement is set forth in Revised Order 4 of that Department. However it only applies to those businesses which have contracts or subcontracts with the Federal Government.

To deal with this matter, I am writing today to all of the Federal regulatory agencies asking whether they have taken any steps to mandate similar affirmative action by all the companies under their regulation and if they have not, I propose they do so.

The letter sent to the following agencies is appended:

Atomic Energy Commission;
Civil Aeronautics Board;
Federal Deposit Insurance Corporation;
Federal Maritime Commission;
Interstate Commerce Commission;
Federal Power Commission;
Securities and Exchange Commission;
Federal Communications Commission; and
Federal Home Loan Bank Board.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 20, 1972.

DEAR MR. CHAIRMAN: In informal discussions with corporate heads of companies falling under the purview of federal regulatory agencies, I have found that too often few women hold top positions in the corporate structure.

The Labor Department has recently mandated that companies doing business with the federal government provide equal employment opportunities for women. In Revised Order 4, the Department has required that federal contractors and subcontractors submit to the Office of Federal Contract Compliance by April 4 a review of their present employment practices with regard to both women and members of minority groups and provide "an affirmative action plan" to correct their deficiencies.

Some of the companies that you regulate are necessarily covered by this order. But, there must be some, not doing business with the federal government, who are not.

I would appreciate your advising me whether you are taking any steps to mandate similar affirmative action by all the companies falling under your jurisdiction.

If no such initiative has been taken, may I urge that you move quickly to require similar affirmative steps to ensure equal employment for women and minority group members in all corporations regulated by you.

Surely, equal employment practices should be considered a primary ingredient in sound business practices.

Sincerely,

EDWARD I. KOCH.

NEW DIRECTIONS IN FEDERAL TRANSPORTATION FUNDING

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

Mr. KOCH. Mr. Speaker, on Saturday, an excellent editorial appeared in the New York Times on the proposal submitted by Secretary John A. Volpe last week to authorize the use of highway trust fund moneys for mass transportation. Secretary Volpe's proposal for the establishment of a single urban fund represents an important breakthrough in the country's transportation policies and acknowledges the anachronism of today's modal administration of our transportation programs. As one who has introduced the bill, H.R. 4571, to establish a unified national transportation trust fund combining the highway, mass transit, and airport programs, I welcomed Secretary Volpe's initiative in supporting a single urban fund.

I would like at this time to offer for printing in the RECORD the New York Times' editorial of Saturday, March 18, 1972. It follows:

HIGHWAY TRUST-BUSTER

The recommendation of Secretary of Transportation Volpe that politically sacrosanct highway trust funds be spent for mass transit projects is refreshing. He wants to provide a "Single Urban Fund" for rail and highway transportation—plus money for rural roads—out of the swelling surplus now piling up in a fund nourished chiefly by the Federal tax on gasoline. Since highway users have long contributed, however, unwittingly, to the deterioration of the general environment, there is every reason to use at least part of that tax to reclaim the environment rather than damage it still further.

As the interstate highway system nears completion, the Volpe plan would divert an increasing share of the trust fund to metropolitan agencies, states and cities, leaving it to them, for the most part, to decide what form of transit could use the money to the public's best advantage. With the entire highway program now under legal challenge for failure to meet the requirements of the Environmental Policy Act, this new approach may prove not merely desirable but a practical strategy as well.

In the light of the country's vast overindulgence of its highway builders, the Secretary's proposal falls short of the drastic shift that is required. Until the end of the decade, highways would still be getting a disproportionate share of the funds. What is more, localities would have to put up $3 for every $7 of Federal money, whereas the states would continue to put up only 1 per cent for highways to Washington's 90. And, finally, the full sum for mass transit would go to capital outlay; none for operating costs, which in city after city have sent fares skyrocketing.

Such objections, however, are modest compared with the opposition to be expected from those who have up to now fought the slightest effort to use highway trust funds for anything but building more highways—even for safety research. Representative Kluczynski of Illinois, who heads the Public Works Subcommittee on Roads, opposes the Volpe recommendations as "a complete departure from the existing Federal aid-to-highway program," and most of his colleagues appear to share the view.

Of course it is a departure, and that is precisely what is good about it. Mr. Volpe deserves credit and support for rejecting the sacred canon that concrete is the answer to all of America's transportation problems.

PCB'S: A STEP IN THE RIGHT DIRECTION

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

Mr. RYAN. Mr. Speaker, 2 years ago I brought to the attention of the House the fact that our environment, our food supply, and our health were being threatened by a highly persistent, extremely toxic industrial chemical known as PCB—polychlorinated biphenyl.

At that time I called upon the appropriate Federal agencies to undertake a series of specific actions which would have insured that the public was safeguarded from the hazards of this odorless, colorless poison. Unfortunately, in a most regrettable display of indifference to the seriousness of the problem, that action was not forthcoming.

The repercussions of that inaction are all too clear. In recent months we have had to witness incident after incident of massive PCB contamination of our food supply. Hundreds of thousands of food products have had to be destroyed. And no one really knows how much PCB-tainted food has reached the consumer.

The latest example of this disastrous situation was made public earlier this month when it was discovered that thousands of chickens in the State of Maine had been contaminated with high levels of PCB's. When questioned by my office, both the Department of Agriculture and the FDA gave assurances that the situation was well in control and that the contaminated birds numbered around 250,000. Yet, at last count over 1 million birds had to be destroyed—and the FDA still has been unable to verify the source of this contamination.

On Friday, March 17, the Food and Drug Administration announced new regulations designed to help prevent such accidental contamination of food by PCB's through industrial leaks and to set limits on the permissible amounts of PCB's that can be present in certain foods and food packaging materials. These regulations are welcome, although long overdue. If the FDA had implemented these measures when I first urged them to do so 2 years ago, we could have averted the contamination of food products which has taken place over the past months as a result of industrial accidents. It is a most unfortunate situation when it takes such tragic occurences to get the Federal Government to begin to live up to its responsibilities to protect the public from the unfettered use of a dangerous chemical and to insure the integrity of our food.

Regardless of their past failures, however, I believe that the proposed FDA regulations will have a significant effect on reducing the number of instances in which our food supply is contaminated from PCB leaking from industrial equipment. But that is not to say that we no longer have to worry about the perils presented by this DDT-like poison.

Quite the contrary, even with the full implementation of these regulations the gradual contamination of our environment, and in turn our food, will not be prevented.

The only way to insure that this toxic pollutant does not continue to increase in the environment—and thus ultimately plague our health through uncontrollable environmental contamination—is to totally ban the manufacture, sale, and use of PCB's and to insist that those PCB's currently in industrial use are destroyed in such a manner as to insure that they can be no possible threat to us.

Therefore, I have introduced legislation—H.R. 10085—which by legislative action would prohibit the distribution of polychlorinated biphenyls in interstate commerce. And I am pleased to note that 23 Members of Congress have joined with me in cosponsoring this legislation.

At this point in the RECORD, I include the text of the FDA's press release of March 17, 1972, announcing the proposed regulations and the text of the regulations themselves.

I also include in the RECORD an article by Elsie Carper which appeared in the Washington Post on March 18 and an article by Harold Schmeck which appeared in the New York Times on the same day. I commend these materials to the attention of my colleagues:

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., March 18, 1972.

Comprehensive regulations designed to limit human exposure to PCB's (polychlorinated biphenyls) from foods, were proposed today by the Food and Drug Administration.

In announcing the proposed regulations, Charles C. Edwards, M.D., Commissioner of Food and Drugs, pointed out that although it is not possible for FDA to remove PCB's from the environment, the Agency can and is taking all steps within its authority to limit exposure from foods.

"We do not believe that current food levels present a hazard to public health," said Dr. Edwards. "We do believe, however, that the sources of PCB's in foods can and should be significantly reduced to prevent any potential hazard from developing."

FDA's proposal would deal with known problem areas by:

1. Eliminating all sources of direct, accidental PCB contamination during the handling, processing and storage of feed, food and packaging material.

2. Prohibiting from the recycling process, deliberate or avoidable inclusion of pulp that contains any poisonous or deleterious substances which might migrate to food.

3. Setting temporary tolerances for a sufficient period of time for unavoidable PCB residues in food packaging materials and certain foods. Such tolerances are being set because it is not possible at this time to totally eliminate PCB's caused by environmental or industrial contamination.

PCB's have been produced since 1929 and have had a wide range of uses. The substances have or are being used as heat exchange liquids, as dielectrics, in lubricants and hydraulic fluids, and as ingredients in paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt and various building materials. This widespread usage combined with the

highly stable and persistent qualities of the substances, have resulted in the occasional appearance of PCB's in the food supply.

FDA's investigation into the incidence of PCB's in foods has shown:

Except for avoidable industrial accidents and practices, PCB contamination of animal feeds is not a significant problem.

PCB's were found in 67% of food packaging tested by FDA. They were found in both recycled paper and virgin stock. However, only 19% of the foods in these packages contained PCB's, with an average concentration of 0.1 parts per million. Subsequent surveys show a continuing and substantial reduction of PCB's in packaging material.

Investigations show the presence of PCB residues in fresh water fish and in some food animals. The source of these residues is attributed in part to environmental contamination, such as discharges of PCB waste effluents into water and air.

Although additional research is needed to determine the effects of low level human exposure to PCB's over a long period of time, today's FDA action is being taken as a precautionary measure to eliminate any unnecessary exposure.

FDA is coordinating its efforts with an interdepartmental task force on PCB's established last September to bring together the combined resources and authorities of affected governmental agencies.

"FDA investigations and the work of the PCB interdepartmental task force support proposed regulations," said Dr. Edwards.

"The regulations are realistic and will adequately protect the public health from the potential dangers of PCB's."

FDA's proposal will be published in the March 18, 1972 Federal Register. Interested persons have 60 days to comment on the proposal by writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852.

POLYCHLORINATED BIPHENYLS

FDA proposes regulations to restrict use of polychlorinated biphenyls (PCB's)—60 days allowed for comment.

Department of Health, Education, and Welfare, Food and Drug Administration—(21 CFR Parts 3, 121, 122, 128).

POLYCHLORINATED BIPHENYLS (PCB'S)

Notice of proposed rule making

The Commissioner of Food and Drugs is concerned about the problems of contamination of food with polychlorinated biphenyls (PCB's) arising indirectly from the use of PCB-contaminated animal feed, from industrial and environmental sources, and from the use of PCB-contaminated paper food-packaging materials. No authorization has been granted under the Federal Food, Drug, and Cosmetic Act for any use of PCB's which results, either directly or indirectly, in PCB's becoming a component or otherwise affecting the characteristics of food for man or other animals.

PCB's have been produced since 1929 and have been employed in a wide range of industrial uses including heat exchange liquids in pasteurization equipment; formulations in lubricants and hydraulic fluids; and ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials. PCB's are toxic substances which are very stable and highly persistent in the environment. Because of their widespread use, PCB's have been found in food as a result of avoidable industrial accidents and of environmental or industrial contamination.

Although it is not possible to remove PCB's from the environment, the Commissioner of Food and Drugs is taking all reasonable steps to limit the ways in which PCB's may otherwise contaminate food and to limit the level of PCB's in foods containing unavoidable PCB residues from environmental or industrial sources.

The Food and Drug Administration has been conducting a national survey to determine the extent and levels to which complete animal feeds are contaminated with PCB's. The survey results available to date show that less than 5 percent of the animal feeds sampled contain PCB's. Levels range from no detectable contamination to a maximum PCB level of 0.6 parts per million. It appears that complete animal feeds are not a significant source of PCB's for food-producing animals and that PCB contamination of feeds for food-producing animals can generally be attributed to avoidable industrial accidents and practices. Investigations by FDA have revealed the use of PCB's in heat exchange fluids used in certain pasteurization equipment. Although heat exchange fluids in such equipment are considered to be in "closed systems," accidents have occurred that resulted in direct contamination of animal feed with PCB's and subsequently in contamination of food products such as poultry and eggs intended for human consumption. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows. It is suspected that other industrial uses of PCB's have also resulted in the PCB contamination of animal feed and food for human consumption during processing and manufacturing.

Investigations have also revealed PCB migration to food resulting from the use of PCB-containing paper food-packaging material. This problem is being intensively studied by FDA and the paper and food industries. These studies show that paper for food-packaging materials, whether manufactured from recycled paper or virgin stock, may contain PCB's. The source of PCB's in recycled paper is attributed to the use of certain kinds of copying paper and printing ink. While the source of PCB's in virgin stock is not as well defined, it is generally attributed to the presence of PCB's in the equipment, machinery, and water used for the manufacturing of these materials and to environmental contamination.

The level of PCB contamination of foods from packaging materials is dependent upon many factors (e.g., levels of PCB's in food-packaging materials, type of food, length of storage). This is shown by the results of a national survey conducted by FDA, which revealed that even though 67 percent of the complete food packaging tested contained PCB's at levels as high as 338 parts per million, only 19 percent of the foods in these packages contained PCB's. The average PCB concentration in food was 0.1 part per million, and the maximum PCB level found was 5 parts per million. The survey further showed that 75 percent of the food product in packaged infant cereal samples contained PCB's. The average PCB concentration in the cereal was 0.3 part per million, and the maximum PCB level found was 1 part per million.

Other information which became available subsequent to the FDA survey shows a continuing and substantial reduction in the PCB concentrations of paper-packaging materials. For example, data on recycled paperboard currently being produced show that 95 percent of the samples examined contained less than 5 parts per million; data on the same type of material manufactured during 1970 and 1971 show that only 18 percent of the samples examined contained less than 5 parts per million.

Other investigations show the presence of PCB residues in fresh water fish and in some foods of animal origin. The source of these residues is attributed in part to environmental contaminations such as discharges of PCB waste effluents into water and air.

Based on FDA total diet studies, the dietary intake of PCB's appears to be of a low order. The 900 food composites analyzed for PCB's in the total diet market basket samples for the past two and a half years showed 54 of the food composites to contain PCB residues. Calculated on the basis of dietary intake, the average PCB level found in the market baskets was less than 0.0001 milligram per kilogram of body weight per day. The market basket samples represent a high consumption diet which is approximately twice the normal diet.

Knowledge of the toxicological effects of PCB's is limited at this time. Available information indicates that PCB's are classified as being of moderate acute toxicity. As a point of comparison, DDT has a higher acute toxicity than PCB's.

In contrast to the recognized moderate acute toxicity of PCB's, the aspects of PCB-chronic toxicity, including mutagenicity and teratogenicity are at present not well defined and thus are potentially of greater concern. The chronic toxicity of PCB's is being extensively studied by the government, industry, and the scientific community. Preliminary reports and observations indicate that it would be prudent to reduce and, wherever possible, eliminate long-term, low-level human exposure to PCB's.

On the basis of these investigations and other available information, including the report of the Interdepartmental PCB Task Force, the current dietary level of PCB's is not considered an immediate hazard to the public health. However, the Commissioner concludes that the sources and levels of PCB's in animal feeds, feed components, and food for human use can and should be significantly reduced or eliminated so as to minimize the overall long-term human exposure to PCB's. Accordingly, the Commissioner makes the following proposals:

1. Part 3 should be amended to (a) provide special provisions to preclude the direct accidental PCB contamination of animal feed and (b) to provide special provisions to preclude the direct accidental PCB contamination of food-packaging materials.

2. Section 128.4 should be amended by adding special provisions to preclude the direct accidental PCB contamination of food.

3. Section 121.256 should be amended to exclude pulp from reclaimed fibers containing poisonous and deleterious substances which may migrate to food from use in the manufacture of food packaging materials.

4. A temporary tolerance of 5 parts per million in paper food-packaging materials should be established permitting unavoidable PCB residues in these products for a sufficient period of time to provide an opportunity for the orderly elimination of PCB-containing raw materials used in the manufacture of food packaging materials. There are no provisions for permissible uses of PCB's under 21 CFR 121.2526 or 121.2571. This temporary tolerance is not to provide for direct uses under the above regulations. Immediate elimination of all food packages containing PCB's would disrupt the nation's food packaging and distribution system and is not warranted by the hazard to human health.

5. It is recognized that nation-wide controls in the uses of PCB's will reduce the unavoidable contamination of foods. Therefore, although a temporary tolerance cannot be established for all foods, regulations should be promulgated providing the following temporary tolerances permitting unavoidable residues for a sufficient period of time to permit elimination of such residues at the earliest practicable time:

(a) Milk, 2.5 ppm (fat basis).
(b) Dairy Products, 2.5 ppm (at basis).
(c) Poultry, 5.0 ppm (fat basic).
(d) Eggs, 0.5 ppm.
(e) Finished Animal Feed, 0.5 ppm.
(f) Animal Feed Components (including fishmeal), 5.0 ppm.

(g) Fish, 5.0 ppm. (edible portion).
(h) Infant and Junior Foods, 0.1 ppm.
(i) Food-Packaging Material, 5.0 ppm.

Since PCB's are very stable and highly persistent in the environment, any disposal of PCB's should be accomplished by appropriate high temperature degradation or other appropriate means in order to avoid any environmental contamination which could affect food subject to the Federal Food, Drug, and Cosmetic Act or which could otherwise adversely affect the environment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 348, 371) and under authority delegated to him (21 C.F.R. 2.120), the Commissioner proposes to amend Parts 3, 121, and 128 and to establish a new Part 122, as follows:

1. By adding the following new sections to Part 3:

§ 3. —— Use of polychlorinated biphenyls (PCB's) in the production and storage of animal feed.

(a) Investigations by the Food and Drug Administration have revealed use of PCB's in heat exchange fluids contained in certain pasteurization equipment used in processing animal feed. Although heat exchange fluids in such equipment are considered to be in "closed systems," accidents have occurred that resulted in direct contamination of animal feed with PCB's and subsequently in PCB contamination of human food. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows. Other industrial uses of PCB's include, or did include in the past, their use in formulations as lubricants and hydraulic fluids and their use as ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials.

(b) The following special provisions are necessary to preclude accidental PCB contamination of animal feed:

(1) Coatings or paints for use on the contact surfaces of feed storage areas may not contain PCB's or any other harmful or deleterious substances likely to contaminate feed.

(2) New equipment or machinery for handling or processing feed in or around an animal feed producing establishment shall not contain PCB's.

(3) Within 30 days following the effective date of this order, the management of establishments producing animal feed shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling and processing feed sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substances.

(ii) Eliminate from the animal feed producing establishment any PCB-containing feed-contact surfaces of equipment and utensils and any PCB-containing lubricants for equipment or machinery that are used for handling or processing animal feed.

(iii) Eliminate from the animal feed producing establishment any other PCB-containing materials, whenever there is a reasonable expectation that such materials could cause animal feed to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) Eliminate the use of any feed-packaging materials that contain in excess of the 5 parts per million temporary tolerance for PCB's established in § 122.10 of this chapter.

(c) For the purpose of this section, the term "animal feed" includes all articles used for food or drink for animals other than man.

§ 3. —— Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

(a) PCB contamination has been detected in paper food-packaging materials. Such contamination may have in some cases resulted from the use of PCB's in heat exchange fluids or other PCB-containing materials used in the establishment manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) Within 30 days following the effective date of this order, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substance.

(ii) Eliminate from the establishment any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

2. In Part 121 by revising § 121.2456(b) in subparagraphs (1) and (2), as follows:

§ 121.2546 Pulp from reclaimed fiber.

* * * * *

(b) * * *

(1) Industrial waste from the manufacture of paper and paperboard products excluding that which bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and that migrates to the food.

(2) Salvage from used paper and paperboard excluding that which (i) bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and migrates to the food or (ii) has been used for shipping or handling any such substance.

* * * * *

3. By adding a new Part 122 consisting initially of two sections, as follows:

Part 122—Unavoidable natural, environmental, or industrial contaminants in food and food-packaging material

Subpart A—Definitions and procedural and interpretative regulations.

§ 122.1 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in this part.

(b) Unavoidable natural, environmental, or industrial contaminants include any poisonous or deleterious substance added to any food where such substance cannot be avoided by good manufacturing practice.

§ 122.2–122.9 [Reserved]

§ 122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) Temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time as follows:

(1) Milk, 2.5 ppm (fat basis).
(2) Dairy products, 2.5 ppm (fat basis).
(3) Poultry, 5.0 ppm (fat basis).
(4) Eggs, 0.5 ppm.
(5) Finished Animal Feeds, 0.5 ppm.
(6) Animal Feed Components (including fishmeal), 5.0 ppm.
(7) Fish, 5.0 ppm (edible portion).
(8) Infant and Junior Food, 0.1 ppm.
(9) Food-Packaging Material, 5.0 ppm.

4. In Part 128, by designating the existing text of § 128.4 as paragraph (a) and by adding a new paragraph (b) as follows:

§ 1284. Equipment and utensils.

(a) *General.* All plant equipment and utensils should be (1) suitable for their intended use, (2) so designed and of such material and workmanship as to be adequately cleanable, and (3) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

(b) Use of polychlorinated biphenyls (PCB's) in food plants. Polychlorinated biphenyl (PCB's) contamination has been detected in food and in food-packaging materials. Such contamination may have, in some cases, resulted from the use of PCB-containing equipment and utensils or from the use of PCB-contaminated food-packaging materials. PCB's are toxic substances which are very stable and highly persistent in the environment and have been employed in a wide range of industrial uses including heat exchange liquids in certain pasteurization equipment; additives in lubricants and hydraulic fluids; and ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials. The following special provisions are necessary to preclude accidental PCB contamination of food:

(1) New equipment, utensils, and machinery for handling or processing food in or around a food plant shall not contain PCB's.

(2) Within 30 days following the effective date of this paragraph, the management of food plants shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling or processing food sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substances.

(ii) Eliminate from the food plant any PCB-containing food-contact surfaces of equipment or utensils and any PCB-containing lubricants for equipment or machinery that is used for handling or processing food.

(iii) Eliminate from the food plant any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) Eliminate the use of any food-packaging materials that contain in excess of the 5 parts per million temporary tolerance for PCB's established in § 122.10 of this chapter.

Interested persons may, within 60 days after publication hereof in the Federal Register, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70

Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 343, 371.)

Dated: Mar. 16, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

Certified to be a true copy of the original:
Agnes B. Black.

[From the Washington Post, March 18, 1972]

FDA MOVES TO BAR PCB FROM FOOD

(By Elsie Carper)

The Food and Drug Administration announced new controls yesterday to limit human exposure to the DDT-like family of chemicals known as PCBs.

The agency said that it could not remove the toxic industrial chemicals from the environment, but that it was taking the steps it could to keep them out of food.

The amendment drew immediate criticism from at least one congressman who called the new controls inadequate.

PCBs in high concentrations are a known and serious health hazard. The effect of low-level, long-term human exposure is unknown, but studies on birds and animals raise the possibility of genetic defects.

"We do not believe that current food levels present a hazard to public health," FDA Commissioner Charles C. Edwards said.

"We do believe, however, that the sources of PCB's in food can and should be significantly reduced to prevent any potential hazard from developing," he said.

The controls would:

End the use of PCBs in plants that process food, animal feed or food-packaging materials.

Ban the use of recycled paper products containing PCBs for food packaging.

Set temporary levels of "unavoidable" PCB residues in food packing materials and in dairy and poultry products, fish, infant foods and animal feed.

PCBs are a family of odorless and colorless, manmade industrial chemicals—polychlorinated biphenyls—that have been widely used for the past 40 years as electrical insulating fluids, heat-transfer fluids, and in inks, paints, lubricants, plastics and carbonless carbon paper.

The properties that have made them valuable to industry—they can withstand high heat and are highly stable—have made them an environmental hazard. Like DDT, they are fat-soluble and work their way up the food chain until they reach man.

Within the past year, there have been at least four incidents of PCB contamination of poultry feed. Hundreds of thousands of chickens and turkeys and hundreds of crates of eggs were taken off the market and destroyed. In one of the incidents, PCBs got into the feed from a leaking heat-transfer unit.

FDA said that it is impossible to eliminate totally PCBs from food because of their prevalence in the environment.

Edward's contention that the regulations "will adequately protect the public health from the potential dangers of PCBs" was challenged by Rep. William F. Ryan (D–N.Y.), who has introduced legislation to ban PCBs from interstate commerce, a move that would virtually eliminate their manufacture and sale. Ryan said that this is the only way to keep environmental PCB levels from rising.

Monsanto Chemical Co., the only manufacturer of PCBs in this country, now limits sales to closed circuit systems.

The controls, announced by FDA, will be published in the Federal Register today but will not become final until after a 60-day period for public comment.

[From the New York Times, Mar. 18, 1972]

FDA PROPOSES A CHEMICAL CURB—HUMAN EXPOSURE TO PCB'S WOULD BE CUT BY RULES

(By Harold M. Schmeck Jr.)

WASHINGTON, March 17.—The Food and Drug Administration moved today to reduce human exposure to PCB's, a widely used group of industrial chemicals thought by some scientists to rival DDT as a potential health hazard.

The agency proposed new regulations to help prevent accidental contamination of food by PCB's and to set limits on permissible amounts of the chemicals in some important food classes.

"We do not believe that current food levels present a hazard to public health," said Dr. Charles C. Edwards, Commissioner of Food and Drugs, in announcing the proposal. "We do believe, however, that the sources of PCB's in foods can and should be significantly reduced to prevent any potential hazard from developing."

PCB stands for polychlorinated biphenyl. This is a class of colorless, odorless liquids having a chemical resemblance to DDT and a similar tendency to persist in the environment. PCB's are highly resistant to heat and have many industrial uses related to this fact. They are also used as ingredients in some paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt and various building materials, according to the F.D.A.

FOUND IN PACKAGING

The agency's investigation of PCB's in foods has shown traces of the chemicals in 67 per cent of food packages tested, but in only 19 per cent of the foods in the packages. The chemicals were found not only in recycled paper, but also in virgin stock, but the drug agency announcement said there appeared to be a "continuing and substantial reduction of PCB's in packaging material."

PCB traces were found in fresh-water fish and in some food animals, but the announcement said the sources appear at least partly to be environmental contamination such as discharges of wastes into water and air.

The F.D.A.'s proposed regulations would require processors of food, animal feed and food packaging material to eliminate from use any PCB's that might be the source of accidental contamination of edible products. The new rules would also prohibit from the recycling process any deliberate or avoidable inclusion of pulp that contained "any poisonous or deleterious substance which might migrate to food."

The agency proposes temporary limits on PCB content of several important classes of foods ranging from one-tenth of one part per million in processed baby and junior foods to five parts per million in the edible parts of fish.

Representative William F. Ryan, Democrat of Manhattan, who has urged for at least two years a complete ban on PCB's said today the F.D.A. action was welcome, but long overdue and incomplete as a means of protecting the public.

MEDICREDIT

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

Mr. HALL. Mr. Speaker, my remaining time in this Chamber is now measured in months and my feelings of regret about leaving the House are mixed with pleasure at some of the developments I have witnessed in recent years. In particular, I have taken great satisfaction in the proliferation of support for the concept of catastrophic insurance, in which the Federal Government helps guarantee that no citizen shall ever again have to face the crushing financial burdens that can result from prolonged illness, injury or extensive surgery.

For several years I have been urging acceptance of this principle in my bill—H.R. 177.

In the early days of my espousal of this program, I felt rather alone, but in the second session of my final Congress I am comforted by the certain knowledge that most of my colleagues are in favor of the principles. Some 40 of my fellow House Members, I am proud to say, have joined with me on my specific approach.

When I finally leave these halls, I will take with me the happy assurance that any national health bill that is finally enacted by the Congress will contain a meaningful catastrophic plan which will erase one of the great fears that have haunted people in our society.

Although I am a physician and have been active in the American Medical Association and supported the association in many of its causes through the years, I have not lent my name to the AMA's national health insurance legislation—"Medicredit"—in the past. In large part, my reluctance to do so was my concern that the program—as basically sound as it appeared to me—did not contain the catastrophic element that I believed was so vital to a national effort.

It has been most heartening to see the AMA revise its bill which now provides a sweeping catastrophic protection plan that merits the support of all of us. I do not know whether my pleadings in recent years may have contributed to this addition, but I do know that "Medicredit" as now constituted is a total, well-rounded program that is superior to many others on the scene.

It is therefore with great pleasure, and pride that I add my name for the first time to the list of 162 sponsors of medicredit—the largest support for any national health bill before the Congress—and urge my uncommitted colleagues to join with me.

As health rises more and more to the forefront as a domestic issue, I detect a growing swing to the broad principles of medicredit as a program that solves the health cost problems of the American people without imposing the heavy burden of an expensive, federally administered and controlled system.

Congressmen GROSS, SKUBITZ, and HUNT have joined me this morning in the introduction of identical legislation to H.R. 14960 "Medicredit."

DAN MITRIONE STREET

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

Mr. HALL. Mr. Speaker, Dan Mitrione, an American citizen employed as a public safety adviser to assist the people of Brazil was murdered last year in cold blood by a terrorist organization known as the Tuparmaros.

The people of Brazil, obviously repelled by, and remorseful over, this senseless and brutal act, have attempted to bring posthumously honor to Mr. Mitrione by naming a street after him.

The following is the official translation of Mayor Lima's—Belo Horizonte, Brazil—statements at the inauguration of Dan Mitrione Street:

DAN MITRIONE STREET

Dan Mitrione spent less than four years of his life in our city. He was an American,

but we saw in him the characteristics of a universal man, that is, of a man that, being born in a particular country, always put himself at the service of the land where he was. Here he was serving the Point IV Program or more appropriately, serving our state, as a result of the correct and opportune decisions of Point IV. A daughter was born to him in Belo Horizonte, and, in contact with our way of life, he knew how to engender admiration, spread bonds of friendship and, above all, to conserve, strengthen and enlarge them.

He was here as a Point IV Public Safety Advisor and soon began offering the contribution of his clear-sighted assistance to our Civil and Military Police. He didn't behave like a pretentious and dominating reformer, but in the manner of those who know how to cultivate the art of modesty, gently, adding to whatever is sound to make it better.

In fact, and judging by objective statements of several officers, the courses organized by him here and the opportunities offered to so many of our policemen to improve themselves in the United States, opened new and satisfying perspectives to improve the security personnel of the state.

He was understandable, humane, fraternal. His relationship with the Civil and Military Police was characterized by his correct and honest ways. For all that, his work was well received, and his presence even ardently welcomed.

I now think that, giving to this street the name of "Dan Mitrione," we are not only testifying of our recognition to somebody who gave us so much that was good, useful, necessary, but also recommending to the esteem and veneration of the present and future generations the example of someone who came out of himself to the benefit of all a beautiful and valid testimony of human solidarity.

We all know of the exceptional circumstances in which he died. His death was not a vulgar one. It was, perhaps, a most befitting one in benefit of the projection, not only of his name, but, above all, of his dedication to the public cause.

There is, in the Bible, a phrase that is not rarely used to describe the passage of certain men through time: "He spent his life doing good." He was a victim of evil persons or, at least, of those who, perhaps nourishing some ideal, have not yet convinced themselves that the fruit of violence is nothing but violence itself. But, paradoxically, there is, sometimes, as it now happens, the magic hand that bring into life, after death, those who were meant to be taken out of our society, from the regard and esteem of all men.

Our Municipal Council acted with sensitive inspiration, passing the law that gives this street the name of Dan Mitrione, and the Executive of the City (and this city is like a synthesis of our state), after sanctioning the legal mandate, as if interpreting the will of the people, says, like in a prayer, a combined and solemn "Amen"—"So be it."

THE PUBLIC'S RIGHT TO KNOW OF PRICE VIOLATIONS

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

Mr. VANIK. Mr. Speaker, during the last few months, a number of my constituents have reported to me that they have made complaints to the Internal Revenue Service concerning cases they consider to be violations of the phase II price guidelines. They have indicated that such knowledge would perhaps influence their shopping habits. In other words, the public might like to avoid patronizing those companies and stores which are not cooperating during the present economic emergency.

Unfortunately, upon checking with the Internal Revenue Service, I was informed by the Service that they will not—absolutely not—reveal to the general public the results of their investigations and the complaints which they are receiving from the public.

Therefore, I have today introduced legislation to amend the Economic Stabilization Act "to direct the posting in all local and regional offices of the Internal Revenue Service of up-to-date lists of violators of orders and regulations issued under this act." I hope that all of my colleagues who are concerned about making phase II a success will help support this effort.

AN END TO PROFITEERING IN UNSAFE BLOOD

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, whenever one of us enters a hospital, most of the risks and dangers are fairly obvious. However, in many of even the simplest operations involving blood tranfusions, there is a hidden danger. That danger is the blood itself.

Recently a number of investigations have found that much commercial blood sold to hospitals is bad blood—it leads to serum hepatitis.

This problem is reaching epidemic proportions. The Federal Government's Center for Disease Control estimates that there are 500,000 hepatitis cases each year. Blood transfusions now kill at least 3,500 Americans a year. They medically injure another 50,000 each year. Current estimates show that one patient of every 150 over the age of 40 dies from bad blood received in transfusions.

Why is the blood bad? The reason is that hospitals purchase over a third of the blood from commercial blood banks. Commercial blood is 70 times as likely to be infected with hepatitis than voluntary donor blood. The hospitals usually pay $40 to $50 per pint of blood. The commercial blood bank turns around and purchases blood the easiest way it can—in the infected skid rows, slums, and needle parks of America. These profiteers in blood pay $5 per pint to the unfortunate and diseased derelicts, addicts, and other inhabitants of squalor. A little subtraction will show you that there is a hefty profit for these commercial blood banks.

It is an almost cost-free profit for the bad blood profiteers. But it sure costs you and hospital patients—it costs your life.

Congress should act to take the profiteers out of the blood banks. In the past I have grappled with various solutions to this problem. This past session of Congress, I introduced H.R. 8339 and House Joint Resolution 723 both of which aimed to increase voluntary donations of blood through various incentives.

I am now sponsoring legislation to set up a national system of regulated blood banks. This legislation will provide for:

The establishment of a national blood bank program in HEW;

The inspection, licensing and regulation of all blood banks;

The clear labelling of the source of blood, with a "high-risk" notice attached to paid blood donations and a "low-risk" notice attached to voluntary blood donations;

Nine million dollars to recruit voluntary donors of blood through advertising, honors, and other means of communication and incentive;

The establishment of two classes of blood banks, Class B for blood most likely to be infected and Class A for blood that is least likely to be infected;

The encouragement and upgrading of Class A blood banks by prohibition of Federal purchase of Class B blood;

The establishment of a national registry of all donors so that blood banks can check for hepatitis carriers;

The exemption from antitrust laws of the national blood bank system so that it can weed out commercial blood bank profiteers.

Mr. Speaker, this is very direct legislation to deal with a simple but grave problem. We should now recognize that a national blood bank system must replace the current widespread system of blood bank profiteers. Nothing less than the life and health of those we represent is at stake.

AN AMENDMENT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

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

Mr. RONCALIO. Mr. Speaker, today I am introducing into the House of Representatives an amendment to the Occupational Safety and Health Act of 1970 to delete the provision imposing penalties where violations are corrected within the abatement period prescribed.

In effect, my amendment would allow for on-location first inspections by Department of Labor officials—not to levy fines for violations—but to offer guidance to our small businessmen, farmers, and ranchers on what changes are needed to be in compliance with the new Occupational Safety and Health Act.

As the law now stands, we have thousands of small businessmen, farmers, and ranchers, sectors of our economy who have never before been covered by any type of safety law, faced with some 400 pages of detailed rules and regulations which they must try to wade through and meet to the best of their ability. Should a Department of Labor inspector visit a given facility and find that its owner has failed to meet even one of the hundreds of new regulations, the owner is fined on the spot.

Mr. Speaker, although I was not a Member of the 91st Congress which enacted this law, I cannot believe my colleagues intended to impose such confusion and hardship on members of the agricultural and small business community.

Now is the time for the 92d Congress to remedy some of the glaring mistakes

in this law. Senator CARL CURTIS and CLIFF HANSEN have come forward with 12 amendments which also emphasize cooperation and education, rather than harassment and heavy fining.

I am hopeful that hearings on amendments to the Occupational Safety and Health Act can be scheduled in both bodies sometime during this session in order to prevent further crushing fines for small businessmen and further alienation toward the Department of Labor, and, indeed, all in the service of the Federal Government. If hearings were scheduled and the citizens most directly affected were allowed to give testimony on how this law is being administered, I have no doubts, but that Congress would respond with sweeping amendments.

Following is a sampling of the dozens of letters I have received from Wyoming citizens, who earnestly petition Congress to grant relief by approving limiting amendments to this unpopular law:

BAR 13 RANCH,
Big Horn, Wyo., February 21, 1972.

Hon. TENO RONCALIO,
U.S. House of Representatives,
Washington, D.C.

DEAR TENO: There is quite an uproar here about the Williams-Steiger Safety bill and the town is making a determined effort to write their Congressmen and Senators to ask them to vote for the bills which exempt small businesses.

I have read the law and it is really very difficult to understand and I know that it will likewise be hard to enforce. The exemption of small businesses and the individual employers could well be met and would, I think, avoid imposing a needless burden on those of us who are trying to operate as individuals.

The law as it is written seems to describe no standards but sends inspectors around who then become judge and jury of what is dangerous and what isn't. We are already bearing a very heavy bookkeeping burden and having a hard enough time making out. This will be another deterrent for young people thinking about going into agriculture, and a burden which may well put some of the older agriculturists out of it.

I hope all goes well and that we will see you in Wyoming before too long.

Sincerely,

ALLEN O. FORDYCE.

SHERIDAN, WYO.,
March 2, 1972.

Hon. TENO RONCALIO,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I strongly urge you to investigate and see to it that the Williams-Steiger Safety Act in its present form is amended. This bill in its present from is totally unacceptable and will create a great deal of hardship for both small businessmen and employees. I am sure you have had many complaints about the bill and you will receive many more complaints.

I know there are a number of amendments before the House and Senate but I am not certain in my own mind that these bills will cure the problem exactly as it should be cured. Any relief at this time, however, would be greatly appreciated.

The Williams-Steiger Safety Act, as it is being administered and as it is in its present form, will kill many small businessmen. In short, it is a vicious and impractical bill.

Your help in correcting this bill would be greatly appreciated. Please call on me if I can help in this problem.

Yours very truly,

VINCENT PAUL JOHNSTON.

LOVELL, WYO.,
February 17, 1972.

TENO RONCALIO,
U.S. Congressman,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN RONCALIO: Recently I listened to a presentation of the Williams-Steiger Act along with a description of the rules, regulations, and enforcement procedures used by the Department of Labor. If the description of the Wyoming Retail Merchants Ass'n. (Gaylord Hansen), which pointed out vast and detailed safety rules and regulations, and high fines and cost of compliance, is true, I feel immediate investigation is called for.

I certainly am not against reasonable rules, regulations, and enforcement proceedures to protect employees health and safety. However, if the description was presented accurately, I feel this is a type of harassment and economic burden totally unfair, to inflict on our nation's commercial and agricultural interests.

Would your office investigate this problem and determine, if an fact this situation exists. If it does, please take whatever action you can to bring about a reasonable solution.

Sincerely,

JOHN T. NICKLE,
Manager.

WORLAND, WYO,
February 28, 1972.

Hon. TENO RONCALIO,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. RONCALIO: To come right to the point one gets quite disgusted and wonders what has happened to the equality of justice from our federal government. How has it happened that such, for lack of better phrasing, I use, petty laws and enforcement are allowed to become laws from our law makers.

We can take for example the Williams and Steiger Occupational Safety and Health Act of 1970. I would not argue the merits of this law but instead the enforcement or frightening and chaotic effect it has had on the people of Wyoming. We of Wyoming, as you know, have pride and as other states like to feel as we are part of things and will comply to laws. It may be difficult, may be impossible, but we will try.

The point is this. We are a small state with many small businesses. By small business I mean mostly employers of from two to five persons. It all starts with announcements on the news—1970 Safety Act—fines to $1,500 for not complying, ignorance of the law will not be an excuse, you can still be fined up to $1500.00. Meetings in different towns of Wyoming to explain the 1970 Safety Act and to answer any questions at this time will be held. These are news items.

I have talked with many businessmen who have attended these meetings and not one knows how or what he can do to comply and scared some federal inspector will at any moment pop in and say you are fined X dollars. In other words if questions are asked at meetings the stock answer is—we don't know in this case, or at this time. It would seem then that if ignorance of the law is not an excuse, if you are ignorant the place to be is working for the government. You need not know all the answers when working for the government. There is no penalty, but to taxpayer outside of governernment, ignorance is no excuse. You are in trouble. We are just not that smart and could use some compassion. If we are to have a safety act, let it be one that all business can justly live with and readily understand instead of fearing.

Respectfully yours,

REX L. HAMILTON.

RUSSELL'S TV SERVICE,
Casper, Wyo., February 29, 1972.

Hon. TENO RONCALIO,
U.S. Senate,
Washington, D.C.

DEAR SIR: I wish to express my great displeasure with the new OSAHA law. I feel that as a small businessman, I will be unable to comply. The financial expense is more than I am able to afford.

I also feel that I should have been notified of this new law long before now. As of this date, I have not received the necessary forms, registers, and material for compliance with this law.

Sincerely,

J. W. RUSSELL.

MARCH 4, 1972.

DEAR CONGRESSMAN RONCALIO: I am writing in regards to the new Federal Health and Safety Act (OSHA).

For the past several weeks, I have read reports of Federal inspectors fining businesses in Wyoming for what I consider some very unfair charges.

I recently attended a seminar in Casper on the OSHA act. What I learned disturbed me greatly. Mr. Beebe (District Director from Denver) made some very definite points; such as *no* business could pass the Federal Inspection, and no appeals had ever overturned their citations.

I run a small independent business which I started from scratch. I know that there is no possible way to ever completely meet their requirements, as I do not believe that any business, large or small can. One of the items in the Federal Register is that ice in employees water cans is unhealthy. I believe this is a personal decision to be made by employees and not a dictate of the goverment. In a factory this may be feasible with water coolers, but working in oil fields under the hot sun all day with no cool water, I feel is unfair.

I have cited just one of the many very unrealistic rules.

I am 100% for safety of all my employees, but how, when human nature is not perfect, can a person run a business that is perfect, which is what these regulations are written for.

I hope that my business and all the rest in the United States can count on your help to bring this bill into more realistic points on safety. If this bill is allowed to remain, I am certain that many small businesses will have to close their doors, and possibly some of the larger businesses. I do not believe the idea is wrong, just that it is too perfect.

Yours truly,

JOHN CAMPBELL.

MIDWEST ROOFING CO.,
Torrington, Wyo., March 1, 1972.

Representative TENO RONCALIO,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. RONCALIO: I am sure you have received many letters pertaining to the Williams-Steiger Act, (OSHA).

I know you are working for the farmers but how about the small business people?

I operate a small roofing business from my home, and like a number of other small businesses worry about having to go out of business because of this law.

If this happens it will put people out of work and on welfare, me included, and it will also stop income tax from all these people to the government.

We try to see to it that our help works as safely as possible and I think our record of no accidents speaks for itself.

Also no one that I know of has received any rules or regulations pertaining to their business, but the inspectors can come in and fine you for something you don't even know is wrong.

I hope you will do what you can to correct

this law, as it is very unfair, and please remember, the small businessmen are in about the same position as the farmers.

Sincerely,

J. O. MESSER.

GLENROCK WYO., *March 1, 1972.*

Hon. TENO RONCALIO,
House of Representatives,
Washington, D.C.

Re: Recent Occupational Health and Safety Laws.

DEAR SIR: We are writing to you to call to your attention the *extreme hardships* that are being imposed on small businessmen by the new Occupational Health and Safety Departments under the new Laws and Regulations.

First of all most of us have been unable to secure a copy of these regulations. However, we understand and read of severe fines being imposed upon some Wyoming firms.

Nearly all of the businessmen in Glenrock have to hire some help. To comply with the law, with older buildings especially, would make it impossible to stay in business. An inspection, with fines allowed, would make paupers of otherwise self-supporting citizens, to say nothing of the loss of jobs for people employed by the town and its business owners.

We have been here for many years (Edward since 1908 and Juanita since 1918.) Since 1926 the Clark family have been in business. We ourselves operated a filling station and a bulk gas business. When our health failed we sold the bulk facilities and leased our large brick filling station.

Isn't there some way to lessen the "nit-Picking" regulations??? Or give us more time to complete the changes needed to comply with the disastrous situation?? *If* and *when* we can find out what the regulations are.

Don't misunderstand us. We believe in safety and have always tried to maintain our buildings and equipment in a safe and proper condition.

As far as we know not one serious accident due to unsafe premises has happened within the Town of Glenrock. We do not want to cease to be a town because of National Government regulations which can be near *impossible* to meet.

Businessmen, especially the smaller ones are CRYING for your help—there is real danger that we can all "sink out of sight" and cease to exist either individually or as a town.

Sincerely,

EDWARD G. CLARK,
JUANITA D. CLARK.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted as follows to:

Mr. JONES of Tennessee (at the request of Mr. O'NEILL), for today, on account of official business.

Mrs. DWYER (at the request of Mr. GERALD R. FORD), from March 13, on account of injury.

Mr. KEE (at the request of Mr. STAGGERS), for Monday, March 20, 1972, on account of official business.

Mr. YATES (at the request of Mr. O'NEILL), for today and the balance of the week, on account of official business.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. RANGEL (at the request of Mr. O'NEILL), for today and the balance of the week, 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. LANDGREBE) to revise and extend their remarks and include extraneous matter:)

Mr. CHAMBERLAIN, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 15 minutes, today.

Mr. HALPERN, for 10 minutes, today.

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

Mr. GONZALEZ, today, for 10 minutes.

Mr. ROSENTHAL, today, for 20 minutes.

Mr. THOMPSON of New Jersey, today, for 10 minutes.

Mr. ASPIN, today, for 10 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. BEGICH, today, for 5 minutes.

Mr. STOKES, on March 22, for 60 minutes.

EXTENSION OF REMARKS

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

Mr. GOODLING to extend his remarks following those of Mr. DOWNING, today.

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

Mr. RHODES in five instances.
Mr. HARSHA.
Mr. MINSHALL in three instances.
Mr. CONTE.
Mr. ANDERSON of Illinois.
Mr. HARVEY.
Mr. DUNCAN in three instances.
Mr. BRAY in two instances.
Mr. YOUNG of Florida in five instances.
Mr. MCKINNEY.
Mr. SPENCE.
Mr. WYMAN in two instances.
Mr. HOSMER in two instances.
Mr. SCHWENGEL in two instances.
Mr. REID.
Mr. WHITEHURST.
Mr. MCCLORY in two instances.
Mr. HALPERN.
Mr. HEINZ.
Mr. GUBSER.
Mr. BROOMFIELD.
Mr. ZWACH in two instances.

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

Mr. GALIFIANAKIS.
Mr. SEIBERLING in 10 instances.
Mr. GIAIMO in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. LONG of Maryland.
Mr. GRIFFIN in two instances.
Mr. BOLLING in four instances.
Mr. FRASER in five instances.
Mr. CARNEY.
Mrs. GRIFFITHS in three instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN.
Mr. ANNUNZIO in two instances.
Mr. DINGELL in five instances.
Mr. FISHER in four instances.
Mr. HARRINGTON.
Mr. KEE.
Mr. REES in two instances.
Mr. KYROS.
Mr. RYAN in three instances.
Mr. BYRNE of Pennsylvania.
Mr. ST GERMAIN.
Mr. TIERNAN in two instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. EILBERG.
Mr. PIKE.
Mr. STOKES in three instances.
Mr. MURPHY of Illinois in two instances.
Mr. ANDERSON of California in two instances.
Mr. FLYNT in three instances.
Mr. WALDIE in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico, to the Committee on Interior and Insular Affairs.

S. 2700. An act to extend diplomatic privileges and immunities to the mission to the United States of America of the Commission of the European Communities and to members thereof; to the Committee on Foreign Affairs.

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

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 21, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1751. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1972 and amendments to the request for appropriations for fiscal year 1973 (H. Doc. No. 92–267); to the Committee on Appropriations and ordered to be printed.

1752. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; to the Committee on Armed Services.

1753. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the use

of health mantenance organizations in providing health care; to the Committee on Armed Services.

1754. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Runnner* to the Saugatuck Marine Museum, Douglas, Mich., pursuant to 10 U.S.C. 7208; to the Committee on Armed Services.

1755. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

1756. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

1757. A letter from the chairman, Plymouth-Provincetown Celebration Commission, transmitting the final report of the commission, pursuant to Public Law 91-474; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1758. A letter from the Comptroller General of the United States, transmitting a report on problems in attaining integrity in welfare programs administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare; to the Committee on Government Operations.

1759. A letter from the Comptroller General of the United States, transmitting a report of better controls needed in reviewing selection of in-house or contract performance of support activities in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. O'NEILL: Committee on Rules. House Resolution 900. A resolution providing for the consideration of H.R. 13120. A bill to provide for a modification in the par value of the dollar, and for other purposes (Rept. No. 92-930). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 9552. A bill to amend the cruise legislation of the Merchant Marine Act, 1936; with an amendment (Rept. No. 92-931). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 13150. A bill to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes; with amendments (Rept. No. 92-932). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13188. A bill to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; with an amendment (Rept. No. 92-933). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13324. A bill to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce; with an amendment (Rept. No. 92-934). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 13336. A bill to amend the Arms Control and Disarmament Act,; as amended, in order to extend the authorization for appropriations (Rept. No. 92-935). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 13753. A bill to provide equitable wage adjustments for certain prevailing rate employees of the Government (Rept. No. 92-936). Referred to the Committee of the Whole House on the State of the Union.

Mr. CASEY of Texas: Committee on Appropriations. H.R. 13955. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-937). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 13898. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13899. 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. BERGLAND (for himself, Mr. ANDERSON of Tennessee, Mr. HENDERSON, Mr. ALEXANDER, and Mr. HUNGATE):

H.R. 13900. A bill to amend the Agricultural Act of 1949, as amended, to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs; to the Committee on Agriculture.

By Mr. BYRNE of Pennsylvania:

H.R. 13901. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.R. 13902. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held a prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 13903. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DOWNING (for himself, Mr. GARMATZ, Mr. PELLY, Mrs. SULLIVAN, Mr. MAILLIARD, Mr. MOSHER, Mr. LENNON, Mr. RUPPE, Mr. GOODLING, Mr. BRAY, Mr. STUBBLEFIELD, Mr. JONES of North Carolina, Mr. LEGGETT, Mr. BIAGGI, Mr. GRIFFIN, Mr. ANDERSON of California, and Mr. KYROS):

H.R. 13904. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep sea bed, pending adoption of an international regime therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 13905. A bill to amend the Internal Revenue Code of 1954 to exempt tank truck hoses and couplings sold by dealers in industrial equipment and supplies from the manufacturers excise tax on truck parts; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself and Mr. BROWN of Ohio):

H.R. 13906. A bill to amend the Administrative Conference Act; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 13907. A bill to amend section 518 of the National Housing Act to broaden and improve the existing authority of the Secretary of Housing and Urban Development to protect homebuyers by correcting or compensating for substantial defects in mortgaged homes; to the Committee on Banking and Currency.

By Mrs. GREEN of Oregon:

H.R. 13908. 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. GUBSER:

H.R. 13909. A bill to amend title 5, United States Code, to provide that Japanese Americans who were placed in internment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps; to the Committee on Post Office and Civil Service.

By Mr. HALL (for himself, Mr. SKUBITZ, Mr. HUNT, and Mr. GROSS):

H.R. 13910. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 13911. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. CONYERS, Mr. RYAN, Mr. MIKVA, Mr. DRINAN, Mr. RAILSBACK, Mr. FISH, and Mr. COUGHLIN):

H.R. 13912. A bill to increase the amount of money which the Attorney General may, in his discretion, furnish a person convicted under the laws of the United States upon discharge from imprisonment or release on parole; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 13913. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; to the Committee on Education and Labor.

H.R. 13914. 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. McCULLOCH (for himself, Mr. QUIE, and Mr. GERALD R. FORD):

H.R. 13915. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. McCULLOCH (for himself and Mr. GERALD R. FORD):

H.R. 13916. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 13917. A bill to grant a Federal Charter to Malden Veterans of Irish Ancestry, Inc.; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts (for himself, Mr. VAN DEERLIN, Mr. ROONEY of Pennsylvania, Mr. TIERNAN, Mr. KEITH, Mr. BROWN of Ohio, and Mr. FREY):

H.R. 13918. A bill to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA (for himself, Mr. ROSENTHAL, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mrs. MINK, Mr. MORSE, Mr. MOSS, Mr. PODELL, Mr. REES, Mr. RYAN, Mr. CHARLES H. WILSON, Mr. WOLFF, and Mr. WYDLER):

H.R. 13919. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H.R. 13920. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PODELL:

H.R. 13921. A bill to amend the Economic Stabilization Act Amendments of 1971 with respect to certain comparability adjustments in rates of pay of the Federal statutory pay systems; to the Committee on Banking and Currency.

By Mr. QUIE (for himself, Mr. BERGLAND, Mr. FRASER, Mr. FRENZEL, Mr. NELSEN, and Mr. ZWACH):

H.R. 13922. A bill to provide that in the administration of the School Lunch and Child Nutrition Act, the Secretary of Agriculture shall, within limits which he will prescribe, permit the operation of certain food vending machines in participating schools where the proceeds of such operations go to organizations sponsored or approved by the school; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 13923. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 13924. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. REID (for himself, Mr. QUIE, Mr. HANSEN of Idaho, Mr. KEMP, Mr. ERLENBORN, Mr. ESCH, and Mr. STEIGER of Wisconsin):

H.R. 13925. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. RONCALIO:

H.R. 13926. A bill to amend the Occupational Safety and Health Act of 1970 to delete the provision imposing penalties where violations are corrected within the abatement period prescribed; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. MIKVA, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BRASCO, Mr. BELL, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. DOW, Mr. EDWARDS of California, Mr. FISH, Mr. FRASER, and Mr. GUDE):

H.R. 13927. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 13928. A bill to suspend for a 2-year period the duty on crude barium sulfate; to the Committee on Ways and Means.

By Mr. RUTH:

H.R. 13929. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN (for himself and Mr. TIERNAN):

H.R. 13930. A bill to establish fishing zones of the United States beyond its territorial seas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H.R. 13931. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STOKES (for himself Mrs. ABZUG, Mr. ANDERSON of Tennessee, Mr. ASPIN, Mr. BADILLO, Mr. BINGHAM, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. CÓRDOVA, Mr. DANIELS of New Jersey, Mr. DELLUMS, Mr. DENT, Mr. DIGGS, Mr. DOW, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTROY, and Mr. FORSYTHE):

H.R. 13932. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Mr. FRASER, Mr. GIBBONS, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. METCALFE, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. RYAN, Mr. SARBANES, Mr. SEIBERLING, and Mr. WHITE):

H.R. 13933. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 13934. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 13935. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

H.R. 13936. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 13937. A bill to require the use of U.S. materials and products in the construction, alteration, or repair of water, air, or noise pollution control facilities for which Federal assistance is provided; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 13938. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services; to the Committee on Education and Labor.

By Mr. THOMSON of Wisconsin:

H.R. 13939. A bill to support the price of milk at 90 percent of the parity price for the period beginning April 1, 1972, and ending March 31, 1973; to the Committee on Agriculture.

H.R. 13940. A bill to withhold compensation from Members of the House of Representatives and Senate under certain circumstances with respect to attendance; to the Committee on the Judiciary.

By Mr. THONE (for himself, Mr. CRANE, Mrs. HICKS of Massachusetts, Mr. SEBELIUS, and Mr. WAGGONNER):

H.R. 13941. 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. THONE (for himself, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCHER, Mr. BAKER, Mr. BLACKBURN, Mr. BRINKLEY, Mr. BROYHILL of North Carolina, Mr. BURLISON of Missouri, Mr. CABELL, Mr. CAMP, Mr. CASEY of Texas, Mr. COLLIER, Mr. DANIEL of Virginia, Mr. DICKINSON, Mr. FINDLEY, Mr. HAMMERSCHMIDT, Mr. HASTINGS, Mr. JONES of North Carolina, Mr. LANDGREBE, Mr. MCCOLLISTER, Mr. MCDONALD of Michigan, Mr. MONTGOMERY, Mr. QUILLEN, and Mr. RARICK):

H.R. 13942. 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. THONE (for himself, Mr. RHODES, Mr. ROBERTS, Mr. SCHERLE, Mr. SCHNEEBELI, Mr. SHRIVER, Mr. SIKES, Mr. SNYDER, Mr. SPENCE, Mr. STEIGER of Arizona, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of Georgia, and Mr. VANDER JAGT):

H.R. 13943. 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. THONE (for himself, Mr. DENHOLM, Mr. EDWARDS of Alabama, Mr. ICHORD, Mr. KEMP, and Mr. MATHIS of Georgia):

H.R. 13944. 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. UDALL:

H.R. 13945. A bill to regulate State presidential primary elections; to the Committee on House Administration.

By Mr. VANIK:

H.R. 13946. A bill to amend the Economic Stabilization Act of 1970 to authorize and direct the posting in all local and regional offices of the Internal Revenue Service of the United States of up-to-date lists of violators of orders and regulations issued under this act, and for other purposes; to the Committee on Banking and Currency.

By Mr. VANIK (for himself, Mr. FAUNTROY, Mr. RODINO, and Mr. BELL):

H.R. 13947. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. VEYSEY (for himself, Mr. ASPIN, Mr. BINGHAM, Mr. BLACKBURN, Mr. BRASCO, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DAVIS of Georgia, Mr. DINGELL, Mr. GUBSER, Mr. HANNA, Mrs. HICKS of Massachusetts, Mr. MATSUNAGA, Mr. MINSHALL, Mr. ST GERMAIN, Mr. SANDMAN, Mr. YATES, and Mr. YATRON):

H.R. 13948. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 13949. A bill to provide price support for milk at not less than 85 percent of the

parity price therefor; to the Committee on Agriculture.

By Mr. WOLFF:

H.R. 13950. 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.

H.R. 13951. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice; to the Committee on Foreign Affairs.

By Mr. CASEY of Texas:

H.R. 13955. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. BRADEMAS:

H.J. Res. 1117. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.J. Res. 1118. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.J. Res. 1119. Joint resolution proposing an amendment to the Constitution of the United States to require that persons 18 years of age and older be treated as adults for the purposes of all law; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 1120. Joint resolution proposing an amendment to the Constitution of the United States to modify the method of appointment and terms of office of the Federal judiciary; to the Committee on the Judiciary.

H.J. Res. 1121. Joint resolution proposing an amendment to the Constitution of the United States providing for the reconfirmation by popular vote of certain Federal judges; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. ABOUREZK, Mrs. ABZUG, and Mr. HARRINGTON):

H. Res. 901. Resolution expressing the sense of the House that the full amount appropriated for the fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. TEAGUE of Texas:

H. Res. 902. Resolution to instruct the Judiciary Committee to make a continuing study of the fitness of Federal judges for their offices; to the Committee on Rules.

By Mr. WOLFF (for himself, Mr. ANDERSON of Tennessee, and Mr. CHARLES H. WILSON):

H. Res. 903. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

337. By the SPEAKER: Memorial of the Legislature of the State of New Mexico, relative to the control of television advertising of certain drugs and medicines; to the Committee on Interstate and Foreign Commerce.

338. Also, memorial of the Senate of the State of Arizona, relative to a Federal program for research and cure of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

339. Also, memorial of the House of Representatives of the State of Missouri, relative to the "blacking out" of television coverage of professional sporting events within a 50-mile radius of the city in which events are held; to the Committee on Interstate and Foreign Commerce.

340. Also, memorial of the Legislature of the State of Florida, relative to establishment of the National Academy of Criminal Justice in the State of Florida; to the Committee on the Judiciary.

341. Also, memorial of the Legislature of the State of Idaho, relative to providing for the forwarding of State income tax forms; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER:

H.R. 13952. A bill for the relief of Appalachian Regional Hospitals, Inc.; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 13953. A bill to provide for the relief of Sandstrom Products Co., of Port Byron, Ill.; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 13954. A bill for the relief of Appalachian Regional Hospitals, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

202. The SPEAKER presented a petition of the Congress of Micronesia, Capitol Hill, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to making the trust territory eligible for certain water-pollution-control facilities, which was referred to the Committee on Public Works.

SENATE—*Monday, March 20, 1972*

The Senate met at 11 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

PRAYER

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

Almighty God, we thank Thee for everything around us which communicates Thy presence and lights our life with eternal splendor. We thank Thee for the greatness and glory of nature, for the history of the race, for the lives of noble men, for thoughts of Thee conveyed in words, in symbols of stone and glass, in architecture and art. We thank Thee for the memory of solemn vows which summon us to renewed striving. We thank Thee for hushed moments of quiet thought and silent prayer, for seasons of communion when the eternal holds our spirits raptured and alone. While we work at temporal tasks, give us grace to bring our labor under the spell of that kingdom which is above all earthly kingdoms whose builder and maker is God.

In His name, who is King of Kings and Lord of Lords. 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 second assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 20, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 17, 1972, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Reports will be stated.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor.

The ACTING PRESIDENT pro tem-