that they have the personnel to investigate it."

CEA PROBE?

Creed said the CEA informed him July 28, 1972—two days after he filed the complaint—that it was being turned over to Sam Gordon, director of the agency's regional office in Kansas City, for investigation.

Asked how he had handled the bakers' complaint, Gordon refused to answer, saying only: "You'll have to ask our administrator, Mr. Caldwell, in Washington."

Gordon was asked to provide some details on the handling of the case by the Kansas City Board of Trade, but gave the same response.

Alex C. Caldwell, the CEA's administrator, said in Washington that it has been "long-standing policy" not to reveal any details concerning complaints to the CEA. He would give no details on the current status of the case.

Creed of the bakers' association, said of this procedure: "I'm always finding out something new about my government.

"I suppose, in a sense, turning this over to the exchange is like if you allow a criminal, if such it is, to determine if he really violated the law. I was completely unaware they turned this over to the exchanges."

WORKED UPWARD

The bakers contend there are indications that during the period July 11 through July 23, 1972, wheat futures prices in Kansas City were manipulated upward to artificially raise the government export subsidy, which is paid to firms handling overseas grain shipments.

In his letter to CEA Administrator Caldwell July 26, Creed stated:

"Our office has received expressions of concern from some of our members concerning recent price movements in the Kansas City wheat market. Their concern is that, despite the large surplus of wheat, the domestic price level in the past few weeks has moved upward very strongly. They are aware, of course, of the agreement with the Russians to purchase substantial quantities of wheat and the impact that this obviously has had pricewise on commodity markets."

Creed continued: "However, they point out that on at least two days, specifically July 11th and 19th, final purchases of September futures were made at prices higher than levels which prevailed during the day.

"Since the export subsidy on wheat is based on the preceding day's market prices, these last-minute purchases on the 11th and 19th had the effect of raising the subsidy payment on exports for the following day, thereby benefiting wheat exporters. This, in turn, resulted in domestic futures moving to levels higher than warranted by supplies."

Some officials at the Board of Trade and one long-time observer of trading there contend the bakers complained because they had waited too long to buy wheat they needed for flour, and that they were upset at price advances that were only natural outgrowths of increased demand.

But Creed said that explanation is "too simplistic." He said: "This complaint was made by professional traders and buyers. We just said that if there was something going on, we wanted it stopped."

Walter Vernon III, secretary of the Board of Trade, insisted that the exchange's report on the bakers' complaint, though it found no price-rigging, "was not a whitewash." He said it involved "weeks and weeks" of investigation.

Vernon and board president Christopher did disclose that the investigation was conducted mainly by the board's Business Conduct Committee.

At that time, the committee was headed by an official of Christopher's company, and its members included a vice-president of Continental Grain Co. and an official of Garnac Grain Co., two major firms that were heavily involved in buying wheat for export to Russia.

This year, the committee includes officials of Far-Mar-Co. and of the Pillsbury Co., both major agribusiness companies. The current committee chairman is the Continental vice-president.

The board's Complaint and Investigations Committee is headed by an official of Garnac Grain Co. One of its members is with Cargill, Inc., and the other is with Louis Dreyfus Corp., both major grain exporting firms that handled substantial portions of the Russian grain deal.

Initially, Des Moines Register reporters were assured the Board of Trade would cooperate in revealing details of its investigatory procedures by explaining how its officials handled the American Bakers Association complaint.

Horace W. Johnston, vice-president of Simonds-Shields-Theis Grain Co. and Board of Trade president in 1972, indicated information on the investigation was available from Vernon, the secretary.

Johnston had offered to assist in examining the files if Vernon, who is new in the job, was unable to explain them fully.

Johnston's own view was that the Business Conduct Committee had made a thorough study and that there was no "rhyme or reason" for the price-rigging complaint. He said, however, that board officials act upon all complaints quickly to dispel any charges of favoritism.

Later, however, current board president Christopher refused to permit inspection of any records or reports dealing with the board's disciplinary actions and investigations, even if the names of individuals and companies were deleted from the documents.

Critics of the CEA's regulation of the commodity markets contend the reliance of the agency on the exchanges to police themselves gives little assurance to the public that charges of price-rigging and other abusive practices are adequately investigated.

USDA Inspector General Kossack expressed concern in his report that the CEA has no effective system of surveillance that would bring to its attention serious deficiencies in the self-regulatory functioning of an exchange.

And Kossack's report states the CEA "only rarely" questions actions taken by the exchanges in regard to a penalty imposed on a violator.

In the Kansas City case, Christopher said of the Board of Trade investigation: "We made our report to the CEA. If they come back to us, which I don't think they will, we'll give them any substantiation or back it up if they want."

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# HOUSE OF REPRESENTATIVES—*Wednesday, May 2, 1973*

The House met at 12 o'clock noon.

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

*Commit thy way unto the Lord; trust also in Him; and He will bring it to pass.*—Psalms 37: 5.

O God and Father of us all, we come to Thee with humble hearts praying that in Thy wisdom Thou wilt guide and direct us in the work of this day. Make Thy presence real to us, for we need Thee, every hour we need Thee; temptations lose their power when Thou art nigh.

We are disturbed by the mood of our day, discouraged by our lack of unity and purpose, concerned about our failure to do what really needs to be done, and tempted to give up the struggle. Yet—

"Thou hast promised to receive us,
Poor and sinful, though we be;
Thou hast mercy to relieve us,
Grace to cleanse and power to free."

Grant us Thy grace and Thy power that we may have the courage to do what is best for our country and the confidence to leave the results with Thee.

In the spirit of the Master we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

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## MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT'S TAX PROPOSALS GO EASY ON BUSINESS AND WEALTHY INDIVIDUALS

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

Mr. O'NEILL. Mr. Speaker, the proposal that President Nixon calls tax reform is hardly more than once over lightly.

His bill has a cosmetic touch—tax relief for the elderly which has already been recognized as long overdue. And I note that the administration has stopped trying to hide the $1 checkoff for Presidential campaign financing.

But Mr. Nixon's bill really would not take on those most sacred of Republican sacred cows—big business and wealthy individuals.

There is no mention of a more realistic tax on capital gains from sale of stock and other investment property. Nor does Mr. Nixon call for review of the business tax cut of 1971.

The function of genuine tax reform is to shift the tax burden more equitably from the common citizen to the corporate giant and the wealthy few. Until he faces this challenge, the President cannot say that he wants to undertake tax reform.

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## EULOGIES TO THE LATE HONORABLE FRANK T. BOW, OF OHIO, AND GEORGE W. COLLINS, OF ILLINOIS

Mr. HAYS. Mr. Speaker, this announcement is to advise the membership that the closing date for printing the eulogies and encomiums to the late Congressmen Frank T. Bow, of Ohio, and George W. Collins, of Illinois, has been set for Tuesday, May 15, 1973. All copy

for insertion must be submitted before this cutoff date so as to be included in the compendium of eulogies.

## STATEMENT BY HON. FLOYD V. HICKS ON INTRODUCTION OF AMENDMENTS TO PUBLIC LAW 92-28

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

Mr. HICKS. Mr. Speaker, I have today introduced a bill to amend Public Law 92-28, of June 23, 1971, which amended the Wagner-O'Day Act of 1938. The purpose of my amendment is to enlarge the annual appropriation limit for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped from $200,000 to $240,000 for fiscal year 1974. The committee, under the law, has the authority and responsibility to determine the products and services which are put on the list for Government procurement at specified prices from workshops certified as eligible to supply such items.

The need for this increase arises from the fact that the original limit in the 1971 act was based on little actual operating experience. It did not take into account space rental costs, travel requirements to inspect workshops for compliance, and salary increases. Since there will need to be a new authorization for fiscal year 1975 and thereafter, the funding procedure can then be put on a continuing and more realistic basis.

## 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., *May 1, 1973.*

Hon. CARL ALBERT,
*The Speaker, House of Representatives.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:00 p.m. on Tuesday, May 1, 1973, and said to contain a message from the President concerning proposed Foreign Assistance Act of 1973.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
*Clerk, House of Representatives.*

## FOREIGN ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-95)

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

*To the Congress of the United States:*

One of the most important building blocks in erecting a durable structure of peace is the foreign assistance program of the United States. Today, in submitting my proposed Foreign Assistance Act of 1973, I urge the Congress to act on it with a special sense of urgency so that we may continue the important progress we have made toward achieving peace during the past year.

Perhaps the most persuasive reason for a strong foreign assistance program was set forth by President Roosevelt in the days shortly before World War II, when Britain needed help. "Suppose my neighbor's home catches fire," he said, "and I have a length of garden hose four or five hundred feet away. If he can take my garden hose and connect it up with his hydrant, I may help him to put out his fire."

Implicit in Roosevelt's analogy was the mutual benefit of giving assistance, for if the fire in question spread, both neighbors would be in danger. Those clear and simple assumptions underlaid our wartime assistance to our European allies and our post-war policy toward the nations of the Western Hemisphere.

Today, we see the wisdom of this policy on every hand. Western Europe is now a bulwark of freedom in the Atlantic Alliance. In the Pacific, Japan has emerged as a major economic power. The remarkable vigor and talents of her people and the dynamic efficiency of her industry are making significant and increasing contributions to other countries, so that Japan itself now plays an extremely important role in working toward a lasting peace in the Pacific.

In recent years, as we have sought a new definition of American leadership in the world, assistance to other nations has remained a key part of our foreign policy. Under the Nixon Doctrine of shared responsibilities, we have tried to stimulate greater efforts by others. We want them to take on an increasing commitment to provide for their own defenses, their security and their economic development. Most importantly, we hope they will assume greater responsibility for making the decisions which shape their future.

We must not, however, try to shift the full weight of these responsibilities too quickly. A balance must be struck between doing too much ourselves and thus discouraging self-reliance, and doing too little to help others make the most of their limited resources. The latter course would spell defeat for the promising progress of many developing nations, destroy their growing self-confidence, and increase the likelihood of international instability. Thus it is critical that we provide a level of foreign assistance that will help to assure our friends safe passage through this period of transition and development.

The sums I am requesting in the Foreign Assistance Act of 1973 represent the absolute minimum prudent investment which the United States can afford to make if we wish to help create a peaceful and prosperous world. Altogether, authorizations under this bill amount to $2.9 billion for economic and military assistance in the coming fiscal year. During the current fiscal year, some $2.6 billion has been appropriated for such purposes under the strictures of a continuing resolution passed by the Congress.

This new Foreign Assistance Act has several fundamental objectives:

—To help the developing countries achieve a greater measure of self-reliance in their struggle against hunger, disease and poverty:

—To respond swiftly to the ravages of natural disasters;

—To assist friendly governments in building and maintaining the military capability to protect their independence and security;

—And to help South Vietnam, Cambodia, and Laos begin the task of rehabilitating and reconstructing their war-torn countries.

Let us look more closely at each of these objectives.

### DEVELOPMENT ASSISTANCE

Hunger, poverty, and disease are still widespread among developing countries, despite their significant progress of recent years. Their economic growth—averaging some 5.5 percent a year over the last decade—as well as rapid improvements in agricultural methods and in health care have not yet overcome many deep-seated problems in their societies. Their current needs represent a moral challenge to all mankind.

In providing assistance, however, we should not mislead ourselves into thinking that we act out of pure altruism. Successful development by friendly nations is important to us both economically and politically. Economically, many of the developing countries have energy resources and raw materials which the world will need to share in coming years. They also could represent larger markets for our exports. Politically, we cannot achieve some of our goals without their support. Moreover, if essential needs of any people go entirely unsatisfied, their frustrations only breed violence and international instability. Thus we should recognize that we assist them out of self-interest as well as humanitarian motives.

While development progress as a result of our aid has been less visible than some would like, I believe it is essential for us to persevere in this effort. I am therefore asking the Congress to authorize some $1 billion for development assistance programs during fiscal year 1974 and approximately the same amount for fiscal year 1975.

### EMERGENCY AID

America's fund of goodwill in the world is substantial, precisely because we have traditionally given substance to our concern and compassion for others. In times of major disaster, American assistance has frequently provided the margin of difference between life and death for thousands. Our aid to victims of disasters—such as the earthquake in Peru and floods in the Philippines—has earned us a reputation for caring about our fellowman.

No nation is more generous in such circumstances. And the American people respond with open hearts to those who suffer such hardship. I am therefore asking the Congress to authorize such amounts as may be needed to meet emergency requirements for relief assistance in the case of major disasters.

### SECURITY ASSISTANCE

Security assistance has been a cornerstone of U.S. foreign policy throughout the last quarter century. Countries whose security we consider important to our own national interest frequently face

military challenges, often prompted by third countries. In order to maintain a stable international order, it is important that these threatened countries not only be economically developed but also be able to defend themselves, primarily through their own resources.

The United States can rightly claim a number of successes in this regard during recent years. Our programs to help South Vietnam and South Korea build capable forces of their own, for instance, have permitted us to withdraw all of our forces—over 500,000 men—from South Vietnam and 20,000 men from South Korea.

It is unrealistic to think we can provide all of the money or manpower that might be needed for the security of friendly nations. Nor do our allies want such aid; they prefer to rely on their own resources.

We can and should, however, share our experience, counsel, and technical resources to help them develop adequate strength of their own. It is for this reason that I ask the Congress to authorize $652 million in grant military assistance, $525 million in foreign military sales credits, and $100 million in supporting assistance funds for fiscal year 1974.

This year's foreign aid bill includes for the first time separate authority for a foreign military education and training program. We want to strengthen this program so that we can help friendly governments better understand our policies, while they develop a greater sense of self-reliance and professional capability in their own military services.

AID FOR INDOCHINA

The signing of cease-fire agreements in Vietnam and Laos marks the beginning of a trend toward a peaceful environment in Indochina. This change will permit us to turn our attention to the considerable post-war needs of Southeast Asia. To ignore these needs would be to risk the enormous investment we have made in the freedom and independence of the countries of Southeast Asia.

The legislation I am presenting today would authorize the continuation of our economic assistance to South Vietnam, Laos and Cambodia and would provide for a sound beginning in the process of rehabilitation and reconstruction there. I anticipate other nations will join in this effort, as they have elsewhere, to solidify the foundations for a new era of reconciliation and progress in Southeast Asia.

Relief assistance for refugees of the war in Southeast Asia is vital to this effort. These refugees number in the hundreds of thousands. In addition to their resettlement, this Administration proposes a major effort to help restore essential community services in areas which have suffered because of the war.

In this bill, I ask the Congress to authorize $632 million for the reconstruction effort in Indochina in fiscal year 1974.

My present request does not include any assistance for North Vietnam. It is my hope that all parties will soon adhere fully to the Paris agreements. If and when that occurs, I believe that American assistance for reconstruction and development of both South and North Vietnam would represent a sound investment in confirming the peace.

Representatives of the United States have recently been holding discussions with representatives of the Government of North Vietnam to assess economic conditions there and to consider possible forms of United States economic assistance. This assessment has now been suspended, pending clarification of North Vietnam's intentions regarding implementation of the cease-fire. Once Hanoi abandons its military efforts and the assessment is complete, the question of aid for North Vietnam will receive my personal review and will be a subject for Congressional approval.

For a quarter century, America has borne a great burden in the service of freedom in the world. As a result of our efforts, in which we have been joined by increasing numbers of free world nations, the foundation has been laid for a structure of world peace. Our military forces have left Vietnam with honor, our prisoners have returned to their families, and there is a cease-fire in Vietnam and Laos, although still imperfectly observed.

Our foreign assistance program responds to the needs of others as well as our own national needs—neither of which we can afford to ignore.

For our own sake—and for the sake of world peace—I ask the Congress to give these recommendations prompt and favorable consideration.

RICHARD NIXON.

THE WHITE HOUSE, *May 1, 1973.*

## FORMER SECRETARY OF THE TREASURY JOHN B. CONNALLY JOINS THE REPUBLICAN PARTY

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

Mr. GERALD R. FORD. Mr. Speaker, I have noticed on the news ticker that a former very distinguished Secretary of the Navy to the former President Kennedy, a former very able and distinguished Governor of the State of Texas, and a former Secretary of the Treasury under this administration, has announced that he is joining the Republican Party. I would like to quote from the statement he made at a news conference this morning:

I believe that in our time, the Republican Party best represents the broad views of most Americans, whatever their formal political affiliation. I believe it can best provide the strength and stability and unite our people to deal effectively with our problems.

As one Republican I warmly welcome John B. Connally to our ranks.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, may I say that this is the first time I ever heard of a former Secretary of the Navy jumping onto a sinking ship.

## NATIONAL HISTORIC PRESERVATION WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 51

Whereas the two hundredth anniversary of the founding of this Republic approaches; and

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of this Nation is the knowledge and appreciation of our origins and history, of who we are, where we are, and how we arrived there; and

Whereas the houses where we have lived, the buildings where we have worked, the streets we have walked for more than three hundred years are as much a part of our heritage as the wisdom of the Founding Fathers and the works of art which succeeding generations of Americans have bequeathed to us; and

Whereas these buildings and places, great and humble, not only are our roots, but are also sources of pride in our past achievements and enrich our lives today; and

Whereas historic preservation today involves much more than period rooms in house museums, but means, rather, that old homes, public buildings, hotels, taverns, theaters, industrial buildings, churches, and commercial structures can be saved and put to contemporary use as living history to be treated with respect and incorporated within our planning as our towns and cities grow to provide the citizens of this Nation with an environment of quality and enduring interest: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, especially the preservation organizations, historical societies, and related groups, to observe that week with educational efforts, ceremonies, and other appropriate activities which—

(a) are designed to call public attention to the urgent need to have our historic landmarks for the enjoyment and edification of the citizens of this Nation, present and future; and

(b) will demonstrate lasting respect for this unique heritage.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 1 and 2, strike out the entire preamble.

The amendment was agreed to.

Mr. TAYLOR of North Carolina. Mr. Speaker, it is a pleasure for me to join my colleagues in support of the enactment of the resolution now before the House which requests the President to

proclaim the week of May 6 as "National Historic Preservation Week."

Historic preservation plays an ever increasing role in the recognition of our cultural heritage. While this Nation is relatively young compared to others in the international community, we can take great pride in the accomplishments of those who came before us.

Not only does the preservation of historic structures, places and objects enable us to better understand the life and times of our forefathers, but it helps us to better appreciate the many benefits which we have inherited from their struggles and their ingenuity.

Greater attention than ever before is being given to historic preservation today. Organizations such as the National Park Service, the National Trust for Historic Preservation, and historic preservation agencies in virtually all of the States are making an aggressive effort to save those remnants of the past which can be meaningful to present and future generations.

Mr. Speaker, as we approach the 200th anniversary of the founding of this Republic, it is highly appropriate that the Congress and the President set aside a week for recognition of this nationwide program. Americans can be proud of their past. We can all learn from the past. All of us, and our children and our children's children can benefit and appreciate our heritage because we will better understand the sacrifices and struggles of those who have gone before us.

As a cosponsor of House Joint Resolution 410, I am pleased to rise in support of the enactment of this resolution, and I urge its favorable consideration by the Members of the House.

Mr. COUGHLIN. Mr. Speaker, I wish to express my support for Senate Joint Resolution 51, authorizing and requesting the President to issue a proclamation designating the week beginning May 6, 1973, as "National Historic Preservation Week." As sponsor of an identical resolution in the House, I am naturally gratified by the action of the Senate in passing this measure and I urge the House to add its approval today.

Preservation of our historic past is a deepening concern of Americans as evidenced by increased involvement of citizens in community preservation activities, preservation legislation enacted at the Federal and State levels, and both public and private support for restoration and preservation projects. President Nixon has expressed his personal interest in this area by directing Federal agencies to give special attention to historic properties within their respective jurisdictions.

These efforts reflect a growing recognition of the importance of timely action to save our precious national heritage for ourselves and for future generations. This spirit is heightened by anticipation of the American Revolution bicentennial less than 3 years away.

Representing a district which is richly endowed with historical treasure, I believe that designation of a special week would serve as an impetus for local preservation initiatives in addition to focusing national attention on the need for a continuing commitment to historic preservation.

Next week, the week of May 6, 1973, is especially appropriate for this designation because it corresponds to the annual awards presentation of the National Trust for Historic Preservation whose 1,300 member organizations have spearheaded the preservation movement across the country. These organizations and their members can be justly proud of their many accomplishments.

But "National Historic Preservation Week" can be meaningful to every American by underscoring an important point that must not be lost sight of: true progress toward a quality physical environment is not to be found in unrestrained development but in a harmonious blend of today's glass and steel with yesterday's brick and stone.

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

## GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed by the House.

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

There was no objection.

## PRESIDENT'S GIVEAWAY PROGRAM

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

Mr. GROSS. Mr. Speaker, I have just listened to the reading of the President's message on what is called foreign aid—I call it the foreign giveaway program.

Despite cutoffs and cutbacks in many domestic programs, the President is requesting $2,900,000,000 for this program during the next fiscal year.

I was intrigued by one statement made by the President. He said:

> Suppose my neighbor's home catches fire, and I have a length of garden hose four or five hundred feet away. If he can take my garden hose and connect it up with his hydrant, I may help him to put out his fire.

Mr. Speaker, that is going to be the most expensive 400 or 500 feet of garden hose in the history of mankind in view of the $3 billion he is asking for.

I would remind the President that we have a pretty good fire burning in this country and that this would be an awfully good time to connect up some real firehose by way of drastically reducing this kind of spending in order to help put out the fire of inflation right here at home.

## AIRPORT DEVELOPMENT ACCELERATION OF 1973

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6388) to amend the Airport and Airway Development Act of 1970 to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and support the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 6388, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 38, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 6388 as passed by the House.

Mr. LONG of Louisiana. Mr. Speaker, on page 2, line 3, of House Resolution 370 as read there is a typographical error in that the word "support" was inserted rather than the word "report." I think it is obvious that it was a typographical error. I observed the resolution as it was passed by the Committee on Rules, and the word "report" appears there. I ask unanimous consent that the engrossed copy be amended to read "report" rather than "support" in that instance.

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

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 370 provides for an open rule with 1 hour of general debate on H.R. 6388, making it in order to strike out all after the enacting clause of S. 38 and insert in lieu thereof the provisions contained in H.R. 6388 as passed by the House of Representatives.

H.R. 6388 increases Federal financial assistance for airport development projects throughout the United States. The increased share of Federal funds will come from the airport and airway trust fund. The primary money resources for the fund is derived from an 8-percent excise tax on domestic airline tickets; thus no new expenditures of general Federal funds will be required. H.R. 6388 authorizes expenditures for fiscal years 1974 and 1975 at $280 million for each year, making a total authorization of $560 million.

H.R. 6388 also prohibits the levying and collecting, by State and local governments, of passenger use taxes—com-

monly known as "head taxes"—on persons traveling in air commerce.

Mr. Speaker, this legislation is needed because of the serious financial difficulties now being experienced by many local governmental agencies who bear the responsibility to build, operate, and maintain our system of publicly owned airports. I urge the adoption of House Resolution 370 in order that we may discuss and debate H.R. 6388.

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

Mr. Speaker, House Resolution 370, the rule under which we will consider H.R. 6388, Airport Development Acceleration Act of 1973, is an open rule providing for 1 hour of general debate. This rule also makes it in order to insert the House-passed language in the Senate bill.

The primary purposes of H.R. 6388 are to increase Federal financial assistance for airport development and to prohibit State and local governments from collecting airport head taxes on passengers.

In the 92d Congress the House passed a bill providing an 18-month moratorium on head taxes and a study of airport needs. The Senate passed a different version. The conference report was agreed to near the end of the session, and on October 27, 1972, the President vetoed the bill S. 3755 for budgetary reasons.

The present bill, H.R. 6388, extends the authority of the Secretary of Transportation to enter into grant agreements for airport development grants for the fiscal years 1974 and 1975 at $280,000,000 for each year. By way of comparison, the authority to enter into airport grant agreements has been $280,000,000 per year for fiscal years 1971, 1972, and 1973. The Committee on Interstate and Foreign Commerce anticipates that no general tax revenue will be required to pay for the 1974 and 1975 additional spending authority, because the funds will come entirely from the airport and airway trust fund. This fund is derived primarily from an 8-percent excise tax on domestic tickets.

This bill increases the Federal share of allowable project costs from 50 to 75 percent for medium and small size airports. The Federal share of project costs will remain at 50 percent for large hub airports.

The Federal share for safety certification and security equipment is increased from 50 to 82 percent for all airports.

H.R. 6388 also provides a permanent prohibition against the levy and collection of local and State airport head taxes. However, many State and local taxing authorities which have been collecting airport head taxes will be exempt from this prohibition until December 31, 1973.

Mr. Speaker, I urge the adoption of this rule.

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

Mr. LONG of Louisiana. Mr. Speaker, I have no further request for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. 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.

The vote was taken by electronic device, and there were—yeas 385, nays 2, answered "present" 1, not voting 45, as follows:

[Roll No. 118]

YEAS—385

| | | |
|---|---|---|
| Abzug | Danielson | Helstoski |
| Adams | Davis, S.C. | Henderson |
| Addabbo | Davis, Wis. | Hicks |
| Alexander | de la Garza | Hillis |
| Andrews, N. Dak. | Delaney | Hinshaw |
| Annunzio | Dellenback | Hogan |
| Archer | Dellums | Holifield |
| Arends | Denholm | Holt |
| Armstrong | Dennis | Holtzman |
| Ashbrook | Derwinski | Horton |
| Aspin | Devine | Hosmer |
| Bafalis | Dickinson | Howard |
| Baker | Dingell | Huber |
| Barrett | Donohue | Hudnut |
| Beard | Dorn | Hungate |
| Bennett | Downing | Hunt |
| Bergland | Drinan | Hutchinson |
| Bevill | Dulski | Ichord |
| Biester | Duncan | Jarman |
| Bingham | du Pont | Johnson, Pa. |
| Blackburn | Eckhardt | Jones, N.C. |
| Boggs | Edwards, Ala. | Jones, Okla. |
| Boland | Edwards, Calif. | Jordan |
| Bolling | Eilberg | Kastenmeier |
| Bowen | Erlenborn | Kazen |
| Brademas | Esch | Keating |
| Brasco | Eshleman | Kemp |
| Bray | Evins, Tenn. | Ketchum |
| Breaux | Fascell | Kluczynski |
| Breckinridge | Findley | Koch |
| Brinkley | Fish | Kuykendall |
| Brooks | Fisher | Kyros |
| Broomfield | Flood | Landgrebe |
| Brotzman | Flowers | Landrum |
| Brown, Calif. | Flynt | Latta |
| Brown, Mich. | Foley | Leggett |
| Brown, Ohio | Ford, Gerald R. | Lehman |
| Broyhill, N.C. | Forsythe | Lent |
| Broyhill, Va. | Fountain | Litton |
| Buchanan | Fraser | Long, La. |
| Burgener | Frelinghuysen | Long, Md. |
| Burke, Calif. | Frey | Lott |
| Burke, Mass. | Froehlich | Lujan |
| Burleson, Tex. | Fulton | McClory |
| Burlison, Mo. | Fuqua | McCloskey |
| Burton | Gaydos | McCollister |
| Butler | Giaimo | McCormack |
| Byron | Gibbons | McDade |
| Carey, N.Y. | Gilman | McEwen |
| Carney, Ohio | Ginn | McKay |
| Carter | Goldwater | McKinney |
| Casey, Tex. | Gonzalez | McSpadden |
| Cederberg | Goodling | Macdonald |
| Chamberlain | Grasso | Madden |
| Clancy | Green, Oreg. | Madigan |
| Clark | Green, Pa. | Mahon |
| Clausen, Don H. | Griffiths | Mailliard |
| Clawson, Del | Gross | Mallary |
| Clay | Grover | Mann |
| Cleveland | Gubser | Maraziti |
| Cochran | Gude | Martin, Nebr. |
| Cohen | Gunter | Martin, N.C. |
| Collier | Guyer | Mathias, Calif. |
| Collins | Haley | Mathis, Ga. |
| Conable | Hamilton | Matsunaga |
| Conlan | Hammer-schmidt | Mayne |
| Conte | Hanley | Mazzoli |
| Conyers | Hanrahan | Meeds |
| Corman | Hansen, Idaho | Melcher |
| Cotter | Hansen, Wash. | Metcalfe |
| Coughlin | Harrington | Mezvinsky |
| Crane | Harsha | Michel |
| Cronin | Harvey | Milford |
| Culver | Hastings | Miller |
| Daniel, Dan | Hawkins | Mills, Ark. |
| Daniel, Robert W., Jr. | Hays | Mills, Md. |
| Daniels, Dominick V. | Hébert | Minish |
| | Hechler, W. Va. | Mink |
| | Heckler, Mass. | Minshall, Ohio |
| | Heinz | Mitchell, Md. |
| | | Mitchell, N.Y. |
| Mizell | Rodino | Sullivan |
| Montgomery | Roe | Symington |
| Moorhead, Calif. | Rogers | Symms |
| Moorhead, Pa. | Roncallo, N.Y. | Talcott |
| Morgan | Rooney, Pa. | Taylor, Mo. |
| Mosher | Rose | Taylor, N.C. |
| Moss | Rosenthal | Teague, Calif. |
| Murphy, Ill. | Roush | Thomson, Wis. |
| Murphy, N.Y. | Rousselot | Thone |
| Natcher | Roybal | Thornton |
| Nedzi | Runnels | Tiernan |
| Nelsen | Ruppe | Towell, Nev. |
| Nichols | Ruth | Treen |
| Nix | St Germain | Van Deerlin |
| Obey | Sandman | Vander Jagt |
| O'Brien | Sarasin | Vanik |
| O'Hara | Sarbanes | Veysey |
| O'Neill | Satterfield | Vigorito |
| Owens | Saylor | Waggonner |
| Parris | Scherle | Walsh |
| Passman | Schneebeli | Wampler |
| Patman | Schroeder | Ware |
| Patten | Sebelius | White |
| Pepper | Seiberling | Whitehurst |
| Perkins | Shipley | Whitten |
| Pettis | Shoup | Widnall |
| Peyser | Shriver | Wiggins |
| Pickle | Shuster | Williams |
| Pike | Sikes | Wilson, Bob |
| Poage | Sisk | Wilson, Charles H., Calif. |
| Podell | Skubitz | |
| Powell, Ohio | Slack | Wilson, Charles, Tex. |
| Preyer | Smith, Iowa | Winn |
| Price, Ill. | Smith, N.Y. | Wolff |
| Price, Tex. | Snyder | Wright |
| Pritchard | Spence | Wyatt |
| Quie | Staggers | Wydler |
| Quillen | Stanton, J. William | Wylie |
| Railsback | Stanton, James V. | Yates |
| Rangel | Stark | Yatron |
| Rarick | Steed | Young, Alaska |
| Rees | Steele | Young, Fla. |
| Regula | Steelman | Young, Ga. |
| Reuss | Steiger, Ariz. | Young, Ill. |
| Rhodes | Steiger, Wis. | Young, S.C. |
| Riegle | Stratton | Young, Tex. |
| Rinaldo | Stubblefield | Zablocki |
| Roberts | Stuckey | Zion |
| Robinson, Va. | Studds | Zwach |
| Robison, N.Y. | | |

NAYS—2

Andrews, N.C. Wyman

ANSWERED "PRESENT"—1

Evans, Colo.

NOT VOTING—45

| | | |
|---|---|---|
| Abdnor | Ford, William D. | Randall |
| Anderson, Calif. | Frenzel | Reid |
| Anderson, Ill. | Gettys | Roncalio, Wyo. |
| Ashley | Gray | Rooney, N.Y. |
| Badillo | Hanna | Rostenkowski |
| Bell | Johnson, Calif. | Roy |
| Biaggi | Johnson, Colo. | Ryan |
| Blatnik | Jones, Ala. | Stephens |
| Burke, Fla. | Jones, Tenn. | Stokes |
| Camp | Karth | Teague, Tex. |
| Chappell | King | Thompson, N.J. |
| Chisholm | McFall | Udall |
| Davis, Ga. | Moakley | Ullman |
| Dent | Mollohan | Waldie |
| Diggs | Myers | Whalen |

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. King.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Blatnik with Mr. Abdnor.

Mr. Dent with Mr. Frenzel.

Mr. Gray with Mr. Ashley.

Mr. Johnson of Colorado with Mr. Bell.

Mr. Jones of Alabama with Mr. William D. Ford.

Mr. McFall with Mr. Burke of Florida.

Mr. Thompson of New Jersey with Mr. Roncalio of Wyoming.

Mr. Waldie with Mr. Whalen.

Mr. Biaggi with Mr. Myers.

Mr. Anderson of California with Mr. Mollohan.

Mr. Gettys with Mr. Camp.

Mr. Hanna with Mr. Roy.

Mr. Jones of Tennessee with Mr. Udall.

Mrs. Chisholm with Mr. Ryan.

Mr. Diggs with Mr. Badillo.

Mr. Chappell with Mr. Karth.

Mr. Davis of Georgia with Mr. Randall.
Mr. Teague of Texas with Mr. Stephens.
Mr. Stokes with Mr. Moakley.
Mr. Reid with Mr. Ullman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6388) to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6388) with Mr. BURLESON of Texas in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. KUYKENDALL) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may require. I hope it will not take too long. I would just like to give a brief explanation of the bill.

The bill passed the House last year on a voice vote. We went to the Senate in conference and came back and passed by a unanimous vote the conference report. The bill was sent to the President, and he pocket vetoed the bill on the grounds that we had raised the amount of money that could be expended out of the fund from $280 million to $350 million.

When the bill was reintroduced this year it carried that amount of money. It was reduced to the original amount of money it has been carrying for the past 2 years, $280 million a year, and that is what it carries today. I feel sure the objections from the administration have been taken away.

We bring it back to the floor in almost the identical form it was in when it passed the House previously. I do not think we ought to have too much controversy about the bill in any way.

I may say to those who were not here last year that it does up the amount of funds that can be given to all of the airports in the country except the 22 large hubs. According to the testimony, the 22 large hubs have sufficient money, but a lot of the smaller airports and proposed airports and communities just do not have the money to build their airports or to expand them, so we upped the amount from 50 percent to 75 percent to all of the airports throughout the Nation and also upped the amount for security and certification from 50 percent matching funds to 82 percent. That will help to get the crash, fire, and rescue equipment and other means of safety for all of the airports throughout the United States.

Another important feature of the bill, as you remember, is it suspends the "head tax" which is being collected at different airports.

In anticipation of some of the questions that may be asked, I will say that we do have an antihijacking bill that has had expensive hearings before our committee. I am hopeful we will have it up in the subcommittee and before the full committee by the week after next. If it is, I hope we can then pass it when we have an executive session and bring it to the floor as soon as possible, knowing that it is a good bill.

In that bill we are attempting to take care of or help in the security matters that will arise in all of the airports and which have already arisen across the Nation.

Now, I think this gives an explanation of the bill. I also might say that the funds we are going to use were authorized in 1970. At the present time there is a surplus in that fund of $248 million. So we believe we can go ahead and help these other airports that need expansion and communities that need to improve their airports through a greater amount of money in matching funds.

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

Mr. STAGGERS. I yield to the gentleman from Virginia.

Mr. DOWNING. As I understood the chairman, the gentlemen stated that if this bill passes it would delete the head tax.

Mr. STAGGERS. The gentleman is correct..

Mr. DOWNING. Mr. Chairman, if the gentleman will yield further, I have an airport in my district known as the Patrick Henry Airport whch now is charging a $1 head tax to cover the cost of the security which the FAA has required of them.

Do I understand that this bill would pay up to 80 percent of that cost?

Mr. STAGGERS. No, this bill really does not take care of that kind of security. The portion that I am talking about, the 82 percent is for the safety and security of the flying public in landing and taking off, and so forth. What the gentleman from Virginia is referring to insofar as security measures are concerned will come up in the antihijacking bill which, as I stated earlier, we hope to have before the full committee the week after next and then bring it to the floor immediately following that. We will have moneys in that bill which will help to take care of the airport expenses and airline expenses insofar as security is concerned.

Mr. DOWNING. The gentleman says that the antihijacking bill will be coming up early?

Mr. STAGGERS. The gentleman is correct, it will be coming up right away because we believe it is one of the important bills—one of the really important bills of this session of the Congress.

It was one of the first bills that we started holding hearings on and we have held hearings on it for a considerable length of time. There have been some questions that have not as yet been resolved but I am hopeful that they will be resolved by next week so that we can take them up in the full committee and pass it out of the full committee.

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will be glad to yield to the gentleman from Pennsylvania.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I would like to ask the distinguished chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS) whether or not any of the airports who are presently collecting head taxes—and there are something like 46, I believe, throughout the country, whether or not the gentleman can tell me whether this bill includes any of those airports that are collecting head taxes.

Mr. STAGGERS. Any of them who are presently collecting head taxes, their time for terminating that will be as of December 31 of this year.

Mr. ROONEY of Pennsylvania. Mr. Chairman, if the gentleman will yield further, how many airports are involved.

Mr. STAGGERS. There are two exemptions—I want to correct myself—the two that had been enacted before 1970, I believe.

Mr. ROONEY of Pennsylvania. Mr. Chairman, if the gentleman will yield further, I think there is a gross inequity here and I therefore plan to introduce an amendment at the proper time. There are some 44 other airports throughout the country who are collecting the same type of head tax as they are in New Hampshire and Sarasota. I also understand there is another amendment over on the Senate side to exclude Evansville, Ind. I think if they exclude these three cities in the bill then I think the Allentown-Bethlehem Airport and the other 43 airports throughout this country should be allowed to collect this tax for the next 7 or 8 months.

The CHAIRMAN. The gentleman from West Virginia has consumed 8 minutes.

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

Mr. Chariman, when the Airport and Airways Development Act was under discussion here in 1970 it was considered right and proper that users of airport facilities should bear the burden of building and maintaining them. Up to that time airport projects were helped along with Federal funds taken from general appropriations. There was always a shortage of money compared to the need and desire of communities to upgrade their air facilities for both safety and convenience. By enacting the 1970 law we made a commitment to the traveling public that for those rather stiff fees included in the bill it could expect far more Federal support to be available for airport construction and also for improvement of airways management. Revenues from the user fees have been even more than predicted. About $600 million per year, of the total $750 million taken in, comes directly from ticket taxes.

Now the money is there for airport projects. But now many communities are having difficulty coming up with the local share. Airport projects are often very expensive. Also the Federal scheme of assistance has for many years excluded terminal facilities. The theory behind this exclusion has been that terminal facilities are not essential and also are capable of turning a profit if well managed. The airlines do not share this view and would like to see terminals included in projects for Federal grant support. Perhaps for this reason, or perhaps for many different reasons, communities have been looking for ways to extract more revenue from airport operations than landing fees and concessions. The enplaning tax, or head tax, is appealing. It has been the bane of European travelers for years but it does promise substantial sums.

Wherever enplaning taxes have been suggested or tried the airlines have fought them vigorously. Until recently they had been successful in routing them in State courts. Recently, however, Evansville, Ind., and all of New Hampshire's airports gave it a whirl. This time it got to the Supreme Court of the United States which decided, in effect, that unless Congress specifically said no to head taxes, communities could levy them. With that go-ahead, 15 other cities moved quickly to enact such taxes last year.

The question as to whether or not it is proper or fair to add further user taxes to those imposed by the 1970 act is certainly open to debate. Many feel that it is grossly unfair. Airlines think that being forced to collect a whole array of different taxes at the many places they service is entirely unreasonable. The administrative burden is undoubtedly very onerous. It may cost more than the revenue to be derived. On the other hand, communities very likely do need more revenue for airport purposes. And perhaps there are ways in which these taxes or some variation of them could be made to work with a minimum of inconvenience. But we do not know whether this is so or not. All of which pretty well explains why the committee bill of last year provided for a moratorium rather than a ban on head taxes.

The other body, however, took a quite different tack. It made a basic decision that head taxes were an impediment to interstate air travel and banned them. Recognizing at the same time the need for increased funds at the local level, the Senate bill made some fairly substantial changes in the Federal share to be offered for airport construction projects in the future. The conference committee reported back a bill which was essentially that passed by the Senate, prohibiting head taxes and adjusting the Federal share of airport grants. The bill as finally approved raised the minimum yearly figure to be spent from the trust fund for airport projects on the theory that the larger Federal share would require the outlay of larger sums if the number of projects to be funded were to remain constant. The Senate bill has projected a yearly minimum of $420 million and the conference version arrived at a figure of $350 million.

When the agreed upon bill reached the White House it was held without signature and a memorandum returned to Congress indicating that the increase in obligational authority was the basic reason for not accepting it. The memorandum also mentioned program difficulties but without specificity.

In the 93d Congress it was the feeling within our Subcommittee on Transportation that a bill tracking the previous bill but with an acceptable obligation figure should have the best chance of making the grade. Apparently the feeling had also grown that head taxes should be prohibited without further study.

The committee brings to you a bill which will prohibit the imposition of head taxes or gross receipts taxes by airport operators or States. There are some slight adjustments for communities which have made commitments or which started collecting taxes prior to the original congressional action. These are tailored to the specific situations and are of very short duration, ending at the end of 1973.

Recognizing the almost universal need for greater revenue if airports are to be built, and as some compensation for the loss of the potential revenue from head taxes, the bill provides an increase in the Federal share of airport projects from 50 percent to a possible 75 percent in the case of medium hub and smaller cities. Very large airports will remain at the present 50 percent maximum. As to equipment required for safety and to meet the requirements for airport certification, such as fire equipment, the Federal share has been increased to 82 percent.

By holding the obligational authority to the present statutory minimum of $250 million for carrier airports and $30 million for general aviation airports we feel that we have a bill which can and will be approved by the executive. Testimony by the representative of the administration did not enthusiastically endorse outright prohibition of head taxes and had some misgiving about matching for certification equipment. Despite this, as near as we can tell, the bill we have here would be signed. Much, if any, upward change in the obligational authority could change that and therein will be a problem when meeting in conference with the other body. We feel that we should pass a bill that can become law and will try our best to keep intact its major provisions.

One figure included in the bill may be misleading. It is the frightening amount of $1.4 billion. Actually this does not add anything to the budget now or later. Under the law as it stands the obligational authority is set at minimum of $280 million per year. As I have already pointed out, this has not been changed. To keep the authority alive for a total of 3 years it is necesary to extend the final figure to include 2 additional years at $280 million each. No less is anticipated by anyone.

Some things this bill does not do. It does not include terminal buildings as eligible items in airport projects. That is the present situation and has been thus for over 10 years. There is considerable debate on this point, and it is possible that some change may be in order soon, but it should be handled as a separate item and settled on its own merits. The bill does not include an anti-impoundment provision for the same sensible reason that it can only jeopardize an otherwise desirable piece of legislation.

Contact was made with the committee when the matter was before the full committee for markup to exempt the territories from the prohibition. The Virgin Islands made the pitch on the basis that it not only needed the funds but that other islands nearby all had enplanement taxes. It was pointed out by members of the subcommittee that some of the affected airports were obtained as surplus to begin with. In addition, the present law provides a special fund for territorial airports in addition to which they may apply for assistance from the discretionary fund controlled by the Secretary of Transportation. The status of nearby airports which do not have access to the trust fund and are operated under the laws of other countries is hardly germane.

All in all, the committee has tried to do a thorough and responsible job in bringing you a bill which will accomplish a worthwhile purpose while being fair to all parties concerned with it. I recommend approval of H.R. 6388 by the House.

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

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, last year we enacted a bill into law, Public Law 92–592 creating the Gateway National Park which provides in part as follows:

(e) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

It is my understanding that H.R. 6388 would permit for the first time local governments in cosponsorship with the Federal Government to develop airport facilities.

I would like to know whether H.R. 6388 would in any way contravene the purposes of Public Law 92–592 or section (e) thereof or in any way authorize expansion or redevelopment of Floyd Bennett Field for civil aviation purposes.

Mr. STAGGERS. Mr. Chairman, I would like to assure the gentlewoman from New York that our bill does not contravene in any way the language which she just read to the House. We certainly do not have anything before us today which will take away or add anything to the language which she has just read.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman from West Virginia. I am very pleased by his assurances. The creation of the Gateway National Park was a matter of great importance to the

residents of my district and the city of New York. The creation of civilian aviation facilities at Floyd Bennett Field would not only undermine the benefits of that park, but would also create noise, air pollution, and safety hazards to those who reside near Floyd Bennett Field.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee.

Mr. Chairman, I might add that I believe the subcommittee has done a very able job.

Mr. JARMAN. Mr. Chairman, this legislation would increase the U.S. share of allowable project costs for airport development and improvements for all but the Nation's largest hub airports. It would also prohibit the so-called head tax imposed by more than 40 jurisdictions in the Nation on persons in air commerce.

As the Members will recall, the House passed the conference committee bill similar to H.R. 6388 last October 11, and the Senate gave its approval to the legislation on October 13. The President pocket vetoed the measure on October 27, and in a memorandum stated that the legislation was not in accordance with his administration's fiscal plans.

The most important difference between this legislation and the one vetoed last fall is that H.R. 6388 does not change the $280 million minimum annual authorization contained in existing law. The vetoed bill had increased the minimum annual authorization to $350 million.

Perhaps one of the most controversial aspects of the legislation last year was the feature dealing with passenger user taxes imposed by different jurisdictions across the country. When we considered this legislation last fall, only 17 jursdictions utilized the so-called head tax. Today, there are 44 such taxes, and many other jurisdictions have planned to impose such a fee. This matter has been litigated in the courts. In April of last year, the Supreme Court of the United States upheld the constitutionality of the New Hampshire and Evansville, Ind., head taxes, stating that until Congress adopted a position on the matter, such taxes could be imposed by local jurisdictions.

The Interstate and Foreign Commerce Committee feels that the head tax is discriminatory and constitutes a burden on our national transportation system. The taxes vary from jurisdiction to jurisdiction, with no regard to the length of the journey of the passenger. The passenger is already paying an 8 percent Federal tax on his ticket in order to finance the airport and airway trust fund.

Our committee made three substantive changes in the legislation reported to us by the Subcommittee on Transportation and Aeronautics.

The first change increased from $480 million to $1.4 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants until June 30, 1975. The total amount of such obligations liquidated before June 30, 1974, cannot exceed $1.12 billion and the total amount liquidated before June 30, 1975, cannot exceed $1.4 billion.

The second change modified the language of the bill relating to the Federal share allowable on account of any approved project to make clear that the amount of the Federal share will be determined by the number of passengers enplaned at the airport with respect to which the grant is made.

The third change extends until December 31, 1973, the time for several State and local taxing authorities—already levying and collecting the head tax—to be exempt from the prohibition against such taxes provided by the reported bill.

Mr. Chairman, I urge the passage of H.R. 6388.

Mr. KUYKENDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. SHOUP).

Mr. SHOUP. Mr. Chairman, I do not intend to dwell on the merits of this bill. I believe it has been well covered by the chairman of the committee, the chairman of the subcommittee and my colleague from Tennessee.

However, I do wish to inform my colleagues at this time that I intend to offer an amendment at the proper time.

In the past I have criticized various Members of various committees for appearing on the floor of the House and offering amendments to bills which have not been discussed within the committee. However, in this particular case I feel we have extenuating circumstances. The action by the Federal Aviation Administrator since this bill was marked up, since the House went into its Easter recess, necessitates an amendment.

This would not be a change in the wording of the bill; it would be an addition of a new section, a clarifying amendment to the existing law.

In 1970 a section of the 1970 act amended the 1958 Federal Aviation Act. It included for the first time the authority for safety certification of airports.

Since 1970 the Federal Aviation Administrator has, I feel, followed the dictates of this House and of the conference committee as to the intent of the safety certification. Unfortunately, on April 20, 1973, the Administrator of the Federal Aviation Administration came out with a new interpretation that I feel is in direct conflict with the intent of the original act. May I quote from Federal Aviation Administrator Butterfield:

> The Federal Aviation Administration of the Department of Transportation will broaden safety standards by expanding its airport certification regulation to include airports serving supplemental air carriers and other CAB certificated carriers operating charter flights, small aircraft and helicopters. Also included are airports serving as refueling stops for these operators.

The Administrator is saying that a chartered CAB certificated air carrier, if it were to touch down only one time at a small airport, one time a year, if that airport were to allow it to land, if the chartered air flight were not to risk losing its charter, this small airport would have to provide 24-hour fire protection service 365 days of the year.

At the present time under the FAA airport safety regulations 99 percent of the total personnel carried by air service are covered. One percent of the total personnel carried by air carriers are not. These passengers go into the small airports that cannot afford 24-hour manned fire engines 365 days of the year.

I should like to read from the conference report on the 1970 act that was presented to the House and adopted. I read from the report of the managers:

> Section 51(b) of the conference agreement follows the House version with a clarifying change to make it clear that the term "air carrier airports" means airports serving air carriers "certificated by the Civil Aeronautics Board." This clarification will make it unnecessary to require certification of a small airport that may be served by an air taxi but not by a scheduled air carrier certificated by the Civil Aeronautics Board.

May I repeat that: "Scheduled air carrier certification by the Civil Aeronautics Board."

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield the gentleman from Montana (Mr. SHOUP) 2 additional minutes.

Mr. SHOUP. Mr. Chairman, the opinion of the Civil Aeronautics Board indicates that their understanding of the intent of Congress refers only to those airports which are served by scheduled air carrier service.

It will be my intent at the proper time to offer an amendment to clarify the intent of Congress and to direct the Federal Aviation Administrator to so comply.

Mr. KUYKENDALL. Mr. Chariman, I yield 5 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I wish to thank the chairman of the committee for allowing me these few minutes. I commend the comittee for its action on this bill.

Certainly I think it is timely to make more effective the Airport Airway Development Act passed in 1970. It is especially commendable with regard to increasing the Federal share in relationship to smaller airports and their development.

Mr. Chairman, if I may indulge the committee's time, I would like to discuss a point which is not particular to this bill, but a matter concerning aviation safety, which should be of consideration not only by this committee but the House as a whole.

It is a subject which, as the congestion problem increases and the use of aircraft increases, becomes more and more of a threat to the lives of the traveling passengers. I am speaking of mid-air collisions.

The recent mid-air collision between the NASA research plane and the Navy P–3 at Moffett Field in California, with the loss of 16 lives, demonstrated once again that Congress must enact legislation to require the installation of collision avoidance systems on most civilian and military aircraft. There is no doubt that the danger of mid-air collision is increasing, and on the basis of personal studies which I have undertaken, unless we do something immediately, hundreds and perhaps thousands of persons will die in such collisions in the next 10 years.

In fact, the National Transportation

and Safety Board has projected 972 fatalities from 335 collisions between 1970 and 1979.

Mr. Chairman, it is a fact that air traffic will increase more than 400 percent in the next decade. Projected growth of air traffic in the next 10 years is set at 40 percent for airlines and more than 73 percent for general aviation.

In 1950 there were approximately 8 billion revenue passenger miles; in 1982 the projection is that there will be more than 307 billion revenue passenger miles—a further indication of the urgency of the implementation of collision avoidance systems.

Now, certainly aviation is one of the safest modes of travel we have. However, when there are collisions in the air, it becomes traumatic and it becomes tragic, because of the large number of lives which are lost in any one collision. Certainly I do not have to remind my colleagues of the 1956 mid-air collision over the Grand Canyon where 128 lives were lost.

The separation of aircraft has been left primarily up to the air traffic control system. Our controllers who man these radar scopes do yeoman service under very hard and difficult conditions. I can only express praise for their efforts. They have been able to maintain a good record. However, the men who man these radar scopes are only human. They are subject, just as every one of us is, to error. I think the point is made quite clear by the recent accident at Moffett Field, where two aircraft on approach to landing collided while under the control of the air traffic controller.

Together with my colleague in the other body, Senator Moss, I have introduced legislation recently that would set a target date of March 1974, for the completion of the testing of mid-air collison avoidance systems. The bill, H.R. 7125, requires all airliners and military aircraft must have these mid-air collision avoidance systems by June 1976. Additionally, by June 1977 all business and other commercial aircraft will be required to have the system operative, and by June 1978 all aircraft will have to comply.

That would exclude certain types of aircraft that operate away from congested areas, such as specialized sport and antique and agricultural planes and gliders.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GOLDWATER. Mr. Chairman and colleagues, we have a serious obligation to do everything possible to reduce the chances of mid-air collisions. I am very hopeful that we can get some hearings on this in the very near future.

Mr. KUYKENDALL. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I take this time very briefly to develop a colloquy, if I may, with the chairman of the committee (Mr. STAGGERS).

First of all, I want to compliment you, the subcommittee chairman and the committee members for having recognized what I think is a very serious situation in the country in that there is definite need to accelerate the construction timetable and improve the financing formula for some of the smaller communities which simply do not have a financial base with which to construct an adequate airport facility.

You know of my great interest in the development of an integrated airport system for the major metropolitan areas and in providing general aviation reliever airports to minimize congestion in those areas.

Do you believe in your own judgment that this change in the formula based on the testimony presented to the committee from 50 to 50 to 75 to 25 will permit those political subdivisions to accelerate the construction timetable on the reliever airports in order to minimize congestion, improve safety and provide more general aviation airport access to the metropolitan areas, as well as access to more of our smaller communities?

Mr. STAGGERS. I do, and that is the reason why I cite as a classic example the airports that are being built now.

Mr. DON H. CLAUSEN. Will the gentleman, the ranking minority member, comment on that?

Mr. KUYKENDALL. I would like to comment on the depth in which we got into this and in which we have shown concern, even in these cases where you have an integrated system where one authority has either the owenrship or the supervision of an airport that is a hub and an airport that is not a hub. We have language in the legislation to allow the higher percentage to apply to the nonhub even though it is a part of a totally integrated system.

Mr. DON H. CLAUSEN. I feel very reassured by that, because it is one of the principal reasons we moved on this legislation initially. That being to provide the opportunity for relief in the heavily congested areas. I was not sure we were making the kind of progress that we should have been making.

One other question I would like to ask of the chairman is this: Recently there has been a fair amount of mail coming to me and I am sure to others which relates to the cost allocation study and its impact on general aviation type aircraft that supposedly eminated from the Office of Management and Budget or the FAA.

As I understand it, there is nothing in this legislation that would put into effect or implement the proposed recommendations of this cost allocation study as it relates to general aviation; is that correct?

Mr. STAGGERS. The gentleman is correct.

Mr. KUYKENDALL. That is absolutely correct.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the two gentlemen very much for answering these questions and I want to compliment the gentlemen on their work. I am particularly appreciative for the time and consideration the members of this committee have extended to me in advancing suggestions and recommendations for inclusion in this legislation.

I also want to commend the committee for its recognition of the financial plight of smaller communities with their limited tax base in meeting the matching fund requiremens under the 50/50 cost-sharing formula. The 75 to 25 ratio will make it possible for more communities to provide airport access to their respective areas and to enhance their overall economic potential. Increasing to 82 percent the Federal share for safety and security equipment at airports is particularly noteworthy and will, in my judgment, contribute greatly to airport security.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

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

Mr. Chairman, I rise in support of H.R. 6388, a most important act to amend the Airport and Airway Development Act of 1970. All available statistics show a dramatic increase in the use of our Nation's airways particularly in the field of general aviation. Congress has responded to this problem previously when they created the Federal aviation trust fund in the enactment of the original Airport and Airways Revenue Act of 1970. Many of the smaller communities have been extremely hard pressed to participate and modernize and update their airport facilities because they are unable to match or meet their 50 percent of the cost. This act would be increasing the Federal share to 75 percent and will enable these much needed improvements to be made. All of the communities of our Nation will benefit from this legislation because aviation is becoming more and more to be used, not only for the general public but also by commerce and industry. Usually a safe and modern airport is one of the things an industry surveys about a community before it will decide to locate a plant or facility there. Again, I congratulate the committee on its farsighted action in developing this important piece of legislation.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume in order to answer some questions to be posed by the distinguished delegate from the Virgin Islands (Mr. DE LUGO).

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I had hoped to offer an amendment to section 17(c) of the Airport and Airway Development Act of 1970 to increase the U.S. share payable on account of any approved project for airport development in the Virgin Islands, Guam, and American Samoa to 90 percent. After discussing this matter with my colleagues, I feel this issue is so important to these areas that I am requesting that hearings be held on this amendment at the earliest possible date.

Mr. Chairman, I wish to direct a question to the distinguished chairman of the Interstate and Foreign Commerce Committee.

As you know, the Virgin Islands, because of their isolated position, are uniquely dependent upon air traffic for their economic survival. The lack of fuel

resources and raw material makes the islands particularly dependent upon the money generated by the tourist trade, much of which arrives by air. The small economic base in comparison with that of the individual States makes it necessary for the Virgin Islands to look to Federal aid in the maintenance of its airport facilities. H.R. 6388 would prohibit the Islands from collecting a head tax from passengers using its airports thus further diminishing the ability to maintain this vital segment of their economy. Therefore, Mr. Chairman, I would ask the distinguished gentleman from West Virginia (Mr. STAGGERS) as to whether he would look with favor upon the possibility of holding hearings on my amendment?

Mr. STAGGERS. Mr. Chairman, I certainly can respond in the affirmative to the inquiry of the distinguished delegate from the Virgin Islands, and I can assure the gentleman that he can certainly expect sympathy towards the situation in the Virgin Islands.

Let me add further, Mr. Chairman, that the gentleman who represents these islands has been very faithful in his attempts to look out for their interests before our committee, and I again assure the gentleman that at the first opportunity we will certainly try to have hearings upon this subject.

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for his very kind remarks.

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

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

Mr. BURTON. Mr. Chairman, I would like to commend our distinguished colleague, the gentleman from the Virgin Islands, and I wish to associate myself with the remarks made by the gentleman, and also the remarks of our distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS) and to express my own hope that in the event the Senate sees fit in its wisdom to add an amendment to this legislation that achieves the objective stated by the delegate from the Virgin Islands, that I would hope that the House conferees will take a kindly look at such a proposal.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, I too want to express myself as being in full support of the position just taken. I might add that I have had conversations with the FAA, as well as Governor Evans himself. I make this point simply because I am the ranking minority member on the Subcommittee on Territorial and Insular Affairs, and I know that the Trust Territories do have a unique problem and I realize that it will be very difficult for the committee to come up with anything in the way of essential assistance in that matter according to the present testimony. But I believe that they have a unique situation down there in the Virgin Islands in particular because, as an example, the islands that are under British rule do have a specific head tax that does apply, and that may make it somewhat difficult for the Virgin Islands.

I also understand the complexity of attempting to rule someone out of this under the purposes of this bill, so I would hope that we could provide something in the way of a change in the formula, or possibly other legislation.

Mr. DE LUGO. Mr. Chairman, the United States Virgin Islands Port Authority was created by Legislative Act 2375 in 1969. As such, the Harry S. Truman and Alexander Hamilton Airports came under the Port Authority's jurisdiction and control. Included in this enabling legislation is the power to establish rates and charges for the use of the airport facilities. The Authority, however, was not granted any powers of taxation on personal or real property nor authorized to participate in the sharing of taxes levied and collected by the Virgin Islands Government.

Through the end of June 1972 the Port Authority was operating on a deficit of roughly four and one-third thousand dollars per day. In July of 1972, after public hearings had been held, the Governing Board of the Port Authority passed and adopted new rates effective July 1, 1972, and also established a passenger use fee of $1 for each for hire passenger departing the United States Virgin Islands, this income being for the use of the airport facilities. The implementation of the passenger use fee is anticipated to generate over $800,000 for this fiscal year, which amount represents 40 percent of our aviation revenue. We are now able to participate with ADAP assistance in the upgrading and improvement of the airports.

The Virgin Islands have been receiving ADAP aid on the 75–25 percentage formula as compared to stateside airports receiving assistance on a 50–50 percentage formula. During 1969, two projects in St. Croix requiring aid were authorized and subsequently cancelled due to unavailability of Port Authority funds. During the last 3 calendar years in St. Thomas, only one project requiring less than $11,000 of Port Authority funds was undertaken. Hundreds of thousands of dollars under the airport aid program have been available for improving the airports but the Port Authority was unable to provide its 25 percent share. At present, our aviation income is making it possible for us to provide our share of approximately $2 million worth of improvements between both airports; improvements that will greatly increase safety, particularly at Truman Airport. The passage of H.R. 6388 would prohibit the levying or collecting of a tax, fee, head charge or other charge directly or indirectly to passengers traveling in air commerce. This change will reduce our aviation income by 40 percent and return us to the previous financial position where the Authority was unable to properly expand and improve the Virgin Islands airports for the public's convenience and in their interest.

The financial dilemma that the Government of the Virgin Islands is experiencing due to the rapid change and increase in population, precludes its ability to adequately assist the Authority financially in meeting this responsibility.

Of course it is not the intent of this legislation to be detrimental to airport development. In fact, it proposes to change the mainland airports' matching formula from the 50–50 percentage to the 75–25 percentage so what the mainland airports may lose on the one hand by not charging the airport users' fee would be made up on the other hand by the 75–25 percentage formula which roughly triples the ADAP aid. In our case, we would receive no more than we are presently receiving in exchange for the loss of 40 percent of our aviation income. Again, we would be back to the situation in which Federal aid would be offered but we would find ourselves unable to fund our required 25 percent.

It should also be noted that the Virgin Islands face increasing competition with the other tourist islands of the Caribbean which have been able to improve and modernize their airport facilities, and thus attract more commercial and private aircraft activity.

It cannot be too strongly emphasized that with passage today of H.R. 6388 the Virgin Islands will no longer be able to impose a head tax on departing air passengers, and therefore will be unable to generate the revenue to meet their required share of funding under the present Federal/State formula. For this reason I am proposing my amendment to change the existing formula by increasing the Federal share of total financing to 90 percent. This would be in keeping with the Virgin Islands ability to match the overall costs of new projects. The present law recognizes the distinct needs of the Virgin Islands by giving them a greater share of Federal aid, and now that income from the head tax is no longer available there is all the more reason to continue this precedent, and increase the proportion of Federal participation.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I thank the gentleman from West Virginia (Mr. STAGGERS) for giving me this opportunity to speak on a subject that is near and dear to my heart.

I rise in support of this bill. I have throughout my adult life been associated with aviation; for the past 23 years in a professional capacity. Prior to coming to this Congress, I worked as a nationally recognized aviation consultant. This work brought me into contact with most of the major airlines, all segments of general aviation and the leading aviation manufacturers throughout the Nation. I have been an active pilot since 1950 and, to date, I have logged over 6,000 hours flying time. My past profession has enabled me to make in-depth studies into the needs of all phases of the aviation industry.

In the fall of this year the world's largest airport will open to traffic in my district—the $700 million Dallas/Fort Worth Airport. Sprawling across the north Texas plains, this facility will be the most sophisticated and largest in the world. Excluding passengers, this jetport will be capable of handling more cargo by air then the entire port of New York moves by ship.

Mr. Chairman, I cite these statistics to

emphasize the impact this Texas giant and other large hub airports are going to have on the entire Nation. One massive impact often overlooked as we develop these large hub airports, is the effect on general aviation and small airport operations. Over 100 smaller airports are located in our north Texas area, within 100 miles of the Dallas-Fort Worth metropolitan area. These smaller facilities are just as vital as the big hubs. The small feeder airlines collect passengers from the small out-lying communities and bring them to the truck carriers. The small fields are home for the general aviation aircraft that support our industries. In the busy hub terminals, air space has become saturated, with too many airplanes trying to use the same field. In some cases, this saturation is approaching a dangerous condition. Small towns are unable to attract industries for lack of usable airports.

These massive air-hubs to which I have referred saturate the available air space and make it difficult for the smaller business craft to utilize all but the most modern with proper efficiency. In our own metropolitan complex the smaller airfields are vital to maintain safety in the air and to expedite the flow of private aircraft throughout the entire north Texas area. This is true of these major air-hub areas throughout the Nation. In my district alone we have several already over-crowded smaller air-hubs and airports that desperately need the assistance that this legislation will provide. They need it for safety equipment, improvement of repair facilities, extension of runways and many other vital projects. Arlington Municipal Airport, Grand Prairie Municipal Airport, Denton Municipal Airport, fields in Oak Cliff, Irving, and other surrounding communities need this assistance and they need it now before their problems are compounded by the massive new air-neighbor in their area.

I have carefully read the committee report provided for H.R. 6452 and, as an individual deeply involved in aviation, wholeheartedly agree with their findings and their recommendations. The committee's call for an increase in Federal funding for this type of activity, especially those provisions which will directly affect our much strained smaller air-facilities is long overdue. Finally, as one constantly concerned with our fiscal problems since taking office in January, I especially endorse this type of funding through user-tax which, as the committee notes,

> No general tax revenues will be required to pay for the 1974 and 1975 additional spending authority, since the cost of the authority should be funded entirely from the airport and air-way trust fund.

This to me, is sound fiscal consideration aimed at resolution of a much aggravated problem. Again, I commend the committee for their foresight and judgment and wholeheartedly urge passage of this measure.

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

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

Mr. PICKLE. Mr. Chairman, I rise in support of this measure. I should also like to ask the chairman if he feels that the bill that the committee has recommended to us today would meet the objections which might have been the cause for the veto last year. The bill has exceeded the funds that the administration requested. If we pass this bill with the funds in it, $280 million, does the gentleman think that that will meet the objection that was raised previously, and thus allow the bill to become law?

Mr. STAGGERS. This, in my opinion, meets completely the objections of the President and the administration when the bill was vetoed.

Mr. PICKLE. I thank the gentleman.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the Airport Development Acceleration Act of 1973, though with strong reservations about one provision. In general, I welcome the recognition by the Committee on Interstate and Foreign Commerce of the need to increase the Federal share of matching funds from the current 50 percent to 75 percent. This is consistent with the approach followed by the Committee on Public Works, on which I am privileged to serve, in increasing Federal matching for projects financed by the Environmental Protection Agency and for the Federal-aid highway system.

Moreover, I also strongly approve the increase in authority to obligate funds from the trust fund through June 30, 1975, from $840 million to $1.4 billion.

I regret, however, the provision eliminating the system of head taxes on which so many publicly owned facilities have been forced to rely for operating revenues. Therefore, I intend to support the amendment to be offered by my colleague from New Hampshire (Mr. WYMAN) to delete this prohibition on the use of head taxes. While those authorities making use of such a tax have until next December to develop alternate sources of revenue, I do feel that this represents a severe burden.

I urge Members to join in support of the Wyman amendment and the bill on final vote for passage.

Mr. BINGHAM. Mr. Chairman, I intend to vote against this legislation, the Airport Development Acceleration Act of 1973, for a number of reasons. I have long argued that the level of Federal expenditures for transportation, like Federal expenditures in every other area, should be based on a continuing and up-to-date assessment and comparison by the Congress of all our national needs. I have particularly made this case with respect to the highway trust fund. I have stated repeatedly that Federal expenditures for highways ought to be made from general revenues, or at least that the trust fund now reserved for highways should be broadened to include all forms of ground transportation, so that expenditures for highways would be made to compete for scarce Federal funds and could be determined and justified in relation to other transportation needs.

The airport trust fund, like the highway trust fund and trust funds generally, prohibits a rational determination of expenditure levels based on the priority of airport development in relation to other needs.

In my judgment, Mr. Chairman, the greatest problem we face in the transportation field in this country is the problem of enabling every American to travel quickly, conveniently, cheaply, and comfortably on a daily basis from his home to his job, and from home to nearby shops and recreational facilities. The major transportation problem we face, in short, is one of efficient short-distance travel, rather than long-distance travel. Levels of Federal spending in the transportation field should reflect that overriding need and give highest priority to expenditures to solve that problem.

There is certainly need and justification for Federal expenditures and aid for airport development. But the levels of expenditure for that purpose contained in this bill have not been determined on the basis of need for airport development in relation to other needs. Since funds accruing to the airport trust fund can be used only for airport development, the tendency is to go ahead and spend those funds for that purpose simply because they are available and can not be used for any other purpose. I cannot support funding decisions made on that basis. I have opposed them with respect to highways, and I must oppose them with respect to airports.

This legislation also contains provisions that would prevent State and local governments from obtaining their matching funds for airport development through the use of "head taxes" on airline passengers. The Federal airport trust fund itself, of course, consists of proceeds from user taxes. So, in effect, this legislation endorses and perpetuates user taxes in the aviation field by the Federal Government, but prohibits them as a revenue device for State and local governments. This is an inconsistency which seems to me unfair to State and local governments. If anything, the formula should be reversed. It is the State and local governments that are hardest pressed for sources of revenue and should thus be given maximum flexibility for raising specific revenues for specific purposes. It is the Federal Government, on the other hand, that has the greater revenue-sharing capability and the responsibility for setting broad funding priorities, arguing for use of general revenues rather than earmarked user taxes for Federal aid to airports.

Finally, Mr. Chairman, this legislation is discriminatory toward larger, primarily urban airports. The legislation proposes to increase the ratio of Federal to local funds to 75–25 for smaller airports, but would retain only 50–50 funding for the larger urban "hub" airports. The stated reason for this discrimination is that the larger airports have greater access to local funding. Yet the bill would remove one of the major means of raising local matching revenues employed by many larger airports—the airline passenger head tax. I see no justification for imposing this kind of inequity upon the larger airports. As I understand this legislation, Mr. Chairman, the following airports would be restricted to 50–50 matching funds rather than 75–25: Denver, Colo., Los Angeles, San Francisco, and San Diego, Calif., District of Columbia—Washington National—Miami, Fla., Atlanta, Ga., Honolulu, Hawaii, Chicago, Ill.—O'Hare— New Orleans, La., Detroit,

Mich., Minneapolis, St. Paul, Minn., Kansas City, St. Louis, Mo., Las Vegas, Nev., Newark, N.J., New York City—John F. Kennedy and LaGuardia airports—Cleveland, Ohio, Philadelphia and Pittsburgh, Pa., Dallas and Houston, Tex., Seattle-Tacoma, Wash.—International.

Many of us in this Congress, and the public, who frequently fly in and out of these airports, know that many of them can use all the help they can get consistent with other national needs for improvements in safety and other aspects of their operations. In fact, more than 80 percent of each day's airline passengers pass through one or more of these airports. Yet this legislation would relegate such critical terminals to secondary status with respect to Federal aid.

For these reasons, I cannot support this legislation and I urge Members who may find these arguments persuasive to join me in voting against it.

Mr. CULVER. Mr. Chairman, I want to express my support for H.R. 6388, the Airport Development Acceleration Act of 1973. By increasing to 75 percent the Federal share of allowable project costs for airport development, this legislation would allow medium and small airports to expand as necessary to continue serving their communities and the Nation. By increasing to 82 percent the allowable Federal share for purchase of safety and security equipment required by Federal law, this legislation will allow airports serving smaller communities with corresponding smaller revenues to meet the rigorous safety and security standards that have been imposed.

A clear example of the benefits of this bill can be seen in the city of Cedar Rapids. A medium-sized city without a huge tax base, Cedar Rapids has and needs an airport adequate to handle both commercial and private flights. The costs of maintaining such an airport are tremendous, however, and just this morning the city council approved a referendum for a bond issue which is required to meet the local share of a federally assisted airport development project. Two additional applications for Cedar Rapids are pending—one for their rescue program and to meet certification requirements and one for a necessary overlay of concrete on the runway surfaces. Both are necessary and both will benefit the entire region as well as travelers and shippers all over the Nation who have occasion to use the airport.

Dubuque will also benefit from this legislation. The Dubuque Municipal Airport is experiencing difficulties in funding the crash and fire services which are required by Federal regulations. The allowance of up to 82 percent of the costs from Federal funds will greatly assist the airport there to serve the people in conformance with Federal safety standards.

The city of Clinton also needs additional development of its airport. Longer, wider, and thicker runways are necessary within the next few years to handle the DC–9's which Ozark Air Lines plans to use exclusively. Without the help of a bill such as this, cities like Clinton may soon find themselves without commercial air service. Other general aviation airports in Iowa's Second District have similar problems and will benefit from this legislation.

The final point I would like to make is that the money authorized by this bill will not come from general revenues. The money will derive from the user-supported airport and airway trust fund. Therefore, it will not result in increased taxes or an increase in the Federal deficit, and in many instances it may prevent increases in property taxes or other State and local levies.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. KUYDENDALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

SEC. 3. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 4. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

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

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 5. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 6. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. STAGGERS. Mr. Chairman, in view of the fact that we have eight committee amendments, I ask unanimous

consent that they be considered en bloc and be voted upon en bloc.

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

There was no objection.

The Clerk read as follows:

Committee amendments: Page 2, immediately after line 5, insert the following:

"SEC. 3. Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

"(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,400,000,000"; and

"(2) by striking out 'hand' in the last sentence thereof and inserting immediately before the period ', an aggregate amount exceeding $1,120,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,400,000,000 prior to June 30, 1975'."

Page 2, line 17, strike out "SEC. 3." and insert in lieu thereof "SEC. 4.".

Page 2, line 21, strike out "SEC. 4." and insert in lieu thereof "SEC. 5.".

Page 3, strike out lines 6 through 13 and insert in lieu thereof the following:

"(1) 50 per centum for the sponsor of any airport which enplanes not less than 1 per centum of the total annual passengers enplaned by air carriers certified by the Civil Aeronautics Board; and

"(2) 75 per centum for the sponsor of any airport which enplanes less than 1 per centum of the total annual passengers enplaned by air carriers certified by the Civil Aeronautics Board"; and

Page 4, line 16, strike out "SEC. 5." and insert in lieu thereof "SEC. 6.".

Page 4, line 20, strike out "SEC. 6." and insert in lieu thereof "SEC. 7.".

Page 5, lines 17 and 18, strike out "July 1, 1973." and insert in lieu thereof "December 31, 1973.".

Page 6, line 22, strike out "July 1, 1973" and insert in lieu thereof "December 31, 1973".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. ROONEY OF PENNSYLVANIA

Mr. ROONEY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY of Pennsylvania: On page 5, strike lines 7 through 18 and insert in lieu thereof the following: "or on the gross receipts derived therefrom after December 31, 1973."

On page 6, strike lines 11 through 22.

Mr. ROONEY of Pennsylvania. Mr. Chairman, first of all I want to commend the chairman of the subcommittee and the chairman of the full committee for the great work they did in reporting this bill before the House today.

I intend to support this bill with or without my amendment, but my amendment, I think is a fair one. It would give the 42 other airports that are presently collecting taxes that would not otherwise be exempted from this bill the opportunity to be treated fairly with the exemption of the New Hampshire and Sarasota, Fla., airports. These two airports will be exempt from the prohibition against collecting head tax, and all the other 42 cities in this country that are relying on this money and that have projected of this money for this calendar year will be eliminated from this bill. I do not think it is fair. My bill will merely make sure the other 42 airports throughout this country will be fairly treated. The airports in the districts of many Members are involved in this, and this amendment will permit the continuing collection of the head tax until December 31.

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

Mr. ROONEY of Pennsylvania. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, do I understand if this amendment is passed all the airports currently collecting head taxes will be able to do so indefinitely?

Mr. ROONEY of Pennsylvania. No, only until December 31. In this bill two airports, one in New Hampshire and one in Sarasota, will be permitted to continue collection of head taxes until December 31. This will give the other 42 airports the same prerogative that this bill is providing for 2 airports.

Mr. WYDLER. In any case, if the gentleman will yield further, no airport will be allowed to collect head tax after December 31?

Mr. ROONEY of Pennsylvania. None after December 31, 1973.

Mr. WYDLER. Mr. Chairman, I thank the gentleman for yielding, and I support the gentleman's amendment.

Mr. ROONEY of Pennsylvania. I thank the gentleman from New York.

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

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Pennsylvania (Mr. GREEN).

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman.

Mr. Chairman, I would like to make a plea for my own city. I think there is something onerous about taxes to begin with and something even more onerous about taxes on travel of any kind in this country, but there are areas all over the country, and the city of Philadelphia is one of them, which have been collecting head taxes at the airport. The city does certainly need the revenue because of its serious financial condition, and this amendment will allow that revenue to continue to be collected until the cities such as my own city will have some time to figure out how to raise revenues from an alternate source.

Mr. Chairman, I ask my colleagues to consider the amendment very seriously, and I support the amendment offered by my friend, the gentleman from Pennsylvania (Mr. ROONEY).

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

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, my city also collects a head tax at the airport, but if they are to do away with that, then they must have some time within which to work out some alternate means of raising revenue, so I do support the amendment offered by the gentleman from Pennsylvania.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I support the gentleman's amendment.

Obviously the overwhelming majority on both sides of the aisle, do not like the idea of a head tax, but I understood there would be some kind of attempt to work out a way to give some of the cities some operating costs from the Federal tax on tickets, but that has not been done. It seems to me the very least we can do is to give the balance of this year to these cities to work out their problems. They have included a dependence upon these funds in other budgets and the bill does not provide an alternate source of operating funds. The many millions of dollars in the bill is largely for development costs.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I thank the gentleman for his statement.

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

Mr. ROONEY of Pennsylvania. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, as a former mayor I am in sympathy with the plight of these 42 cities who have already budgeted this money. They are entitled to this aid.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I am glad the gentleman brought up that point. I would like to add that this bill has been endorsed by the National League of Cities and the U.S. Conference of Mayors.

Mr. ADAMS. Mr. Chairman, I certainly regret having to oppose the amendment of my very good friends from cities which have this head tax. I must oppose it, however. This bill was carefully tailored to exempt from the head tax until the end of the year only those two cities which had gone to the Supreme Court and had received authorization for the tax and had started collecting it before the Congress had actually moved to work on and prohibit the head tax.

The rest of the cities came in, in the face of the fact that the Senate and the House were working on it. As the Members will remember, the anti-head-tax bill was passed by this body the last time, and was also passed by the Senate, but was later pocket-vetoed by the President for reasons which had nothing to do with the head tax, but had to do with the granting of money out of the trust fund to these cities to make up for the moneys which they were receiving from the head tax.

The head tax is a very onerous thing. On page 4 of the report, the Members will see that there are now 44 cities with this tax. This is what we warned Members of the House about the last time, both at the time of the conference and at the time of the passage of the bill, that if we did not pass the bill promptly a number of cities would lay on this tax.

That is precisely what has happened. Those that have the tax on now put it on knowing full well that it was a tax in jeopardy.

One of the problems we had with the situation in Pennsylvania was that the tax has gone up very substantially there between two airports where, on a $14 ticket we may be involved with as much as $2 to $4 head tax, which means a per-

son is paying about 30 to 40 percent to travel intrastate on one of the connecting airlines.

These funds were not allocated to airport use, but could be used for general revenues. We have tried in the bill to eliminate that, and be certain that we would also help these airports around the country by allocating more funds out of the trust fund. That is how we got into trouble with the administration the last time, when we allocated too much money.

We want to stop this. I am sympathetic with the problems of those who are involved in this, but I feel that I must reveal to the House the reasons for the committee being against this, and why it was that the committee did not extend the moratorium.

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

Mr. ADAMS. I yield to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, the question I would like to ask is, that many of the airports and cities involved in this head tax have calculated this in their budgets; in other words, they are budgeting for that head tax in the coming year, this fiscal year, using the calendar year.

It seems on the surface that we would be doing a grave injustice to them if we cut them off by the end of this calendar year. There is no thought, I am sure, of compensating them for the loss of this revenue, or is there?

Mr. ADAMS. Mr. Chairman, that was why the other provision was in the bill which changed the formula, and also changed the amount of money that can be granted to the various individuals and groups and cities that are operating airports. It was to compensate them for this out of the trust fund.

This could have been avoided the last time if we had not put too much money into that. The President considered it was too much being spent out of the trust fund. So, I think these cities were on notice that any head tax was in jeopardy.

I am greatly sympathetic to the Members whose local communities levy this tax and I certainly understand their reasons for submitting the amendment.

I am trying to indicate why the committee does not approve of it, and why it is that we feel that we should not extend the moratorium.

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

Mr. ADAMS. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, is there anything, either in the bill itself or in the proposed amendment, that would estop an increase in the head taxes of the airports that would levy them for the remainder of this year?

Mr. ADAMS. No; the bill in general contains only a prohibition that they shall stop. I do not know whether the amendment, which is what is being considered, would extend these taxes or allow them to go on until December 1974.

Whether that amendment contains such a prohibition or not, I would have to yield to the gentleman from Pennsylvania, because he has not sent me a copy of the amendment.

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Pennsylvania (Mr. ROONEY). I have not seen the amendment.

Mr. ROONEY of Pennsylvania. I missed the question.

Mr. ADAMS. The question was whether or not if the gentleman's amendment is adopted, which grants, in effect, an extension until December 31, 1974, it would prohibit increased taxes, and whether those authorized to do it could simply increase the taxes.

Mr. ROONEY of Pennsylvania. December 31, 1973.

Mr. ADAMS. The question was, could there be an increase between now and then in those taxes under the gentleman's amendment? I simply do not know the answer.

Mr. ROONEY of Pennsylvania. No; my amendment has nothing to do with that, concerning the local fee, whether it is 50 cents or $2. They can raise it.

Mr. ADAMS. That is what his question is.

Mr. KUYKENDALL. Mr. Chairman, I rise in opposition to the amendment.

I should like to concur in the remarks of the gentleman from Washington (Mr. ADAMS) and to point out that both the Senate and the House have acted and passed legislation. The Senate acted first last year, I believe. In the case of the Senate, they absolutely banned the head tax. In the case of the House, it was an 18 months suspension.

The operators, the Airport Operators Council here in Washington, knew full well that legislation had passed both Houses though the veto came rather late in the year. The Airport Operators Council asked me, and my own local airport people asked me, "Do you expect the bill to be reintroduced?" I said, "Certainly. Yes."

They had a warning that the bill banning head taxes would be reintroduced.

Surely they had the right to do whatever they did, but they can hardly plead ignorance in this case.

I am opposed to the amendment.

Mr. DOWNING. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is a good bill and a much needed bill, but without this amendment it could be a most unfair bill.

My own local airport, Patrick Henry, is a typical example, I believe. To meet the cost of providing the security required by the FAA that airport had to impose a head tax of $1. There were no other funds available to meet this cost, so they imposed it effective January 1, 1973. Their budget for the entire year is predicated on receipt of these head taxes.

If we deprive them of this now I do not know where the money will come from.

This amendment does not change the direction of the bill. It just extends it until December 31, 1973, before these airports will be forced to give up this source of income.

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

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

Mr. KUYKENDALL. Let me ask the chairman of the committee also to listen to the colloquy. I should like to mention something he touched on briefly moments ago.

This applies specifically to the question asked by the gentleman from Virginia, regarding hijacking. We are expecting—and I am sure the chairman of the subcommittee will concur—to get the hijacking bill out of the committee shortly. I can assure the gentleman it is the present plan, which is written into the draft of the bill, as it was the last time, to give complete coverage for those costs, not only to cover them but also to cover them retroactively, that the airport has generally been engaged in, in the sense of buying equipment and hiring guards.

That is in the hijacking bill, and I give the gentleman my word on it. It will be in it unless an amendment takes it out in the committee or on the floor. It is in the bill.

Mr. DOWNING. I thank the gentleman. Of course, the chairman has assured me of that.

We do not know for sure whether we will get a hijacking bill, or when we will get it. To be on the safe side I believe this amendment is called for. It does not alter the bill at all, but just gives these local airports an opportunity to phase out gradually in providing for funds, thereafter to take advantage of the hijacking bill, when that becomes law.

I hope my colleagues will go along with this amendment. It will help the small airports.

Mr. DINGELL. Mr. Chairman, I rise reluctantly to oppose this amendment, because of the high regard I have for the distinguished and able author of the amendment, a gentleman who is one of the most valuable members of the Committee on Interstate and Foreign Commerce. He is a highly respected Member of this body.

Mr. Chairman, I think the House should consider this amendment in the light of the legislation that we have before us. As my colleagues know, the problem of head taxes at airports has been one which has grown with increasing rapidity over the years.

One major city—and I will not mention it unless my colleagues demand that I name it—actually utilizes the head tax for the purpose of making a profit on its airports and for the purpose of raising revenue for general municipal purposes from air travelers who come from the area and indeed from the entire United States. These head taxes are levied on persons who change planes. In my own State it is proposed that they will levy head taxes at the municipal airport in the Detroit area to build airports in other parts of the State.

So, Mr. Chairman, if one travels to the Detroit Metropolitin Airport, as almost every traveler by air in the State of Michigan does, he would be compelled to pay a head tax at that time which would be levied to construct airports

and to pay the general operating expenses of the State Aviation Authority in the State of Michigan.

Mr. Chairman, this has only recently and only very narrowly been headed off.

But in addition to this, it must be recognized that head taxes are not limited as to amount, and they have grown from a very nominal figure, something like 50 cents per head, to something on the order of $2 or $4, and I think that the magnitude of growth under this set of circumstances is something which should well be borne in mind by the membership of this body.

As my colleague, the gentleman from Tennessee, has indicated, the problem of hijacking costs is being met through proceedings before the CAB and will be met specifically by providing Federal funding assistance and authority in the hijacking bill. So we ought not confuse the hijacking problem and the cost of sustaining antihijacking endeavors with the legislation that is now before us. That legislation is well advanced and should be on the floor by the first day of July of this year.

Mr. Chairman, there is something else I think the membership ought to know, and that is the rapid increase in the number of communities which levy head taxes at their airports. It started out with two; at the time the bill was passed last year the number had grown to 17; today the number is 44. Under the amendment which is before us, any community in the country could levy a head tax in any amount for any purposes. The amendment does not limit either the amount, nor does it limit the purposes for which a head tax might be imposed by the community, and my colleagues should bear that thought well in mind in considering the legislation before us.

Mr. Chairman, the committee is keenly aware of the problems of the local communities in meeting their financial needs to accomplish this end or, rather, to accomplish the end of meeting the concerns of the smaller communities, for the smaller communities we shall increase from 50 to 75 percent the amount of the Federal matching share authorized under the airport and airways development fund program.

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

Mr. DINGELL. I yield to the gentleman from Texas (Mr. MILFORD).

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

I would like to join with the gentleman in his opposition to this amendment.

I have heard the problem mentioned before about the smaller airports, and I think we will find when this head tax is levied at the larger airports, these airports normally can make their own way without the use of this tax and it is not needed.

Second, it is a tremendous imposition on our airlines, and it creates tremendous problems in attracting foreign carriers. It is a real problem, and, therefore, I would urge defeat of the amendment.

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

Mr. DINGELL. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, did I understand the gentleman to say that in a situation where one is flying from point A to point B, but he has to stop at point C in order to transfer to another airport, the airport where he first gets on can levy a tax on him, and then the airport where he transfers can levy a tax on him on that very same plane?

Mr. DINGELL. Under the amendment that is before us, and under the existing practice, if I were going from point A to point B by way of point C, which would be the transferring point, I could be charged a head tax at point A, a head tax when I got off the plane at point C, a head tax when I got back on at point C, and a head tax when I got off the plane finally at point B.

Mr. KAZEN. And this is what this amendment would allow?

Mr. DINGELL. Well, the amendment would allow a continuation of that practice in all instances until December 31 of this year. The thrust of the bill is to eliminate that kind of burdensome taxation on our citizens.

Mr. KAZEN. I commend my colleague for the position he has taken.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Moss, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. MOSS. Will the gentleman yield?

Mr. DINGELL. I am happy to yield to my good friend from California.

Mr. MOSS. I commend my friend and distinguished colleague, the gentleman from Tennessee, for voicing their opposition to this amendment. I can certainly understand why it has been proposed, but there is no justification for continuing this burden upon the Congress and this Nation. It establishes very dangerous precedents. I hope we will defeat this amendment. I fully endorse the comments of the gentleman from Michigan.

Mr. DINGELL. I thank my good friend from California.

SUBSTITUTE AMENDMENT OFFERED BY MR. SMITH OF IOWA FOR THE AMENDMENT OFFERED BY MR. ROONEY OF PENNSYLVANIA

Mr. SMITH of Iowa. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa as a substitute for the amendment offered by Mr. ROONEY of Pennsylvania: "on page 5 in line 16, strike "May 21, 1970" and insert in lieu thereof "May 2, 1973".

Mr. SMITH of Iowa. Mr. Chairman, I think there is a lot to be said for eliminating the practice of local airports levying head taxes, but on the other hand this bill would apply a rule ex post facto and not even give them the balance of the year to work themselves out of the problem that has been created.

The committee could have done this, and it was discussed all last year. They could have provided that part of the revenue that one pays upon purchase of a ticket be distributed to the local airports to help them to pay the operating costs. They did not do that, so they did not leave the 42 airports which have levied such a tax since 1970 an opportunity to alleviate their problem.

This amendment of mine as a substitute would freeze as of today the tax and the number of cities involved and for the balance of the year only. When December 31 arrives, the exemption would no longer apply. By that time they could have made some alternate moves to resolve their problem.

Under this amendment or substitute they would not be permitted to increase the levies and the number of cities could not be increased either.

Mr. PEYSER. Will the gentleman yield?

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

Mr. PEYSER. I want to commend the gentleman on this. He has offered an amendment that would do exactly the same thing that I would like to do. In other words, not to allow any other cities to come into the head tax situation nor to allow any cities to increase their present rate of tax. My understanding is that what you are offering in the substitute does that.

Mr. SMITH of Iowa. That is right.

Mr. PEYSER. I want to compliment the gentleman and support that position completely. I think this is a very serious situation.

Mr. DELLENBACK. Will the gentleman yield?

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

Mr. DELLENBACK. May I join also in commending the gentleman in the well on the amendment he has offered.

The cities involved, the names of which have been set forth in the report, show that two of them fall in my district. I know both of them are in a very serious position and we would cut it short by this.

I recognize what has been said about advance warning, but there is nothing being done on that. The present situation in both of these communities in my district would be very serious if some such amendment as that proposed by the gentleman in the well is not adopted.

Mr. SMITH of Iowa. If this amendment is not agreed to, I will support the amendment offered by the gentleman from Pennsylvania. I realize those opposed to his amendment do not want objections removed and will vote against both but I hope it may be a better amendment and I hope the gentleman from Pennsylvania will accept it.

Mr. GROSS. Will the gentleman yield?

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

Mr. GROSS. Did the gentleman not use the date May 1974?

Mr. SMITH of Iowa. May 2 of 1973.

Mr. GROSS. Of 1973?

Mr. SMITH of Iowa. Yes.

As of today the list of the cities and the fees are frozen.

Mr. GROSS. But that would be more discriminatory than is presently the case, would it not? That would prohibit any others that might want to come in under that type of an arrangement?

Mr. SMITH of Iowa. There would not be any new ones who could come in under it but at least those that have it in their city budget and who are depending upon that money would not find in the middle of the fiscal year or the cal-

endar year that they do not have the money that they budgeted for.

Mr. GROSS. It would be a prohibition against others levying a head tax and that would be highly discriminatory, I should think.

Mr. SMITH of Iowa. I would say it is less discriminatory than in the bill.

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

Mr. SMITH of Iowa. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I would like to commend the gentleman from Iowa on his amendment because I believe that his amendment perfects the amendment that was offered by the gentleman from Pennsylvania (Mr. ROONEY) and I therefore would hope that my colleagues would vote in favor of the substitute amendment.

Mr. JARMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the only thing I would add to the argument that has been presented so far is that I believe the House should bear in mind that this body and the other body acted in August of last year on this subject declaring its clear intent against the continuation of head taxes. Other cities then came in and levied head taxes when the intent of the Congress was very clear against this practice. I think there was every reason for the cities to know that the Congress would take action to prohibit these taxes.

Mr. Chairman, I urge a vote against the substitute amendment offered by the gentleman from Iowa (Mr. SMITH) and a vote against the amendment offered by the gentleman from Pennsylvania (Mr. ROONEY).

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the substitute amendment. I would like to thank the gentleman from Iowa (Mr. GROSS) for pointing out that sometimes when one attempts to correct an injustice that others are created. I notice that some of the cities on the list initiated head taxes in the spring of this year. If a city council or a county government or whatever it may be, decides to put in a head tax, at the same time we are removing that right, I do not believe they should be allowed to collect it for 7 or 8 months. If we are going to allow it for some, then why should we penalize the other cities that asked what was the wise thing to do. We asked them not to pass a head tax. They said we want to do the wise thing. Now they cannot collect it for the 8 months.

What we are doing is putting a premium on people who went ahead with the head tax even though they knew that Congress was in the process of holding hearings and would presently pass legislation against such a practice. We would be penalizing the cities who asked us for recommendations and used discretion in delaying such action.

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

Mr. KUYKENDALL. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, the gentleman from Tennessee is talking about the wise thing to do, and I think it would probably be a wise thing for most of the large cities in this country to do this because each time they attempt to raise taxes again, each and every time the cities do so they are forcing the taxpayers to move out of the city. Our cities are in a desperate condition. Let us give the cities notice in a proper manner; let us give the cities room in which to move. They have been depending on that money through these taxes; let us give them time to regroup, a chance to get together again, and a chance to have time to determine where they are going to go for additional money. It is not a question of wisdom in this situation, it is a question of financial survival, it is a question of whether or not our cities can continue to exist, and let us look at the situation in the light of the plight of the cities, and let us consider this whole situation in that manner.

Mr. KUYKENDALL. Mr. Chairman, may I point out that the Supreme Court decision said that such taxes may be passed if they are used only for airport purposes.

And a city that is going to be unnamed is clearly using these funds for general revenues. That is unconscionable.

Mr. GREEN of Pennsylvania. Mr. Chairman, if the gentleman will yield further, I believe the city that has been referred to is my own city of Philadelphia, but be that as it may, the argument against this tax on the part of some people is that it is not being used for airport purposes, but that it is being used in general revenues, and again I say that the cities are in such desperate shape that they need revenue from the general revenues and from whatever other revenues they can secure. Most of the cities are depending upon that money for the balance of this year and I do not believe they should be deprived of that opportunity by the passage of this bill.

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

Mr. Chairman, I hope we can vote on the amendments very quickly. I just wish to voice my objection to these amendments and I do so with reluctance because the author of the amendment, Mr. ROONEY of Pennsylvania, is one of my very best friends and a very capable member of the Committee on Interstate and Foreign Commerce.

I know that he offered the amendment. I should just like to say this, that if it does pass, as the gentleman from Iowa (Mr. GROSS) said, it would be discriminatory against those cities who wanted to be in this. We advised them not to, because on October 11 of last year this House passed a conference report and the Senate this year passed a corresponding bill on February 11. In that interim so many cities have put in their tax. They were warned. They knew it on October 11 when we passed the bill, and the Senate passed the bill on October 13, and the President vetoed it on October 27. Most of these new taxes have been put in during the year 1973, so for that reason I say we cannot discriminate against the cities in this land, and I would ask that the amendment in the nature of a substitute and the amendment be voted down.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words.

I will not take the 5 minutes, but I do want to simply say, in reference to the statement of the gentleman from Oklahoma, that we voted on this last year. At the appropriate time I will have an amendment to strike this section entirely from the bill. I do not think that it is wise, with all due respect to the author of the pending substitute to freeze the actions that have been taken to date in the manner which has been suggested. Rather, I think we should strike the prohibition of the per capita levy from the bill and thus approach the problem of local self-help on an entirely new basis that will be fair to the position taken by the gentleman from Pennsylvania and fair to the position that is taken by the sponsor of the substitute and to all concerned.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I accept the substitute.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. SMITH) for the amendment offered by the gentleman from Pennsylvania (Mr. ROONEY).

The question was taken; and on a division (demanded by Mr. SMITH of Iowa) there were—ayes 18, noes 77.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ROONEY).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. DOWNING. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WYMAN

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

The Clerk reads as follows:

Amendment offered by Mr. WYMAN: Page 4, strike out line 20 and all that follows down through Page 7, line 3 and the matter that follows line 3.

Mr. WYMAN. Mr. Chairman, my amendment would strike out language in H.R. 6388 which would prohibit collection of State and local airport head taxes. This is a matter of urgency for the Nation's 2,400 small air terminals not served by certified air carriers.

Such airports find it extremely difficult, if not impossible, to compete for available funds to take advantage of Federal matching grants without the airline landing fees and space rental revenues available to the larger hub airports. As a result, vitally needed improvements—including long overdue modernization of safety facilities—have had to be deferred.

To merely increase the Federal matching portion to 75 percent is to continue to ignore the plight of the smaller airports. Without an accompanying substantial increase in obligational authority—which the Federal Government can ill afford at this time—fewer projects will receive approval. A head tax would generate at the local level and

would allow participation in Federal matching grants on a 50-percent basis, at the same time encouraging local solutions to an essentially local problem.

It is also the fairest funding solution. Only airport users, in direct proportion to their use, would pay for the needed improvements. State and local revenues which come primarily from nonairport users would not have to be tapped. The Supreme Court on April 19, 1972, declared such a tax to be constitutional.

To those who claim it would be an unfair burden to require the airlines to collect a head tax I would only point out that State and local sales taxes have been collected by businesses for years with few, if any, hitches.

Mr. Chairman, I urge the adoption of this amendment. It is generally agreed that the Federal Government cannot singlehandedly meet the need for airport development and modernization. Let us give State and local governments the tools they need to fill the gap.

Mr. JARMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think most of the arguments have been made on this subject. If the House will refer to page 4 of the committee report, there is an indication of what the trend is: 44 cities levying this type tax.

I hope the House will bear in mind in voting on this amendment that the Congress itself established a uniform national program for the funding of aviation needs. Bear in mind that we now have an 8-percent charge on domestic passengers and a $3 per person charge on international travelers.

There is no question that the head taxes levied by the cities have made for confusion and resentment on the part of travelers. It is essential that we maintain a uniform national system.

Mr. Chairman, I urge defeat of the amendment.

Mr. KUYKENDALL. Mr. Chairman, I concur with the gentleman from Oklahoma, the chairman of the subcommittee. I understand the position of the distinguished gentleman from New Hampshire (Mr. WYMAN), but I must oppose the amendment.

I believe the arguments have been made for the elimination of the head tax.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. SHOUP

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

The Clerk read as follows:

Amendment offered by Mr. SHOUP: Page 4, immediately after line 19, insert the following:

SEC. 7. Section 612 of the Federal Aviation Act of 1958, relating to airport operating certificates, is amended—

(1) by striking out "airports serving air carriers certificated by the Civil Aeronautics Board" in subsection (a) and inserting in lieu thereof "airports served on a regularly scheduled basis operated by air carriers certificated by the Civil Aeronautics Board"; and

(2) by striking out "an airport serving air carriers certificated by the Civil Aeronautics Board" in the first sentence of subsection (b) and inserting in lieu thereof "an airport served on a regularly scheduled basis operated by air carriers certificated by the Civil Aeronautics Board".

And renumber the following section accordingly.

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

Mr. SHOUP. Mr. Chairman, I am offering this amendment as I indicated during the general debate. I have explained that it is not a change of the legislation which is before the House, but rather is a clarification of the Airport and Airways Development Act of 1970; a clarification of the language which has been misinterpreted as of April 20 of this year by the Federal Aviation Administrator.

Despite what the conferees felt was a clear understanding, the General Counsel of the Department of Transportation has ruled that the language of the bill requires DOT to certify every airport having any remote connection with a certificated carrier. FAA has promulgated a rule to carry out this interpretation.

There are about 500 airports where scheduled airlines operating on a regularly scheduled basis handle 99 percent of all operations by scheduled carriers. To pick up the other 1 percent requires the certification of 400 small, some remote, airports.

Most of these 400 small airports cannot meet the requirements for certification even if given time. The FAA regulation as it finally came down requires only a plan at this time. This is a copout because FAA knows that most of these airports can never realistically comply. In addition, FAA readily admits that it does not have and will not have the personnel to inspect for compliance as the law or their regulations requires it to do. My amendment merely makes more clear and explicit what the conference and the conferees intended to do in 1970.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

I would say to the gentleman from Montana that I respect his motive, and I understand what he is trying to get at here—that is, to assure that we do not impose upon the small airports burdens which are appropriate only at some large airports.

I would say that the intent of the law as it was passed in 1970 is that each airport operating has certificates which prescribe terms, conditions and limitations which are reasonable.

I want the gentleman to note the word "reasonably." The law says "reasonably necessary to assure safety."

I am sure the gentleman will agree with me that we do need safety at every airport. We would not want it to be the type of safety we use at the big hubs or at the 531 airports used by the certificated airlines today.

I believe that every airport into which we put money, ought to be certificated, and also ought to provide safety.

I can assure the gentleman from Montana that was not the intent of the committee and would not be the intent of this legislation or of any other legislation, to say that a small airport would have to have a fire department on duty 24 hours a day. This would be unreasonable and would present a terrific burden.

I would say it is the intent of the committee to have the FAA carry out the intent of what the law says, which is to be reasonable. I believe we can rely on those words "reasonably necessary."

I will do everything in my power to see that they do carry this out without putting an undue burden on the other 400 some airports across the country.

I am sure the gentleman believes, along with me, that when the Federal Government puts in 75 percent—which it will do from now on—it should say to the airport, "You must live up to certain standards."

There is also to be considered the 82 percent on safety we are going to put in.

I would hope that the gentleman would withdraw his amendment with the assurance that with oversight we will see the FAA is reasonable. If they are not, we can then come back in with legislation. I am sure they will be, after consultation.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Montana.

Mr. SHOUP. Will my chairman agree with me that the interpretation as now enforced by the FAA is unreasonable?

Mr. STAGGERS. I would not say it has not been enforced, but their intention, as I interpret it may be unreasonable. I cannot say that they intend to overburden all the small airports. If they do, that would be unreasonable. That would not be consistent with the law as passed by the Congress and would not be the intent of the Congress. If they required these 400 some small airports to live up to what we expect of the 531, I would say they would have to use reason.

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

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

Mr. MOSS. I want to endorse the comments the chairman has made. I fully endorse the intent of the committee at the time of the original enactment.

Mr. STAGGERS Fine, indeed. The committee will keep an eye on the FAA to see that the intent is carried out.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, with the understanding that the debate and the discussion we have had here clearly indicates that the original intent of the Congress was the reasonable application of safety rules and that such intent is made very clear to the Federal Aviation Administrator, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee having had under consideration the bill (H.R. 6388) to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes, pursuant to House Resolution 370, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KUYKENDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 386, nays 16, not voting 31, as follows:

[Roll No. 119]

YEAS—386

| | | |
|---|---|---|
| Abzug | Cochran | Forsythe |
| Adams | Cohen | Fountain |
| Alexander | Collier | Fraser |
| Andrews, N. Dak. | Collins | Frelinghuysen |
| Annunzio | Conlan | Frey |
| Archer | Conte | Froehlich |
| Arends | Conyers | Fulton |
| Armstrong | Corman | Fuqua |
| Ashley | Cotter | Gaydos |
| Aspin | Coughlin | Gettys |
| Bafalis | Crane | Giaimo |
| Baker | Cronin | Gibbons |
| Barrett | Culver | Gilman |
| Beard | Daniel, Dan | Ginn |
| Bergland | Daniel, Robert W., Jr. | Goldwater |
| Bevill | Daniels, Dominick V. | Gonzalez |
| Biester | Danielson | Goodling |
| Blackburn | Davis, Ga. | Grasso |
| Boggs | Davis, S.C. | Gray |
| Boland | Davis, Wis. | Green, Oreg. |
| Bolling | de la Garza | Green, Pa. |
| Bowen | Delaney | Griffiths |
| Brademas | Dellenback | Gross |
| Brasco | Dellums | Grover |
| Bray | Denholm | Gubser |
| Breaux | Dennis | Gude |
| Breckinridge | Dent | Gunter |
| Brinkley | Derwinski | Guyer |
| Brooks | Devine | Haley |
| Broomfield | Dickinson | Hamilton |
| Brotzman | Diggs | Hammer-schmidt |
| Brown, Calif. | Dingell | Hanley |
| Brown, Ohio | Donohue | Hanrahan |
| Broyhill, N.C. | Dorn | Hansen, Idaho |
| Broyhill, Va. | Downing | Hansen, Wash. |
| Buchanan | Drinan | Harrington |
| Burgener | Duncan | Harsha |
| Burke, Calif. | du Pont | Harvey |
| Burke, Mass. | Eckhardt | Hastings |
| Burleson, Tex. | Edwards, Ala. | Hays |
| Burlison, Mo. | Edwards, Calif. | Hébert |
| Burton | Eilberg | Hechler, W. Va. |
| Butler | Erlenborn | Heckler, Mass. |
| Byron | Esch | Heinz |
| Carey, N.Y. | Eshleman | Helstoski |
| Carney, Ohio | Evans, Colo. | Henderson |
| Carter | Evins, Tenn. | Hinshaw |
| Casey, Tex. | Fascell | Hogan |
| Cederberg | Findley | Holifield |
| Chamberlain | Fish | Holt |
| Chappell | Fisher | Holtzman |
| Chisholm | Flood | Hosmer |
| Clancy | Flowers | Howard |
| Clark | Flynt | Huber |
| Clausen, Don H. | Foley | Hudnut |
| Clawson, Del | Ford, Gerald R. | Hungate |
| Clay | Ford, William D. | Hunt |
| Cleveland | | Hutchinson |
| | | Ichord |
| Jarman | Natcher | Smith, N.Y. |
| Johnson, Pa. | Nedzi | Snyder |
| Jones, N.C. | Nelsen | Spence |
| Jones, Okla. | Nichols | Staggers |
| Jordan | Nix | Stanton, J. William |
| Karth | Obey | Stanton, James V. |
| Kastenmeier | O'Brien | Stark |
| Kazen | O'Hara | Steed |
| Keating | O'Neill | Steele |
| Kemp | Owens | Steelman |
| Kluczynski | Parris | Steiger, Ariz. |
| Koch | Passman | Steiger, Wis. |
| Kuykendall | Patman | Stephens |
| Kyros | Patten | Stratton |
| Landrum | Pepper | Stubblefield |
| Latta | Perkins | Stuckey |
| Leggett | Pettis | Studds |
| Lehman | Peyser | Sullivan |
| Lent | Pickle | Symington |
| Litton | Pike | Symms |
| Long, La. | Poage | Talcott |
| Lott | Podell | Taylor, Mo. |
| Lujan | Powell, Ohio | Taylor, N.C. |
| McClory | Preyer | Teague, Calif. |
| McCloskey | Price, Ill. | Thompson, N.J. |
| McCollister | Price, Tex. | Thomson, Wis. |
| McCormack | Pritchard | Thone |
| McDade | Quie | Thornton |
| McEwen | Quillen | Tiernan |
| McFall | Railsback | Towell, Nev. |
| McKay | Rangel | Treen |
| McKinney | Rarick | Udall |
| McSpadden | Rees | Ullman |
| Macdonald | Regula | Van Deerlin |
| Madden | Reuss | Vander Jagt |
| Madigan | Rhodes | Vanik |
| Mahon | Riegle | Veysey |
| Mailliard | Rinaldo | Vigorito |
| Mallary | Roberts | Waggonner |
| Mann | Robinson, Va. | Walsh |
| Maraziti | Robison, N.Y. | Wampler |
| Martin, Nebr. | Rodino | Ware |
| Martin, N.C. | Roe | White |
| Mathias, Calif. | Rogers | Whitehurst |
| Mathis, Ga. | Roncalio, Wyo. | Whitten |
| Matsunaga | Roncallo, N.Y. | Widnall |
| Mayne | Rooney, Pa. | Wiggins |
| Mazzoli | Rose | Williams |
| Meeds | Roush | Wilson, Bob |
| Melcher | Rousselot | Wilson, Charles H., Calif. |
| Metcalfe | Roybal | Winn |
| Mezvinsky | Runnels | Wolff |
| Michel | Ruppe | Wright |
| Milford | Ruth | Wyatt |
| Miller | St Germain | Wydler |
| Mills, Md. | Sandman | Wylie |
| Minish | Sarasin | Wyman |
| Mink | Sarbanes | Yatron |
| Minshall, Ohio | Satterfield | Young, Alaska |
| Mitchell, Md. | Saylor | Young, Fla. |
| Mitchell, N.Y. | Scherle | Young, Ga. |
| Mizell | Schneebeli | Young, Ill. |
| Moakley | Schroeder | Young, S.C. |
| Mollohan | Sebelius | Young, Tex. |
| Montgomery | Seiberling | Zablocki |
| Moorhead, Calif. | Shipley | Zion |
| Moorhead, Pa. | Shoup | Zwach |
| Morgan | Shriver | |
| Mosher | Shuster | |
| Moss | Sikes | |
| Murphy, Ill. | Sisk | |
| Murphy, N.Y. | Skubitz | |
| | Slack | |

NAYS—16

| | | |
|---|---|---|
| Addabbo | Conable | Rosenthal |
| Andrews, N.C. | Hicks | Smith, Iowa |
| Ashbrook | Horton | Wilson, Charles, Tex. |
| Bennett | Ketchum | Yates |
| Bingham | Long, Md. | |
| Brown, Mich. | Mills, Ark. | |

NOT VOTING—31

| | | |
|---|---|---|
| Abdnor | Frenzel | Randall |
| Anderson, Calif. | Hanna | Reid |
| | Hawkins | Rooney, N.Y. |
| Anderson, Ill. | Hillis | Rostenkowski |
| Badillo | Johnson, Calif. | Roy |
| Bell | Johnson, Colo. | Ryan |
| Biaggi | Jones, Ala. | Stokes |
| Blatnik | Jones, Tenn. | Teague, Tex. |
| Burke, Fla. | King | Waldie |
| Camp | Landgrebe | Whalen |
| Dulski | Myers | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Abdnor.
Mr. Teague of Texas with Mr. Frenzel.
Mr. Rostenkowski with Mr. Bell.
Mr. Johnson of California with Mr. King.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Dulski with Mr. Myers.
Mr. Hawkins with Mr. Camp.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Reid with Mr. Hillis.
Mr. Jones of Tennessee with Mr. Whalen.
Mr. Waldie with Mr. Burke of Florida.
Mr. Stokes with Mr. Ryan.
Mr. Roy with Mr. Hanna.
Mr. Anderson of California with Mr. Biaggi.
Mr. Randall with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 370, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill, S. 38, to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

The Clerk read the title of the Senate bill.

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. 38 and insert in lieu thereof the provisions of H.R. 6388, as passed, as follows:

That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711 ) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport.".

SEC. 3. Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,400,000,000"; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,120,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,400,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for the sponsor of any airport which enplanes not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for the sponsor of any airport which enplanes less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

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

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until December 31, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until December 31, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"SEC. 1113. State taxation of air commerce."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6388) was laid on the table.

## GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may 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.

## TEMPORARY EXTENSION OF THE AUTHORIZATION FOR THE PRESIDENT'S NATIONAL COMMISSION ON PRODUCTIVITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The Clerk read the title of the Senate joint resolution.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I should like to ask the distinguished chairman of the Committee on Banking and Currency if he has had an opportunity to find out where the funding for this Commission will originate.

Mr. PATMAN. I was told that there is no funding at all. There is only a 60-day extension, and there are no funds involved.

Mr. ROUSSELOT. Where will the funding for the staff originate during this interim period?

Mr. PATMAN. I am not familiar with that, because I was only making a unanimous-consent request, and I was doing it for the Members of the gentleman's party in the Senate who felt that it should be extended at least 60 days to wind up their work; that is all. It would go out automatically June 30.

Mr. ROUSSELOT. I know the gentleman, on the basis of our conversations yesterday, has made an effort to determine a little more about this particular temporary legislation. My understanding is that some funding for staff will be required, even for the 60-day period.

Mr. Speaker, can the gentleman tell us from whence the money will come?

Mr. PATMAN. No, I do not understand that. I understand there is no funding required. It is not necessary.

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

Mr. ROUSSELOT. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, it is my understanding that it will be financed by the executive branch for 60 days out of their present funds.

Mr. ROUSSELOT. Can the gentleman tell me what the present level of expenditure is for this operation?

Mr. BARRETT. Approximately, I am informed, about $10 million a year.

Mr. ROUSSELOT. It is $10 million a year. Can the gentleman from Pennsylvania or the gentleman from Texas tell me if this Commission has produced any reports?

Mr. PATMAN. It has produced one report on the food industry.

Mr. ROUSSELOT. And on the basis of the gentleman's review of this report is he satisfied that they will produce work that can be helpful to the Banking and Currency people and to the other interested parties in this particular area of productivity?

Mr. PATMAN. It has a reputation of producing work that is worthwhile.

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

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

Mr. GROSS. Mr. Speaker, unless the gentleman from Texas, the chairman of the Committee on Banking and Currency, can come up with a better evaluation of what this Commission has accomplished and what it proposes to accomplish, I hope the gentleman will not come before the House of Representatives with legislation to give it a longer period of life than the next 60 days. The explanations the gentleman has given the House thus far, yesterday and today, are an entirely inadequate justification for continuing this Commission more than a 60-day period to wind up its affairs and go out of business. I say again that I would hope the gentleman, if he is going to bring in legislation, will have a better basis for it than he has demonstrated either yesterday evening or this afternoon.

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

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

Mr. PATMAN. Mr. Speaker, I accept that the gentleman's explanation is not satisfactory to me, but an effort was made to put it in the extension we had up and we did not have a meeting and we could not do it. It was left out. Many of the Senators who were on the committee were very unhappy about it and they requested me to make this unanimous-consent request. I felt it was very reasonable since it was just for 60 days, and the Commission had a reputation for doing a good job, so why should we not let them have until June 30, when it will not cost anything?

Mr. ROUSSELOT. I want to be sure I understand the gentleman from Texas. He says this Commission has done a good job?

Mr. PATMAN. They have the reputation of doing a good job and they have produced that report on food.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of Michigan. Mr. Speaker, I would like to ask the gentleman from Texas, the chairman of the Committee on Banking and Currency, if he is acting on the request of the administration on this point?

Mr. PATMAN. Yes.

Mr. BROWN of Michigan. Mr. Speaker, if that is true then I take some issue with my counterparts from this side of the aisle. It seems to me if this administration wants this proposal, then someone on this side of the aisle should be making the explanation that the chairman is being asked to make.

Mr. GROSS. Mr. Speaker, if the gentleman from California will yield, I never heard a phonier argument than that. If the gentleman from Michigan is directing his remarks in my direction, I think it is incumbent on somebody to say whether this Commission has done a good job. Is the gentleman prepared to say that? How many reports have they issued? What use is made of them?

Mr. BROWN of Michigan. Mr. Speaker, I am not taking issue with the contention being made by the gentleman from Iowa. I think he is quite correct. But it seems to me someone on this side of the aisle should be familiar with this proposal and should be able to explain the value of it if the chairman is unable to do it. If this is an administration request and if the administration wishes to have this Commission extended, as has been represented on this floor, then someone on this side of the aisle should be able to provide the explanation.

Mr. GROSS. Mr. Speaker, let me say to the gentleman from Michigan that it is incumbent upon the administration, if it wants to continue this Commission, to come up with the justification for it. It is up to them, not up to Members of the House.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I see nothing in what the gentleman from Iowa has said which is contradictory to that which I have said. The administration should have discussed the matter with someone on this side of the aisle, so that such Member was prepared to provide the explanation the administration had furnished.

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

Mr. ROUSSELOT. I yield to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, may I say that if it were a year, or any length of time longer than 60 days, I would not be making the request. However, it is only for 60 days, and will not cost any money.

If there is an attempt made to extend it, all this information will be vital which has been suggested here, and would then be furnished. However, so far as I know they are not going to make an effort to extend it. I do not know. I am speaking now without knowledge of that subject.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

S.J. RES. 93

Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4(f) of Public Law 92-210, approved December 22, 1971, is amended by striking out "April 30, 1973" and inserting in lieu thereof "June 30, 1973".

Mr. PATMAN. Mr. Speaker, yesterday I asked unanimous consent to bring before the House a joint resolution (S.J. Res. 93) to extend the present National Commission on Productivity until June 30, 1973. At that time there was an objection raised against the motion. It is my understanding that those objections are now resolved. In view of this and the fact that the administration regards the committee's work as a critical element of its program to bring inflation under control, I ask once again unanimous consent for the immediate consideration of this legislation.

While the purpose of the resolution was discussed yesterday, I shall reiterate those remarks today to refresh your memories.

Higher productivity growth is an important national objective. We all gain when productivity goes up. Productivity is a measure of how well we use our material and human resources. It is a measure of how much real value is produced by human services and by the contribution of capital goods and other factors of production. Productivity growth is the way new wealth, new jobs, and an increasing standard of living comes about.

Achieving price stability and a healthy level of economic growth depends over a period of years on productivity growth. That is why the President in 1970 established the National Commission on Productivity.

The Commission's role is to address itself to the long-term economic problems that made the economic stabilization program necessary in the first instance. Whereas the Cost of Living Council is dealing with the present effects of those problems, the Commission has the job of recommending more durable contributions and solutions. It is also the Commission's task to improve the quality of working experience as those solutions are achieved.

The Commission approached its task on an industry by industry, sector by sector basis. It recently completed an important survey of productivity improvement opportunities in the food industry that could well provide some ultimate answers to the food price spiral about which all of us are concerned. It has also initiated projects in the health services industry, construction and municipal government—all of which have constituted inflationary sectors of the economy.

The administration is firmly committed to pursuing productivity improvement not only as a long-term answer to price stabilization, but also as one answer to our balance-of-trade problems. I, therefore, urge the adoption of this amendment.

Mr. Speaker, I include the following:

FACT SHEET ON SENATE JOINT RESOLUTION 93

(A Resolution extending the authority of the National Commission on Productivity to June 30, 1973)

Question 1: How long is the extension?

Answer: 60 days from May 1, 1973 through June 30, 1973. This extension is to enable Congress to consider S. 891, a bill to extend the authority of the Commission through June 30, 1974. That bill has been reported out of the Senate Committee on Banking, Housing and Urban Affairs. It has not yet been considered by the House Banking Committee.

Question 2: What will staff do during the extension?

Answer: The staff will continue the existing programs while awaiting an indication from the Congress on their intent in regard to S. 891, the Commission's extension of authority through June 30, 1974 and our appropriations request to cover that period. Concurrently, the staff will make plans for the termination of the Commission on June 30, 1973 in the event Congress has not acted to extend the Commission's life.

Question 3: What will happen during the 60-day extension?

Answer: It is anticipated that the Senate will act favorably on S. 891, which has been reported out of the Senate Banking, Housing and Urban Affairs Committee. It is also anticipated that the House Banking and Currency Committee will consider S. 891 or some version thereof. We further anticipate that consideration will be completed on our supplemental appropriations request by the Appropriations Committees in both the House and Senate during this 60-day period.

Question 4: Where will the funding come from during the extension?

Answer: Emergency funding will be provided from the Executive Branch until the Congress acts on our appropriations request. In the event Congress does not act favorably, the Executive Branch will bear the cost of the Commission's phase-out.

Question 5: What happens after June 30?

Answer: In the event Congress acts favorably on both our authorization extension through fiscal 1974 and appropriations request, the Commission will continue its program as planned. In the absence of such action the Commission will be prepared to terminate on June 30.

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

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## MENOMINEE RESTORATION ACT

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

Mr. OBEY. Mr. Speaker, I am today introducing with Congressman HAROLD FROEHLICH and other colleagues a bill which would restore the Menominee Tribe of Wisconsin as a federally recognized tribe, make all Menominees eligible for the Federal services and benefits to which all Indians are entitled, and put into trust status all Menominee owned lands.

This is the second Congress in which "restoration" legislation has been introduced. Just over a year ago I introduced

similar legislation. At that time I represented Menominee County in the Congress. With congressional reapportionment, that county is now a part of Wisconsin's Eighth Congressional District, now represented by Congressman FROEHLICH.

Nonetheless, Mr. Speaker, I am happy to introduce this legislation today, because while the Menominees are no longer my constituents, my responsibility and commitment to them lingers. I told the Menominees long before reapportionment that I would continue to support their quest for restoration even if I no longer represented them, and I have attempted to keep that commitment.

The legislation that Congressman FROEHLICH and I and others are introducing today, and which Senators PROXMIRE and NELSON are introducing in the Senate, was put into final form after months of discussion, debate, and research—by the Indians, by Congressman FROEHLICH, by myself and by others. During these discussions, every effort was made to protect the rights and interests of all persons involved.

This is a bill which does several things, but two of the most important would be to: first, give this Congress the opportunity to review how Menominee County has fared since termination, and second, give Congress the opportunity to review the whole question of termination in dealing with American Indians throughout the country.

In 1953, when Congress passed a bill to terminate the Menominees as a tribe, many thought termination of tribal status for Indians was the final solution to the Indian problem in this country. Terminate the tribes it was thought, and Indian lands, culture, and identity would slowly fade away, and with it a national responsibility to a people who occupied our land before most of our ancestors ever arrived here.

Now I think the country knows better. We know that Indians want and deserve a measure of self-determination, a voice in their own affairs, and an opportunity to manage the natural and human resources of their people. But self-determination is a far cry from termination. Hopefully the fact that we now recognize the failure of termination as a policy will help all those tribes which did not terminate over the past 20 years. They will be able to avoid a great mistake.

But unfortunately this is not true of the Menominees. By an act of Congress, their tribal status was terminated and Federal protection of their lands ended. Today they need a different kind of help from the Federal Government, and I believe that help is contained in the legislation which I am introducing in the House today.

In my judgment termination for the Menominees was a grave mistake. I felt so when I served in the Wisconsin Legislature, and my judgment has not changed on that matter since I came to Congress 4 years ago.

My feelings, shared by many others, were confirmed several weeks ago with the release of a study by the Bureau of Indian Affairs of the economic conditions of the Menominee people. Menominee Enterprises, Inc., a corporation established after termination to handle the Menominee's economic affairs, and Menominee County, a county created by the State of Wisconsin in 1961 which was comprised of the lands which formerly made up the Reservation.

That 75-page report is sprinkled liberally with words such as "serious," "ominous," "critical" and "precarious."

It shows an unemployment rate in Menominee County of 26 percent, compared with Wisconsin's 5 percent, a Menominee school dropout rate of 75 percent, a county and its people with hardly any medical facilities and per capita income less than a third of the State's average.

It points out in a number of instances the importance of the land to the Menominees. They were one of the few tribes who did not allot their land, and, in fact, went to great lengths to keep it. Yet, since termination thousands of acres of land have been sold, in an effort to expand the county tax base.

It is instructive, I think, to quote a few paragraphs of that report:

> . . . It is now estimated that without massive support, MEI will be out of operation within 2 years. The restoration of the trust status and extension of BIA services would eliminate the tax burden and make MEI a viable economic unit. The profits from the mill could be devoted to providing services and bringing about economic development of the Tribe rather than be consumed by taxes. In addition, outlays of public monies would decrease by some $0.6 million in the first year alone and as the situation improves the reduction will be even greater.
>
> The economic instability of MEI combined with the elimination of public funds to the county (since 1971) make the situation perilous. Unless relief is made immediately available in the form of either a massive infusion of public funds or restoration, MEI will no longer be economically viable and Menominee County will go under.

THE MENOMINEE INDIANS

Mr. Speaker, at one time the Menominees occupied 9½ million acres in northeastern Wisconsin and the Upper Peninsula in Michigan. In 1854 the tribe agreed to move to a reservation on the Wolf River. In exchange for their land, the Federal Government promised to protect their land to provide services available to Indians through the Bureau of Indian Affairs.

By 1953, the Menominees as a tribe were relatively prosperous—certainly not rich—but better off than most other tribes. Their forest lands were valued at $36 million. They had a hospital of their own on the reservation, run with the help of a Roman Catholic mission. They paid for most of the services which they received from the BIA. And, in 1951 they won a judgment for $7.6 million as a result of a U.S. Court of Claims case against the BIA for mismanagement of their forest resources.

The tribe requested that approximately $5 million of that judgment be divided among all members of the tribe, $1,500 going to each member. An act of Congress was needed to release that money. A bill was introduced in the House to give the Menominees their money. That legislation passed the House, but unfortunately the Menominees soon learned that they had to pay a price to get their money from the Government. That price was termination as a tribe, for when the House bill reached the Senate, it was amended to require the Menominees to terminate in order to get their per capita payments.

To be sure, consent is needed before a tribe can be terminated, and it is true that the Menominees "consented' to such action. But serious questions remain as to whether the Menominees really knew what they were being asked to ratify.

When a vote of the people was taken, they favored the "principle of termination" by a vote of 169 to 5. That vote reflected the views of less than 10 percent of the Menominee people, and many Menominees thought they were voting only in favor of getting their $1,500 cash payment. There was no ratification of a specific termination plan, and in fact, the policy of termination itself was later rejected by the Indians by a unanimous 197 to 0 vote.

When termination became final, it was clear that the termination act was not a measure for distributing aid to the Menominee people, but a vehicle for potential destruction of the tribe as a whole.

The Menominee Reservation became Menominee County, and its people, with a limited amount of experience, were expected, with little help, to govern it. A corporation, Menominee Enterprises, Inc.—MEI—was established to manage the tribal assets. But those assets had dwindled badly. Because the Menominees had to pay many of the costs of termination themselves, the tribal treasury was virtually empty.

Menominee childen born after 1954 were no longer regarded as Indians. Health, education and medical services from the BIA ceased. Menominee Enterprises, Inc., was left with a deteriorating and obsolete sawmill which was in violation of many of Wisconsin's pollution abatement regulations. The hospital on the reservation was closed and there was not a doctor in the county. The Menominee land became subject to taxation and the only way the Menominees could meet that new tax burden was to begin to sell their land.

To the extent that the Menominees have kept their heads above water, as the BIA report indicates, they have done so only with the help of Federal and State governments which have provided them with $20 million in aid since their experiment with termination began, and all this was needed, I might add, by a tribe which was relatively self-sufficient before termination.

The Congress has tried to help the Menominees with stop-gap measures in the past. So-called Nelson-Laird funds had been available to them for health, education, and economic development purposes. But these funds are exhausted, and what the Menominees need are not more short-term measures, but long-term solutions to their problems.

That solution, I believe, is a reversal of the mistake which was made in 1954 when the Menominees were terminated as a tribe.

MENOMINEE RESTORATION LEGISLATION

Mr. Speaker, the legislation we are introducing today would repeal the termination act of 1954 and once again make the Menominees a federally recognized tribe. It would restore the Federal Government's status as trustee of Menominee lands and restore to the Menominee people the Federal services which were taken from them by termination.

With the passage of the legislation, the Shawano school district would be eligible to receive increased Federal funds because it would have substantial numbers of now federally recognized Indian children. The tribe would be eligible to apply for housing loans and economic development assistance, and individual tribal members would be eligible for Indian health benefits.

After 2 years, the assets of Menominee Enterprises, Inc., subject to all valid existing rights, including, but not limited to liens, outstanding taxes, mortgages, outstanding corporate indebtedness of all types, would be transferred to the Secretary of Interior to be held in trust for the tribe, and the land transferred would become a federally recognized Indian reservation.

The bill establishes a Menominee Restoration Committee to represent the tribe in bringing about restoration. It establishes a governing body for the tribe, as well as a constitution and by-laws.

The ownership of lands formerly part of the reservation but since purchased by non-Menominees would not be affected by this legislation. Property rights are conveyed neither to the Indians nor to non-Indian owners. If persons who now own such land decided to give or sell their land to the tribe, to be held in trust by the Secretary of Interior, they could do so.

Frankly, Mr. Speaker, although this legislation does not permit the transfer of the assets for 2 years, I believe that transfer can occur sooner, and I hope the Interior Committee will give particular attention to this matter.

Congressman FROEHLICH sponsored hearings on restoration legislation in Shawano County in February 1973. State and local officials who testified there about the effects of such legislation gave no indication that any irreconcilable hardships would develop if the legislation were passed and the land put into trust status well before 2 years passed.

The legislation itself states that the "Secretary of Interior and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services are not impaired as the result of the transfer of assets."

Mr. Speaker, this truly is important legislation, not only for the Menominee people who want, and in my judgment need it, but for all Indians in this country. Its passage would show a recognition of the fact that termination has been a mistake as a policy and a disaster in practice.

I know this legislation is controversial. It raises many questions, many hopes, and in some cases, many fears. But I do not think anyone can say it is not important legislation, and I am hopeful that this Congress will give it the careful attention it deserves. And I am hopeful that congressional attention will increase the attention given to many associated questions and problems by the State and local groups involved.

The text of the bill follows:

H.R.—

A bill to repeal the Act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes.

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

SEC. 2. For the purpose of this Act—

(1) The term "tribe" means the Menominee Tribe of Wisconsin.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected at a general council meeting called by the Secretary pursuant to section 4(a) of this Act.

SEC. 3. (a) Effective on the date of enactment of this Act Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin.

(b) The Act of June 17, 1954 (25 U.S.C. 891–902) is hereby repealed. There are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty or otherwise which may have been diminished or lost pursuant to the Act of June 17, 1954 (25 U.S.C. 891–902).

(c) Nothing contained in this Act shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty or otherwise. Except as specifically provided in this Act, nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, or any obligations for taxes already levied.

SEC. 4. (a) Within fifteen days after the date of enactment of this Act the Secretary shall announce the date of a general council meeting of the tribe to elect the Menominee Restoration Committee. Such general council meeting shall be held within 60 days after the date of enactment of this Act. All living persons on the final roll of the tribe published under section 3 of the Act of June 17, 1954 (25 U.S.C. 893) and all descendants, who are at least 18 years of age, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting. The Secretary shall approve the Menominee Restoration Committee if he is satisfied the requirements of this section relating to the general council meeting have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(b) The membership roll of the Menominee Tribe of Wisconsin which was closed as of June 17, 1954, is hereby declared open. The Menominee Restoration Committee, under contract with the Secretary, shall proceed to make current that roll in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. The names of any descendant of a person who is or was enrolled shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon the installation of elected constitutional officers of the Menominee Indian Tribe of Wisconsin, the Secretary and the Menominee Restoration Committee shall deliver their records, files, and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal governing documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within 60 days after an appeal is initiated.

SEC. 5. (a) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the tribe's constitution and by-laws. The Secretary shall enter into such contract with the Menominee Restoration Committee within 90 days after the enactment of this Act. The election shall be held within 180 days after the enactment of this Act.

(b) The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and by-laws as drafted by the Menominee Restoration Committee which will be presented at the election, along with a brief impartial description of the constitution and by-laws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and by-laws. Such consultations shall not be carried on within fifty feet of the polling places on the date of the election.

(c) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as members of the tribe's governing body. The Secretary shall enter into such contract with the Menominee Restoration Committee within 60 days after the tribe adopts a constitution and by-laws pursuant to subsection (a) of this section. The election shall be held within 120 days after the tribe adopts a constitution and by-laws.

(d) In any elections held pursuant to subsections (a) and (c) of this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and by-laws and the election of the tribe's governing body, so long as, in each such election the total vote cast is at least 30 per centum of those entitled to vote.

(e) The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall not apply to any election under this Act.

SEC. 6. (a) Subsections (c) and (d) of this section shall not become effective until two years following the enactment of this Act.

(b) The Secretary shall negotiate with the elected members of the Menominee Common Stock and Voting Trust and the board of directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation.

(c) The Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (b) of this section, accept the assets (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the board of directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all

types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in Trust for the Menominee Tribe of Wisconsin and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) The Secretary shall accept the real property (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages and any other obligation. The land transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(e) The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services are not impaired as the result of the transfer of assets provided for in this section.

SEC. 7. The tribe's constitution shall provide that the governing body of the tribe, after full consultation with the Secretary, (1) shall make rules and regulations for the operation and management of the tribal forestry units on the principle of sustained-yield management, (2) may make such other rules and regulations as may be necessary to protect the assets of the tribe from deterioration, and (3) may regulate hunting, fishing, and trapping on the reservation. Fishing by non-Menominees on Legend Lakes, LaMotte Lake, Moshawquit Lake, and Round Lake shall be regulated by the State of Wisconsin, and the State shall stock these lakes in the same manner as other lakes regulated by the State of Wisconsin.

SEC. 8. In recognition of the special educational needs of Menominee students and of the responsibility of the United States for the impact that members of the Menominee tribe have on local educational agencies, Congress declares it to be the policy of the United States to provide full financial assistance for Menominee students to those local educational agencies which enroll two or more members of the tribe who reside on the reservation or within the boundaries of Menominee County.

SEC. 9. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

## AMERICAN VERSUS JAPANESE GOLF CARTS

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

Mr. GAYDOS. Mr. Speaker, it does not take an Arnold Palmer to note that the motorized golf cart has become an ubiquitous and profitable item in our rapidly growing recreation economy.

The carts are everywhere these days—humming along the edges of fairways from coast to coast while adding significantly to the incomes of the private clubs and commercial golf course proprietors who make them available.

What is more, the handy carts have brought a new dimension of well-being to scores of American companies engaged in producing them. Some are old-line firms such as AMF's Harley-Davidson, once exclusively a motorcycle maker, Cushman, Westinghouse, and Otis Elevator. New ones have scooted into the field, too.

The parts suppliers, also, have found golf carts a brisk and developing market—Akron's tire companies, the engine assemblers, the fabricators of the batteries and chargers for the electric-powered models.

But wait!

The Japanese are coming and, according to golf writers, are showing signs of being as intent of penetrating as deeply this now strictly U.S. business as they have our TV and radio sets market and as effectively as they are competing with Detroit with increasing sales here of Toyotas, Datsuns, and Mazdas.

In the April 1973 edition of Golfdom, "the business magazine of golf," columnist Herb Graffis tells of the presence of "studious" Japanese at the Professional Golfers' Association and Golf Course Superintendents' Association equipment and supply show in Boston.

Writes Mr. Graffis:

> At Boston the Japanese visitors were busy photographing machinery from all angles. At Palm Beach Gardens, where PGA officials banned picture taking, golf carts received close attention (from the Japanese on hand there). Naturally American golf cart makers wonder if the Japanese delegation wasn't interested in making golf carts to compete in the American market.

Why else, I might add to Mr. Graffis' report, would they be so interested in the carts? Mr. Graffis says the things are little used in Japan itself where the courses generally are too hilly for them and where girl and women caddies are "cheap, swift, vigilant, sturdy, and satisfactory." The money these caddies earn, Mr. Graffis explains, compensates in Japanese thinking for the taking of golf course land out of much-needed agricultural and livestock productivity.

So it is as sure as a 6-inch putt that the Japanese mean to come into our market with a low labor cost and perhaps government-subsidized golf machine to undersell our own. Obviously, they have sensed a new competitive opportunity to tap further our growing recreation business while, at the same time, getting around the quotas which they accepted on raw steel shipped here with another nonquota steel-made product. They are clever people indeed.

And what are we going to do about it? My hope is the Nixon administration will act to protect the U.S. cart makers before it is too late. We are not on a two-way street with Japan on competing products. The golf cart matter brings up the fact that, although our long-experienced companies turn out much better clubs than do Japanese come-latelies to the craft, U.S. woods and irons are charged such high import duties in Japan that they sell there for twice the price of homemade sets.

Some of us remember when, as youngsters, we played baseball with Spalding and other American-made gloves, mitts and bats, many bearing names which have passed away entirely. Check the sporting goods departments in our stores today and see what has happened. The label "Made in Japan" is everywhere because the Japanese, unchecked by us, have taken over the mass baseball equipment market here. Are we going to yield to them our golf business also and allow more American jobs to fade away with U.S.-made golf carts? I insist that we must get as tough on competitive Japanese imports as Japan is tough on ours.

## HIGHER BEEF PRICES IN EASTERN CITIES

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

Mr. MELCHER. Mr. Speaker, for several months I have kept a running account of the difference in retail price of round steak, rump roast, and hamburger at five northeastern metropolitan areas compared to Chicago. They are New York, Washington, Baltimore, Philadelphia, and Boston. With all of the concern expressed by consumers throughout the country on the price of meat, the difference as reflected in these retail prices should be weighed carefully if consumers are anxious for better beef buys. Differences up to 53 cents per pound are not justified by legitimate costs.

Transportation charges from Chicago to any of these five cities represents about 3 cents of the retail price for a pound of meat. Labor costs in the Chicago and the northeastern cities are comparable. So the additional retail prices for these cuts of beef cannot be explained away easily.

Some of the difference involved has been uncovered by a grand jury investigation in Manhattan which is seeking indictments of a number of people believed guilty of rakeoffs. While the amounts involved in the payoffs in two indictments so far reported by the Manhattan grand jury do not represent a large part of the retail price differences it is encouraging to know that District Attorney Hogan's office with its racket busting record, and with this investigation, under the specific direction of Alfred Scotti, assisted by Federal Strike Force, is continuing the grand jury inquiry into the operations of racketeers who gouge up the price of meat in the New York metropolitan area.

Until we know the extent of racketeering in meats in New York City we

shall not be able to account for the vast difference in retail prices of beef cuts there as compared to Chicago.

We cannot determine the reasons for the extra high retail prices of beef cuts in the other eastern metropolitan areas that I have listed until we know whether racketeering rakeoffs are being reflected there and being paid for by consumers.

The substantial differences in prices have existed for several years in these metropolitan areas as compared to Chicago. The consumers in these metropolitan areas are entitled to a full explanation for the continually high prices they are having to pay at retail levels.

The table of differences in meat prices in the five cities, compared to Chicago, now calculated on the basis of the average price in the first quarter of the year, January through March, follows:

1ST QUARTER 1973 AVERAGE RETAIL BEEF PRICES

[Per pound]

| | Chicago | Baltimore | Washington | New York | Philadelphia | Boston | National average |
|---|---|---|---|---|---|---|---|
| Round steak: | | | | | | | |
| January | $1.32 | $1.69 | $1.72 | $1.82 | $1.74 | $1.83 | $1.56 |
| February | 1.45 | 1.81 | 1.81 | 1.94 | 1.87 | 1.94 | 1.68 |
| March | 1.51 | 1.88 | 1.86 | 2.03 | 1.93 | 2.04 | 1.75 |
| Rump roast: | | | | | | | |
| January | 1.36 | 1.60 | 1.68 | 1.65 | 1.66 | 1.51 | 1.54 |
| February | 1.45 | 1.72 | 1.81 | 1.74 | 1.78 | 1.62 | 1.64 |
| March | 1.51 | 1.77 | 1.84 | 1.77 | 1.86 | 1.65 | 1.70 |
| Hamburger: | | | | | | | |
| January | .79 | .79 | .78 | .99 | .80 | .92 | .78 |
| February | .85 | .86 | .86 | 1.06 | .88 | .95 | .84 |
| March | .87 | .91 | .94 | 1.11 | .92 | 1.01 | .91 |

Source: Compiled by the Bureau of Labor Statistics.

## ROSWELL PARK CANCER CENTER IN BUFFALO MARKS 75 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, today marks the 75th anniversary of the oldest and one of the largest cancer research centers in the world, Roswell Park Memorial Institute in Buffalo, N.Y.

Internationally known cancer specialists—incidentally, all but one an alumnus of Roswell Park—are participating in a scientific symposium on "Perspectives in Cancer Research" at the institute today.

This evening, there will be a formal banquet celebration by the community with our colleague from Florida, the distinguished chairman of the Subcommittee on Public Health and Environment, the Honorable PAUL G. ROGERS, as the main speaker.

Mr. Speaker, we in Buffalo and western New York are very proud of the outstanding contributions to cancer research which have been made over the years—And are being made every day—at the institute in downtown Buffalo.

### MODEST BEGINNING

Roswell Park's beginning was modest, especially in terms of comparable ventures today. Dr. Roswell Park asked the New York State Legislature in 1897 for $7,500 to start an institute for the exclusive study of cancer. The legislature agreed, but the bill was vetoed by Gov. Frank S. Black.

Undaunted by the temporary rebuff and in close cooperation with Edward H. Butler, Sr., then publisher of the Buffalo Evening News, Dr. Park tried again the following year—75 years ago—and came up with a $10,000 grant from the State which the Governor was persuaded to sign.

This initial evidence of persistence has been repeated over and over by Dr. Park and his successors in the long effort to find an answer to the scourge of cancer.

The highly dedicated team of physicians, surgeons, scientists, and technical assistants has made great strides and major scientific discoveries. Innovative treatment has been developed and utilized so that literally hundreds of thousands of individuals have benefited from Roswell Park Memorial Institute research.

Medical research and treatment are combined at Roswell Park Memorial Institute. When medical discoveries become acceptable for use, they are tested on patients under carefully controlled and supervised conditions.

### CURE IS ULTIMATE AIM

Roswell Park Memorial Institute researchers work closely with their counterparts in other centers elsewhere in the United States and abroad. Indeed, exchange visits of key staff personnel are encouraged.

The end result of a cancer cure is the ultimate aim, and no avenue of potential is left unexplored.

Mr. Speaker, I have had the opportunity to come to know well and work closely with the present outstanding director, Dr. Gerald P. Murphy, and his two immediate predecessors, Dr. George E. Moore and the late Dr. James T. Grace, Jr.

These men, each in his personal and separate way, personify dedication to the *n*th degree and their leadership is contagious throughout the institute.

Roswell Park has been the proving grounds for many distinguished specialists. As I mentioned earlier, today's international symposium at the institute features nine outstanding scientists, eight of them RPMI alumni.

Dr. Morton L. Levin and Dr. Abraham M. Lilienfeld, of the Johns Hopkins University at Baltimore, Md., are discussing cancer epidemiology, with Dr. Levin giving the current status and Dr. Lilienfeld the future prospects.

### WELL-KNOWN RESEARCHERS

Dr. Joseph A. DiPaolo, of the National Cancer Institute at Bethesda, Md., is discussing "Chemical Carcinogenesis, 1761–1973."

Dr. Ross H. Hall, of McMaster University, Hamilton, Ontario, is discussing "Molecular Biology in the Electric Age."

Dr. Donald P. Pinkel, medical director of St. Jude Children's Research Hospital, Memphis, Tenn., is discussing "Treatment of Acute Lymphocytic Leukemia in Children."

Dr. D. Bernard Amos, of Duke University, Durham, N.C., is discussing "Immunological Reactions to Ascites Tumors."

Dr. Donald Metcalf, of the Walter and Eliza Hall Institute of Medical Research, Melbourne, Australia, is discussing "Tissue Culture Monitoring Systems in the Management of Granulocytic Leukemia."

The final discussion is being led by Dr. David S. Yohn, of Ohio State University, Columbus, Ohio, on the subject "Oncogenic Viruses: Fact, Fantasy and Future."

The only nonalumnus of RPMI participating in the program is Dr. R. Lee Clark, of M. D. Anderson Hospital and Tumor Institute, Houston, Tex., whose discussion concerns "Surgical Oncology—A Perspective for Improved Care of Medical Patients."

### THREE GIVEN CITATIONS

In connection with today's anniversary observations, three key individuals in the institute's history are being cited for their work, one of them posthumously. Citations will be presented tonight by Dr. Murphy. They are:

To Dr. William H. Wehr, acting institute director from 1943 to 1945. The citation reads:

To William H. Wehr, M.D., in celebration of the 75th Anniversary of the founding of Roswell Park Memorial Institute, the institute staff would like to express their appreciation for your many years' dedication to the goals of the Institute and its employees, winning the confidence and admiration of your associates in Roswell Park and elsewhere in the State of New York.

To the late Dr. James T. Grace, Jr., immediate former institute director. The citation reads:

The 75th Anniversary Committee and the Institute Director wish to extend, posthumously, to James T. Grace, Jr., M.D., 6th Institute Director of Roswell Park Memorial Institute from 1967 to 1970, their appreciation for his devoted service to the Institute in behalf of cancer treatment and research.

To Dr. George E. Moore, institute director form 1952 to 1967. There are two citations: one from the institute and the other from the board. The texts follow:

To George E. Moore, M.D., Ph. D., in celebration of the 75th Anniversary of the founding of Roswell Park Memorial Insti-

tute, the institute staff would like to express their appreciation for your prodigious contributions toward the growth of the institute through your continual efforts to expand its physical facilities and its scientific and clinical programs.

The Board of Visitors hereby acknowledge the manifold contributions of George E. Moore, M.D., Ph. D., to the development of Roswell Park Memorial Institute in his capacity as Institute Director from 1952 to 1967. Without his dedication in attracting prominent physicians and scientists to the staff, initiating innovative cancer programs and expanding the physical plant, the Institute would not have attained the significant position it holds in the national and international scene.

Mr. Speaker, the quest for a cancer cure continues, and nowhere is the effort more dedicated, sincere, and effective than at Roswell Park Memorial Institute.

The institute is one of our city's—and our Nation's—great assets. Its work is vital.

PLAUDITS TO DR. MURPHY

I extend personal congratulations to Dr. Murphy for his leadership, both as an administrator and as a physician and cancer research specialist. His outstanding work has been recognized, and appropriately, at all levels of government and his profession, here and abroad.

Roswell Park Memorial Institute is a team operation which only personal contact can truly appreciate. I have had this opportunity on many occasions since its facilities are located in my congressional district.

It is a great pleasure for me to be able to pay tribute to both the institute and to each and every member of the staff on this 75th anniversary.

May the work of Roswell Park Memorial Institute continue without interruption toward the common goal sought by all.

Mr. KEMP. Mr. Speaker, I am happy and honored to join my distinguished colleague, Mr. DULSKI, today in this tribute to Roswell Park.

Mr. Speaker, 75 years ago in three small rooms in the University of Buffalo Medical School, Dr. Roswell Park began his research laboratory. Today, the institute which bears Dr. Park's name, Roswell Park Memorial Institute, has become a multimillion-dollar institute that includes a modern 316-bed hospital, as well as some of the best-equipped cancer research laboratories in the world.

Among all of the cancer research institutes in the world, the Roswell Park Memorial Institute is not only the oldest, but also one of the largest. From Dr. Park and his original colleague in 1898, the total staff of the institute has grown to more than 2,500.

Although Roswell Park is not in my district, the institute and its director, Dr. Gerald P. Murphy, my very good friend, have served many of my constituents through the institute's services to cancer patients and through programs in cancer research and education. I am very proud of Roswell Park, its outstanding programs and its fine staff.

Mr. Speaker, an example of this outstanding staff is a leading cancer immunologist, Dr. Ed Klein, who I am also very proud to call a close personal friend. As a matter of fact, the March 19 issue of Time magazine cites Dr. Klein's work, and at this point I include that paragraph from the Time article entitled: "Toward Cancer Control."

Dr. Edmund Klein of Roswell Park Memorial Institute in Buffalo has used BCG to stimulate an immune reaction against malignant melanoma, mycosis fungoides and other cancers that originate on the skin, as well as against such deep-seated tumors as breast cancer. He has also experimented with vaccines made from tumors similar to those of the patient, injecting the substance into cancer victims in the hope of triggering not a general immune reaction but one that is specifically directed against the cancer. Of those patients who responded immunologically, most showed marked improvement.

Roswell Park Memorial Institute is composed of several campuses including the extensive main facility in Buffalo. Six major research laboratories are located in or near the main installation. Three are in the suburban communities of West Seneca, Orchard Park, and Springville.

Research at Roswell Park is being pursued in new aspects of immunology, viral oncology, molecular and cellular biology, membrane structure growth control, molecular structure, and molecular interaction. Among its educational activities, the institute offers lectures, seminars, and other activities of interest not only to those in medical and related fields, but also to the general public as well. Also included are residency programs for medical school graduates, specialized programs in cancer nursing, and a research participation program in science for high school and college teachers.

Construction of the long-awaited research studies center was completed in November 1972, to give Roswell its first comprehensive, fully coordinated education building.

The center houses Roswell Park's departments of graduate education, nursing education, biostatistics, epidemiology, medical illustration, and photography. Also located in the center are the research participation program, the computer center as well as an expanded library and an auditorium for an audience of 600. The center has 6 stores plus basement, containing about 100,000 square feet of floor space.

The research studies center reflects on the educational role of the institute, which has been granting masters' and doctors' degrees for many years. There has been a rapid increase in the number of graduate programs, as well as in postgraduate training, nursing programs, and summer programs for talented high school and college students.

The Roswell Park Cancer Drug Center, which will serve as a coordinating site for the development of new cancer drugs, will be completed in September 1973.

Chemotherapy, treatment with drugs, can go beyond the limitations of surgery and radiotherapy. The immense potential in this field of therapy should bear fruit much sooner than otherwise, nurtured as it now will be with well-equipped laboratories, proximity to clinical facilities and the critical mass of intellect. Roswell Park's Cancer Drug Center will greatly increase the opportunity to develop drugs which can act selectively to destroy cancer cells without harming healthy tissue.

A Federal construction grant of $5.5 million was approved for a cancer cell center at Roswell Park and completion of the center is expected in 1975.

The facility, which would house two research projects, biochemistry and experimental pathology, is needed for "an expanded cooperative and coordinated program involving study of the cancer cell and its interaction with the host." The new center will provide cooperating investigators with adequate and contiguous laboratory facilities so that effective communications and collaboration will be nurtured to yield the maximum useful information.

Dr. Gerald P. Murphy, the present director of Roswell Park Memorial Institute, has a distinguished record of achievements. Before coming to Roswell Park, he was research associate and chief in the Department of Surgical Physiology at the Walter Reed Army Institute of Research in Washington, D.C., and assistant professor of urology at the Johns Hopkins Medical School. Since 1968 Dr. Murphy has established important programs of research, particularly involving kidney physiology and transplantation, at the institute. After becoming Director in 1971, he has been largely responsible for the major expansion of the institute's clinical and research facilities. On March 7, 1972, President Nixon announced the appointment of Dr. Murphy to the newly created 18-member National Cancer Advisory Board.

Mr. Speaker, I have just cited many impressive facts about Roswell Park Memorial Institute and its outstanding director, Dr. Gerald P. Murphy. But the most important facts about Roswell—the countless lives which have been saved by the work of its dedicated staff, the suffering which has been eased, the untiring work and devoted efforts of the institute's many professionals—these cannot be sufficiently expressed.

It is both an honor and a pleasure to pay tribute today to Roswell Park Memorial Institute, and to Dr. Gerald P. Murphy and his staff on the occasion of the 75th anniversary of Roswell Park.

I know that when the war against cancer is won, much of the credit will be due to the untiring spirit and dedicated efforts of the outstanding professionals at Roswell Park Memorial Institute at Buffalo, N.Y.

Mr. Speaker, as an example of the innovative work being accomplished at Roswell Park, I include at this time an article from the Buffalo Evening News which describes new techniques being used by Roswell Park scientists. A publisher of the Buffalo Evening News, Mr. Edward H. Butler, Sr., greatly aided Dr. Roswell Park in his efforts to begin the institute:

[From the Buffalo Evening News, Apr. 25, 1973]

ROSWELL PARK SCIENTISTS USE SOUND WAVES TO DIAGNOSE TUMORS WITHOUT SURGERY

(By Arthur Page)

Using a method similar to that believed used by bats and dolphins for navigation,

work is being done at Roswell Park Memorial Institute to monitor the progress of kidney transplants and to diagnose tumors within the body.

The technique, known as ultrasonography, involves the sending of a sound wave and the reception of the echoes when that sound reflects off organs and tissues in a person's body.

It's believed that bats and dolphins use a similar method for navigation—transmitting sounds and locating obstacles in their paths through the echoes they receive.

Dr. Alan R. Winterberger, associate chief of diagnostic radiology at Roswell Park, explained that ultrasonography allows him to "view" the contents of a person's body within a matter of seconds and without incisions.

"And it can be repeated time and time again without any hazard to the patient or physician," he added.

There also is no danger from radiation which may be present in using X-rays, he said, and no distortion of the reading which often occurs when X-rays are used.

The equipment includes a microphone-like transducer which acts as noise-transmitter and echo-receiver. It's attached to a movable arm so it can be passed across a patient's body.

The transducer feeds the echoes into an oscilloscope which converts them to lines or shadows on a television-like screen.

Both the sound transmitted and echo received are beyond human audible range.

Compound scanning ultrasonography, a more complex method often used by Dr. Winterberger, results in shadows and bright areas on the screen which the doctor can interpret because "most organs have characteristic shapes when seen by ultrasound," he said.

Dr. Winterberger explained that each substance within a person's body—including fluids, tissues and organs—has a specific property called acoustic density.

The transducer receives an echo from all substances encountered by the transmitted sound wave.

While some of the sound wave penetrates each substance, some is reflected. How much is reflected as an echo depends on each substances' acoustic density.

And each time the sound encounters an acoustic interface—the boundary between two substances of different acoustic densities—it sends back a report in the form of a new echo.

"Wherever you have different acoustic densities you're going to get an echo, a reflection," Dr. Winterberger said. "And each time an echo comes back, it's recorded on the oscilloscope screen as a light beam."

The device also is sensitive to the minute spans of time between echo changes and translates them into measures of distance on the oscilloscope screen.

In other words, the larger the time span between echo changes, the larger the shaded space between bright spots on the screen.

The picture created as the transducer is moved across a patient's body thus shows bright and shadowed areas.

Depending on the region of the body over which the transducer is passed, the larger shadowed areas usually represent specific organs.

By comparing over a period of time the size and shape of the shadowed area representing a kidney, Dr. Winterberger can monitor the success of a kidney transplant. If the transplant is being rejected, the kidney will enlarge. Conversely, if rejection is being fought successfully, the size will decrease.

Ultrasound also has been used to check for multiple pregnancies and shifts in the location of the midline of the brain which usually denote a tumor or blood clot in the brain area.

By transmitting sound along the blood flowing through a vessel and then receiving it a short distance later doctors also have checked blood velocity. Abnormal velocity may denote obstructions and constrictions in arteries and veins.

Dr. Winterberger also said ultrasonography is the "preferred method" for checking for fluid around the heart.

He said he has used the technique in the initial detection of tumors and in following the growth or regression of tumors during therapy.

In the initial diagnosis, ultrasound might show a mysterious mass in the body or a change in the shape of an organ which might denote the presence of a tumor.

By merely turning up the power, much as a scientist increases the magnification power of a microscope, Dr. Winterberger can receive additional echoes from the interior of the suspicious mass.

By studying the "picture" produced by those echoes on the oscilloscope screen, he can get a good idea of whether the mass is a tumor or cyst.

Although ultrasound has been around since the 1940s when it was used in physical therapy as a heat source, the use of ultrasonography as a diagnostic and monitoring tool "has gained popularity only in the last four or five years," Dr. Winterberger said.

He said it is "no panacea," adding that "anything suspected by ultrasound usually is verified using more standard tests."

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## AMNESTY—AND VINDICTIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, on three prior occasions I have suggested to my colleagues that our discussion of amnesty needs less emotion and more objectivity; and I have particularly emphasized that we in Congress should set the tone for that discussion, so that, whatever its resolution, all citizens understand the full implications of a post-Vietnam amnesty through the perspective of past amnesties in this country's history.

Yet, amnesty is so provocative a subject that on several occasions it has been suggested that even a low-key discussion of the topic is undesirable, regardless of the substance of that discussion. Recently, I received a thoughtful presentation of this point of view from Prof. George Anastaplo of the University of Chicago. His remarks, which appeared in the Chicago Tribune, carefully explain why he feels amnesty is not a fit topic for national discussion at this time, and I insert them at this point in the RECORD.

AN AMNESTY ON DISCUSSIONS OF AMNESTY?

(By George Anastaplo)

Several legislative proposals have been made on behalf of Americans who illegally avoided military service during the Vietnam War.

The proposals range from complete amnesty for all offenders to amnesty with alternative service for all good-faith offenders.

On the other hand, there are many (the President, for the moment, among them) who have declared themselves opposed to any wholesale "forgiveness" of men who evaded military service during the war. These evaders, it is insisted, should "take their medicine" in the courts and prisons of their country if they should choose to return home. For, it is added, the service which they evaded had to be performed by someone else in their place.

But, it will be answered, it was service which no one should have been called upon to perform, because it was immoral and even criminal.

And so the debate goes.

II

There may be something rather artificial about this entire debate at this time. For do we not have, in effect, a substantial amnesty already at work among us? That is, is it not highly unlikely that anything serious will happen in the years ahead to most of the people who do return from their flights abroad or who "surface" after having "gone underground" to avoid service in Indochina? Is this not the kind of issue which the community will tend to answer one way (rather harshly) if it is asked to pass judgment on all cases together and quite another way (rather generously) if left to make judgments on a case by case basis? Indeed, our most pressing question may not be whether we should have amnesty, but whether we should have extensive, and hence divisive, discussions of amnesty.

The war does seem to be mostly over for us. Interest in the war will taper off. Young men will drift home from their illegal refuges. Who will press to make the effort necessary to imprison them, especially if there are as many of them as the advocates of amnesty claim there are? Federal prosecutors will be inclined not to notice them, especially since there are more than enough other kinds of criminal cases to occupy the time of all available legal personnel, cases which now have a more compelling interest for the public.

Thus, it will become—it may already be—obviously impolitic, with the war over, to prosecute draft evasion cases in a young man's own community. He is strongest there, while this kind of case is weakest in Washington, where sensationalism and posturing are more likely to be resorted to, especially if a television camera should be watching. Indeed, national publicity about such cases could make it harder for local prosecutors to look the other way when fugitives do return home.

Even so, most prosecutors will find themselves reluctant to allocate scarce resources to the effort to punish the "misguided" children of local taxpayers and voters. When they do prosecute, deals will usually be made: a liberal use will probably be made of probation. Otherwise, alleged draft offenders would clog the courts and their indignant relatives would have to be reckoned with. Furthermore, any government which puts thousands of unusually articulate young men into our already overcrowded prisons will have to reckon with the agitation and disruption which its imprudence will have made inevitable.

Of course, fugitives from military service may want, before they dare return home, more reassurance than the tacit amnesty I anticipate. Are they entitled to more than this? Is it good that they get it? What is the likely cost to the national community of a bitter debate over the amnesty issue at this time? Would such a debate serve any useful purpose if, as seems likely at the moment, no significant legislation resulted? Does, for instance, the war need further discussion at this time?

Our recent Indochinese role has already been repudiated by most sensible men. Even most of those Americans who once supported the war now believe that it went on far too long or that it was too costly at home or that it was conducted the wrong way. No matter what is said now about peace with honor, the war appears to have been a dubious venture for the United States: it has raised serious questions abroad about our political morality and undermined respect at home for legitimate authority.

What might be gained, as we disengage ourselves from this misconceived war, by

showing up the war even more than it has been already? Now that our role in the killing and destruction has been curtailed, is it not appropriate to make allowances for a certain kind of patriotism? That is, amnesty legislation at this time is apt to be understood by many as an official repudiation of the war. I have suggested that people who would accept such repudiation implicitly cannot, or will not, for a variety of reasons, accept it explicitly. Indeed, they can be expected to "fight back."

The "hardliners", it should be added, do not seem to realize that their fierce opposition to "alternate service" amnesty legislation makes it even more likely that busy prosecutors and judge will be obliged to rely upon the tacit amnesty I have described here.

The President's recent remarks about amnesty, however intemperate they might have been, reflect the passions of a significant portion, perhaps even a majority, of the country. What are these people concerned about? May not some of their concerns be legitimate? They can be understood as not wanting to permit selfishness to take precedence over sacrifice. Is there not something salutary in this concern The men who fled the country or went underground may have done so primarily to serve their own interests. (By acting as they did, it can be further argued, they relieved pressure on the vulnerable Selective Service system and the courts and hence did not question the morality of the war as effectively as they and their families could have done by standing up against the draft in this country.)

That is, it is hard for most people to consider life in so civilized a country as Canada to be much of a witness against American misconduct in Indochina. It is much easier for them to interpret flight as serving mere self-interest. Indeed, most people today (including many who are against amnesty) may even be willing to grant that the real American heroes of the Indochina war may turn out to have been neither the soldiers who went to Vietnam nor the men who took refuge abroad but rather the men and women who attempted to instruct public opinion by challenging their government in the courts and in the political arena.

I am reminded, for instance, of the "Four of Us" group which has been found guilty here in Chicago of conspiracy to destroy draft records. These two young men and two young women, by all accounts decent people who felt obliged to testify in this manner against what they considered a grossly immoral war, have been sentenced to a year in prison. This hardly seems a sensible use of federal penitentiaries.

V

Thus, the dampening down of the amnesty issue advocated here does not mean that we should ignore how the government behaves in the cases that do reach the courts. We should insist upon the common sense point that no public interest would really be served by jailing most of our draft evaders. Such show of "firmness" probably would not even help us to raise an army next time we go to war. (It is folly to believe that there may not be a "next time," again with plausible demands upon our national power, however misdirected our power may come to be recognized to have been on this occasion.) The real problem "next time" will be to make *that* war credible: putting people in jail *now* is not likely to help us mobilize ourselves *then*, and may even make matters worse, in that it will have made the government seem even less worthy of support than all too many youngsters now regard it to be.

Both intense amnesty debates and extensive jailings are apt to impede the quiet reconciliation which the country needs. Those who have been against the war should go easy on amnesty legislation; those who have been for the war should go easy on criminal prosecutions.

The better instincts of the country—what Lincoln called "the better angels of our nature"—will be inclined to let bygones be bygones. I'd be happy with that.

VI

What opponents of the war should be particularly wary of at this time is divisive passion.

Our domestic civil liberties are now, despite various protests to the contrary, in far better shape than during any post-war period in this century. (This, too, may reflect our fundamental uneasiness about what we did in Vietnam: we were never sure enough of ourselves to suppress dissent effectively.) These liberties have meant that significant dissent could be mounted against the war—dissent which affected for the better our conduct and perhaps the length of the war.

But we should take care. When one *has* "won," as those against the war can well recognize themselves to have done in large measure, it is prudent to allow one's "defeated" opponent to escape with at least the appearance of a compromise. One should take care, for instance, not to press too far and, in effect, threaten the millions of families who supported the war and who did sacrifice for what they conceived to be the cause of freedom and of national security.

Whatever may have been true in recent years, agitation of the amnesty issue is no longer needed to force the American people to clarify its thinking about the Indochina war. We should all know by now what we think of that war and of those responsible for our role in it.

There are for us today far more important things than provocative debates about matters which are already in the course of being quietly settled in a more or less reasonable manner.

VII

We should not allow ourselves to be diverted from the genuine tasks before us.

What, for example, are we as a people prepared to do to help repair the devastation we have brought in Indochina to "allie" and "enemy" alike? And, even more important for the future of this republic and for the rule of law, what should we do now to restore to our Congress its vital constitutional authority to declare war, to determine how our money should be spent, and to ratify treaties?

That is, the concern to which our deepest passions and our most serious thought as a political community should be directed is that of the perpetuation of American constitutionalism.

It may well be that amnesty, and the reconciliation it can foster, are best left as the singular work of the local community, as Professor Anastaplo suggests, and that this work can best be handled by that community, rather than turning amnesty into a national issue which may further inflame already divided citizen opinions. Although difficult to substantiate from available information, it is—I suppose—possible that such de facto amnesty did indeed take place immediately after World War I and after the Korean war—two periods during this century which are to be noted for their absence of Presidentially or congressionally declared amnesty.

In fact, de facto amnesty may be underway now. The following Washington Post article of March 11, 1973, indicates that during the year ending June 30, 1972, draft violators were frequently given probation or their cases were dismissed upon acceptance of induction:

FEW JAILED FOR DRAFT VIOLATIONS

(By Harrison Humphries)

Only a third of the accused draft evaders prosecuted in federal court are being convicted, and nearly three-fourths of the convicted are being put on probation.

Many of those under indictment who appear for arraignment are having their cases dismissed by accepting induction into the armed forces for two years.

The statistics from Selective Service headquarters tend to support a suggestion yesterday by Sen. Charles H. Percy (R-Ill) that self-exiled draft dodgers and those in hiding might consider surrendering rather than waiting years for an uncertain possibility of amnesty.

Percy said in a recorded radio interview that he had done some checking on his own and was told by one U.S. attorney—not in Illinois—that "in case after case when they are voluntarily turning themselves in, they go before the judge, the judge gives them a year, puts them on probation, and gives them a choice of taking a year of service in a local hospital or some local type of public service work."

Walter H. Morse, general counsel of the Selective Service System, supplied some figures in an interview, confirming many instances of probation. But he said:

"It is anybody's guess what penalty will be imposed by an individual judge in an individual case."

In the 12 months ended June 30, 1972, there were 4,906 accused draft violators prosecuted; 3,264 were not convicted and 327 of these were acquitted, and nearly all the rest of the nonconvicted accepted induction into the armed forces, 1,642 were convicted.

Of the 1,642 convicted, 1,178 were placed on probation, some on good behavior, others on the condition of performing alternative public service for one, two, or three years.

Of those sentenced to prison, 53 were for one year, 120 one to three years, 123 for three to five years, and 16 for five years. The remainder, 152, got less than a year. Sentences averaged 22 months.

In January, there were 337 cases disposed of in federal courts; 225 were dismissed upon military induction; 25 were acquitted; 87 were convicted.

Currently there are 292 convicted Selective Service violators in prisons; 5,656 under indictment including 4,600 listed as fugitives; 6,069 cases under FBI investigation, and 2,513 under Selective Service review before reference to a U.S. attorney.

Of the fugitives (those indicted who failed to appear for arraignment) Morse said it is estimated that 2,800 are in Canada, 550 in other countries, and 1,250 in hiding.

Percy said he is "almost ready to recommend" that the parents, neighbors, or attorneys of those who have fled the country talk to the U.S. attorney in their own district about what the judges are doing about penalties.

"If a young man wants to get back in American society, he'd better go before the court," Percy said. "The law is right there. He has broken the law.

"He should go in and say: 'I did break the law. Judge, these are the reasons I broke the law. I'm willing to take the penalty.'

"Many times he'd find that probably the penalty he'd be required to take is substantially less than if he'd wait around for a couple of years and maybe, maybe there would be a presidential amnesty and maybe the Congress might get around to legislating on it."

Percy said he could not support even a conditional amnesty bill right now, with American prisoners of war not yet all returned and the missing in action not yet accounted for.

Congressional sentiment against amnesty would be very strong right now, Percy said, adding: "I don't see it in the near future."

President Nixon has declared his opposition to amnesty several times recently.

Such reports strengthen the possibility that draft evaders who now return to their communities might anticipate a sympathetic reaction or, at least, that "most prosecutors will find themselves reluctant to allocate scarce resources to the effort to punish the 'misguided' children of local taxpayers and voters," as Professor Anastaplo states. But, I am not sure that will be the case.

To a considerable degree, my recent statements on amnesty were presented because of my concern that widely heard public statements may have already prejudiced the judgments of local prosecutors. Had we been distracted from public discussion of amnesty by more pressing events, de facto amnesty could, indeed, have offered the most practical—and most comfortable—solution. But strong statements have been made on one side of the issue and, for no other reason, Congress is duty-bound to take up the question of amnesty in a responsible and objective manner, so that those who may be asked to determine the penalties for Vietnam-era draft evaders are aware of the fact of amnesty in this country's history. I will continue these statements and encourage my colleagues to participate to the end that, when judgment comes for those who left the United States or "went underground," such judgment will consider all of the implications of amnesty and not just the emotional climate of the moment.

Mr. Speaker, among the many historical precedents that exist, the Presidential and congressional amnesties following the Civil War provide probably the best illustration of a troubled country coming to grips with amnesty. Within a few days of the Union's victory over the Confederacy, and at a time when the burdens of the office could not have been greater, Andrew Johnson took the oath of Presidential office. In the midst of the North's celebration of victory over General Lee's surrender, the people of the Republic learned of the death of their leader and the new President quickly addressed the country to assure that the Federal Government had Presidential leadership:

Your words of countenance and encouragement sink deep into my heart, and were I even a coward, I would not but gather from them strength to carry out my convictions of right. Thus feeling, I shall enter upon the discharge of my great duty firmly, steadfastly, if not with the singular ability exhibited by my predecessor, which is still fresh in our sorrowing minds.

His task was unquestionably great. The largest part of his "great duty," the reconstruction of the South and the reconciliation of the Nation, lay ahead. If the Civil War had been largely fought over the constitutional principle of the unity of the States, that question was now resolved. Still, there remained the physical devastation of the South. Most of its land and crops had been destroyed; the capital and credit of southern businessmen were gone; its industrial system lay in waste; southern commerce and trade had ground to a halt; and, besides the loss of so many southern men, those who remained fought the painful emotional and psychological scars of the war. It was apparent that, somehow, this physical and human damage had to be repaired; yet, feelings were deeply divided over the role which the Government should take in sealing the victory.

Some believed that a retaliatory, or revengeful, policy of ostracizing and disenfranchising the rebels and confiscating their property could only hinder reconstruction and make reconciliation a long-distant hope. Lincoln had said that the shortest route should be taken to bring the people of the South into concord with the rest of the Nation. Vindictiveness could only seriously injure and repress popular energies, as well as stifle industry and enterprise. Many Americans rightly questioned President Johnson's "convictions of right" on these issues and asked if he would continue Lincoln's course or establish his own direction on these matters. Andrew Johnson held in his power the destiny of those men who had violently resisted the authority of the Government in the past. As Lincoln had often been publicly reminded, Johnson had sufficient grounds to exercise personal and public revenge against the leaders and soldiers of the Confederacy. The so-called radicals of the time were also ready to convince Johnson that the slaves should be freed as a prelude to thoroughgoing punishment of the leaders of the Confederacy, including confiscation of their property. And, early on, it looked as if President Johnson might follow these lights when, speaking to a nation still in shock over the assassination of Lincoln, he stated:

One thing I must say: every era teaches its lesson. The American people must be taught, if they do not already feel, that treason is a crime, and must be punished; and that the Government will not always bear with its enemies; that it is strong, not only to protect, but to punish.

But in a short space of time, on May 29, 1865, Johnson began to build his own policy in an official act which extended amnesty to a limited group of southern rebels. The President's mood at the time may have been that of his Attorney General, James Speed, who commented that restoration of order in the South was important and could be accomplished through proclamations of amnesty, but then added:

Some of the great leaders and offenders only must be made to feel the extreme rigors of the law . . . not in revenge but to put the seal of infamy upon their conduct . . .

In contrast to Lincoln's clemency, Johnson's proclamation contained 14 excepted classes, in what appeared to be a much reduced definition of amnesty. President Johnson did not, however, rule out individual applications for pardon from those in the excepted classes. He later appeared to be generous in granting individual clemency and devoted a great deal of his time to the study of such requests. Whether these personal applications of principle affected Johnson, or whether he had simply not had the previous opportunity to demonstrate the depths of his own thinking, can only be speculated upon by historians. Little more than a year after his first, restrained proclamation of amnesty on July 3, 1866, Johnson pardoned all deserters who returned to duty within 60 days and forfeited their pay.

In later months, the President proceeded to expand his own definition of amnesty. Subsequent proclamations of September 7, 1867, and July 4, 1868, broadened the scope of his clemency actions to include most of the rebels, previously excepted. In his final amnesty proclamation on December 25, 1868, President Johnson declared a universal and unconditional amnesty to all remaining rebels of the Confederate States. Johnson had said to the country several months prior to that action:

Deep wounds have been inflicted; our country has been scarred all over. Then why can not we approach each other upon the principles which are right in themselves, and which will be productive to the good of all? The day is not distant when we shall feel like some family that has a deep and desperate feud, the various members of which have come together and compared the evils and the sufferings they have inflicted upon each other. They have seen their error and its results and, governed by a generous spirit of reconciliation, they have become mutually forbearing and forgiving, and have returned to their old habits of fraternal kindness, and become better friends than ever.

During a tour of the country to measure support for his policies, which were hotly challenged by conservative Members of Congress, Johnson expressed his feelings about the defeated rebels and deserters, and his reasons for his upcoming, unrestricted pardon:

They are not fit to be a part of this great American family if they are degraded and treated with ignominy and contempt. I want them when they come back to become part of this great country, an honored portion of the American people. I want them to come back with all their manhood; then they are fit, and not without that, to be part of these United States. . . . I fought those in the South who commenced the Rebellion, and now I oppose those in the North who are trying to break up the Union. . . . I am for the Union, and for the whole Union, and nothing but the Union.

Horace Greely of the New York Tribune wrote shortly after the December 25 amnesty:

We rejoice that the very man who was most vehement in proclaiming that "treason is a crime, and traitors must be punished," when Mr. Lincoln's murder had set the country's will for vengeance, now fathers the most sweeping amnesty ever pronounced by man.

President Andrew Johnson had moved from a somewhat vindictive stance to "the most sweeping amnesty ever pronounced by man," in the eyes of at least one influential newspaper editor. In the end, he gave his own phrases to the sentiments previously stressed by Lincoln by counseling that the only way to move forward was to build from these "disorganized and discordant elements" by welcoming them back into the Union.

And, Johnson's statements in explanation of his final Christmas amnesty were singular invocations of the need for a speedy reconstruction, which brought his public acts into accord with Lincoln's wish that reconstruction be—

. . . least humiliating to the people who had rebelled against their government . . . being the mildest, it is also the wisest policy. The people who had been in rebellion . . .

surely would not make good citizens if they felt that they had a yoke around their necks.

All this, of course, Mr. Speaker, occurred a hundred and more years ago—and, as some will say, in a very different context. The lessons of the past may not, indeed, fit the problems of today. Such latter problems are different, and produce widely different reactions. One such reaction—that, in some ways, I hesitate to use since, though always provocative, she is not, to my mind, always equally objective—is the following Mary McGrory column from a recent Washington Star edition. Ms. McGrory's work is not universally admired by my colleagues, as I know, but I have determined in this series to present all points of view as far as possible and, certainly, some of the points she makes about certain aspects of today's problems with amnesty are most worthy of our consideration.

VINDICTIVENESS IN FASHION

(By Mary McGrory)

Three years ago at Easter, the late Richard Cardinal Cushing, Boston's great-hearted prelate, posed a question:

"Would it be too much to suggest that we empty our jails of all the protesters . . . without judging them; that we call back from over the border and around the world the young men who are called deserters?"

The answer most recently given to that noble question by the President is: No amnesty.

". . . Let us," Richard Nixon said, the night he proclaimed the end of the war, "not dishonor those who served their country by granting amnesty to those who deserted America."

The President, as he so often does, has cast the matter in an iron equation. The country is asked to choose between the tortured prisoners of war and the draft-dodgers and deserters who refused to participate. It is no contest. He sets the tone of Middle American thinking. Vindictiveness is this year's Easter fashion.

By every indicator, the country has turned thumbs down on the exiles. Dispossessed as many of them are, the young resisters pose a threat. Better to keep them in jail or in foreign lands than to examine the reasons why they are there. Open the heart to them and you open the mind to the moral horrors of the last 10 years.

Richard Nixon has declared a spiritual victory in Vietnam. The returning prisoners are proof of the American character and, by extension, the justice of the war.

If the exiles come home, they bring the awful dilemma with them. Were they right, or was he? The war is still going on, the bombs are still falling. The question is still there.

The country is fleeing it. Public opinion polls, mail to Congress and letters to the editor echo the President: Never.

A World War II veteran from Vancouver, Wash., writes that the deserters and resisters are "gutless, sniveling babies, who whimpered and crawled on their bellies and now whine to come home."

From the opposite pole comes a letter from a Washington, D.C., mother. Her son failed to persuade his draft board that he was a conscientious objector, was inducted and, on the eve of being shipped to Vietnam, fled to Canada.

"The war is over for many, many people. It's not over for our son or the thousands like him. We go to Canada to see him, but he can't come home, and that's hard," she writes.

Only a handful of the homecoming POWs have entertained any notion of amnesty. One of those who spoke out unequivocally in favour was Capt. Guy D. Gruters of the Air Force, who told a Maxwell Field press conference:

"I believe that our Christian heritage says that peacemakers are very good people. Amnesty will unite the U.S., if nothing else."

The POWS, despite their celebrity are not the only veterans of Vietnam. There are 2 million others who also are entitled to speak. Unlike the captured pilots, who were mostly career officers, they do not all share the POWs' enthusiasm for the war or "peace with honor."

From one of them, an Indianian, comes an entirely new note in the stalled discussion. Terence DeShone, 27, is a veteran, a Navy E–4 who served for 19 months on three aircraft carriers. He has taken it upon himself to write letters to half a dozen newspapers in behalf of unconditonal amnesty.

"For every draft-dodger or deserter in Canada or Sweden," he writes, "there are thousands of young men between the ages of 22 and 35 . . . who evaded military service by means of parental, student, occupational or physical deferments. They're not being punished or ostracized and they should not be.

"It would be impractical to punish these millions who dodged the draft through so-called 'legal' means, but yet it is not fair to punish only those who emigrated, if they ever return to America."

Reached by telephone in Elkhart, where he is now a student at Indiana University, DeShone said, "I don't hold anything against anybody who got out of it, because it was disgusting."

If the premise of the discussion could be changed from the rightness and the wrongness of the war to its undisputed unpopularity, which even Richard Nixon concedes, the veterans might come forward in defense of their brothers and turn the country around.

A National Conference on Amnesty will be held in Washington the weekend of May 4. The sponsors are the American Civil Liberties Union, the National Council of Churches and the National Conference of Black Lawyers.

One of the sponsors said, "The Vietnam veterans are going to have to get amnesty for us."

Incidentally, Mr. Speaker, Ms. McGrory notes the fact of a pro-amnesty rally of some sort being held here in Washington this week and advises us of some of its sponsors. For what it may be worth, my colleagues should know that I intend to take no part therein—in fact, have not been invited to do so; nor do I wish to become associated with any such formal or informal movement for the simple reason that what I am doing I am doing on my own—for reasons I believe to be valid and responsible—and that any such association on my part could tend to diminish my own ability to keep this discussion as thoroughly objective as humanly possible.

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## DOES JUSTINIAN STILL LIVE? PART II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 15 minutes.

Mr. BRINKLEY. Mr. Speaker, the following excerpt appeared in a column from The Columbus Enquirer on April 28, 1973:

DEMOCRATS RAN SCARED IN POST 5 ELECTION

(By Paul Timm)

I'll be the first to admit that I took the whispering campaign against Mr. Hirsch with a grain of salt and felt that the whole thing had been blown out of proportion as a purely political expedient.

As the election results poured in and telephone callers asked results, my mind was changed.

Some of the language used by what started out to be nice old ladies and little old gentlemen turned almost obscene. In more than one case I hung up in disgust.

I wish I had the names of the anonymous callers. Some of them surely must have been wearing the hood of the KKK.

Strange! On the surface Columbus appears to be a city fortunately devoid of widespread or deep rooted bigotry. Underneath the veneer of the city, however (and I shed a tear because of it) there is a discrimination that is almost unbelievable.

Woe be unto us if this insidious germ of hatred spreads any further. Better it be rooted out and banished forever.

A lot of wars have been fought to this end, but there are those who insist on being maggots in the meat of humanity.

Mr. Speaker, the following news article appeared in that same newspaper, The Columbus Enquirer, on April 27, 1973:

VOTING STAND IS DEFENDED BY BRINKLEY

(By Ron Feinberg)

A letter from a Columbus teen-ager that praised the moral character and political ethics of U.S. Rep. Jack Brinkley was used Thursday night to explain his stand in the recent city council race.

Speaking before members of the Columbus Jaycees, Brinkley heatedly supported his manner of endorsing Democrat Milton Hirsch for the Post 5 seat.

Asked why he brought up the question of "malignment" when the two candidates, Hirsch and Republican Joan Mize, were carrying out such a clean campaign, Brinkley pulled a letter from his pocket and told the questioner, Bobby Ledford, he would be glad for him to see why he took such a stand.

"I'm not going to read this," the congressman told the group, "but I'll be glad to let you read this letter," he told Ledford, "and you can do with it what you like."

Brinkley did say the letter was from a local Columbus girl, Mitzi Kravtin, who is the president of the Southeast Region of United Synagogue Youth, an international Jewish youth organization.

Contacted in Ocala, Fla., where she is presiding over the annual convention of the regional group, Miss Kravtin told The Enquirer she wrote Brinkley after seeing him on television the night before the election, last Tuesday.

"I told him he had reaffirmed my belief in our political system . . . and that I was moved by the stand he was taking," Miss Kravtin said.

She added that she was astonished that a politician, in Georgia, and a non-Jew, "would take such a stand . . . supporting a candidate she felt was being unfairly maligned and was receiving biased treatment in the mass media."

Although Brinkley did not reveal the contents of the letter before the Jaycee group, they applauded him wildly when he placed the letter on the dais for Ledford.

Mr. Speaker, I have now received permission from Miss Kravtin to make her letter dated April 23, 1973, public and it reads as follows:

HANEGEV REGION,

*North Miami Beach, Fla., April 23, 1973.*

UNITED SYNAGOGUE YOUTH

DEAR MR. BRINKLEY: I just finished watching the 11:00 news and felt compelled to write to you thanking and commending you on your broadcast re: the controversy involving the various letters in the campaign for the Columbus Metro-Post Council #5.

As a serious-minded government student, I have noticed flagrant bigotry and prejudice in this campaign. (Not only in the political parties, but in the news media as well.) It was very inspiring to me to see you, a Congressman, and non-Jew stand with your moral convictions.

Mr. Brinkley, the political scene lately in our city and nation has made me very disenchanted, but tonight you made me proud to be an American.

On behalf of Southeast Region, United Synagogue Youth, I'd like to offer you my sincere appreciation.

Please forgive the informality of this note.

Most sincerely,

MICHELLE "MITZIE" KRAVTIN,
*President, Southeast Region.*

This same newspaper in an unsigned editorial today says:

It was the opening statement of a letter mailed to some 40,000 Columbus voters which set off a furor. Mr. Brinkley stated that Milton Hirsch, who happens to be of the Jewish faith had been "unfairly maligned" . . . Whether he intended it or not Mr. Brinkley's charge had the effect of being a scattergun blast of ugly innuendo.

Please compare what my letter actually says:

THE JACK BRINKLEYS,
*Columbus, Ga., April 16, 1973.*

DEAR FRIEND AND FELLOW COLUMBUS CITIZEN:

Why am I for Milton Hirsch?

It is not enough that he is a Democrat, although he and I are Democrats; it is not enough that he has been unfairly maligned, although he has been unfairly maligned.

I am for Milton because Columbus is too big, too complicated and too important for me to remain silent on what I consider to be an important issue. The men and women who are in charge of the operation of our city have enormous responsibilities. Their decisions can affect our future for the rest of our lives.

The issue here is one of *ability* not only to make decisions but to make correct decisions, and that IS enough. Enough to make us stop and think what this election is all about. We are filling a job requiring all the competence, all the experience and all the capacity we can muster.

Won't you please consider Milton Hirsch—on his own merit?

Sincerely,

JACK BRINKLEY.

P.S. I would personally appreciate it very much if you would make it a point to vote Tuesday.

Please notice the difference. The newspaper leaves the impression that my letter used the words: "who happens to be of the Jewish faith" although it did not.

Almost everyone in Columbus knows the role of the publisher, Mr. Maynard Ashworth, in the publication of the Ledger and the Enquirer. As was told King David, "Thou are the man." So, please Mr. Ashworth do not give me credit for something you did. You, sir, developed the so-called inferences, and you know it; you, sir, channeled them to your candidate. You, sir, have done the terrible injustice with your massive distortions. To me personally, to my family and to my fellow citizens.

I call upon you now to publicly disclose whether or not you read the Paul Timm article quoted above and, if so, to explain it. I will be glad to join you in a public discussion and will share the cost of live television coverage.

As I have said many times during my public service, the most persuasive advocates in my decisions are the people and it is to them that I am accountable.

Because I do not own a newspaper, I will attempt to purchase space in Sunday's paper in order that I may try to correct the wrong created by the ugly innuendo of your editorials.

Mr. Speaker, around the hallowed walls of this House Chamber there are relief portraits of the great law givers of history. Perhaps the greatest of these is the one of Moses, directly in front of you on the far wall.

On the left wall, at the back of the Chamber, is Justinian and to your right is Blackstone, Napoleon, and Jefferson; to your immediate left is Mason.

Moses gave us the Ten Commandments; Blackstone, the common law; Jefferson, the Declaration of Independence; Mason, the Bill of Rights.

Justinian is remembered in history as codifier of Roman law and Napoleon is remembered as the author of civil law.

The bigotry of a Justinian and the crimes of a Bonaparte are forgotten, because at their bidding, the rough places of the ways of justice were made plain.

Almost forgotten.

Bigotry in any form and in any degree is wrong. Whether it is cloaked in the voice of sophistication or in reverse discrimination, it is deserving of eradication by any who find it.

May we heed the urging of a former President who said:

With a good conscience our only sure reward, with history the final judge of our deeds let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

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## WHO SHALL GOVERN? PRESIDENT VERSUS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, on Friday, April 27, I was the speaker at a political forum program on the Texas A. & M. University campus at College Station, Tex.

I would like to share with you and other Members of this body the text of my remarks on this occasion:

WHO SHALL GOVERN? PRESIDENT VERSUS CONGRESS

I doubt that we have had any period in history, save the time when Congress impeached Andrew Johnson, when there was such tension and discord between the President and Congress. The President has made it clear that he believes Congress ought to be his servant and not his equal. The Congress has said that it has a right to be heard, to make laws, and to see its will carried out. The President, by refusing to spend appropriated funds, by vetoes, and even by a huge public relations campaign, seeks to subvert and destroy the capacity of Congress to enforce its will or even to form an independent judgment on national policy. Congress is angry and in disarray; its powers are in danger of being swept away; and if it loses these powers, the nature of our government will have changed in a fundamental and dangerous way. If the President wins, the government of this country in the future will be one-man rule.

This contest for power is more than just a political struggle between ambitious men. It is a struggle for survival—survival of our national institutions, and survival of constitutional government itself.

To understand this struggle, you must understand the nature of our government, and understand how that government was intended to operate.

I

The Constitution of the United States did not spring full grown out of the Revolution. The revolutionary government was the Continental Congress, and it was the Congress that governed the United States for its first ten years of existence.

Under the Continental Congress, there was no President, no Executive in the sense that we know it today. There was no Federal judiciary, and not even a unified currency. In fact, the central government was so weak that it could not effectively govern commerce, and had no clear powers of its own in any other field, save what it could persuade the states to give it—and that was very little.

Even under the primitive conditions of the time, it soon became clear that the United States could never grow and prosper—might not even be able to maintain its independence—without some kind of effective central government. There had to be some means of settling quarrels between the states, of regulating commerce, and of establishing a national currency. Without any effective money, the states could not trade among themselves, let along with anybody else; using English money was not a satisfactory answer, and besides the states had a nasty habit of trying to discriminate against each other's products by setting up their own tariffs. There was no central government that could provide the money to run the economy, or stop the internal bickering, or build roads to the west or anywhere else. Congress was a floating opera, and the government had neither head nor tail.

The revolutionaries had to resolve a difficult problem—to find an effective government, but not one that restored the evils of all-powerful central government.

The question that the framers of the Constitution had was this: how do you give enough power to the central government to enable the federation to work, but not so much power that the government is uncontrollable? It is easy to grant power to government, but not easy to keep a leash on it. The problem was to do exactly that and retain the aims of the revolution, but how?

The Continental Congress did not work because there had been no clearly defined powers of central government. What was worse, there had been no executive authority to carry out the will of Congress. The answer to that was simple enough—define the powers of government and create an executive, who would see that the laws were enforced. And that is what was done.

The problem of how to keep the government on a leash was solved neatly enough: first, by listing just what powers the central government had; second by splitting the power between President and Congress—and further, by splitting the Congress itself into two bodies. The idea was that Congress would represent the people—in the House—and the states, in the Senate. Laws would be passed if the states and the people could get together. (Senators, you should remember, were originally elected by the states, not the people.)

The Founders had in mind a Congressional government. That is why the powers of Congress are so clearly spelled out, and why the organization of Congress is also so detailed by the Constitution. By contrast, the President's office is not so clearly organized in the Constitution. He was a sort of magistrate, the fellow who would be caretaker of matters while Congress was not in session.

He'd see that the money was printed, set up some kind of taxing authority, principally the Coast Guard, because tariffs were the principal source of government revenue, and be Commander-in-Chief, when and if Congress gave him an army.

The role of the Federal courts was even less clear—and it was only later that the courts emerged as a powerful element of the federal government.

By delineating what the federal government could and could not do—and restricting it even further by throwing in the bill of rights—and splitting the powers between President and Congress, and dividing the Congress itself, the Founders created a central government that could govern enough to make the federation work, but not so much that it would destroy the aims of the Revolution. It was a Congressional government in concept.

II

But this system of government did not work automatically. It depended on the minds and wills of men to run it. How it actually developed was the result of the early actions of a few men, and later on the result of the gravitation of power from the states to the central government.

Those who pushed through the Constitution did not necessarily agree on how it would work. You had Jefferson, the gentleman farmer and Renaissance man, who believed that the best government was the least government. He feared giving the government power. That's why he helped push through the bill of rights—to be certain that everybody knew that the Revolution was not for nothing. On the other hand, you had Alexander Hamilton, George Washington's right-hand man, who believed that the central government had to be strong and vigorous. Hamilton wanted big government—at least by the standards of the day. As the first Treasury Secretary, it was Hamilton who set up the decimal money system and financed operations of the government; he conceived and carried out the key policies of the first Washington administration.

Congress did not trust Hamilton and his Federalist friends, so a considerable amount of tension developed between the President and the Congress. There was a contest for power—Hamilton, who aimed to print money, and did, and Congress, which thought he was excessive in his claims of power. Hamilton, who thought the President was entitled to special courtesies and consideration from Congress, and the Congress, which argued bitterly about whether to even let Washington come down to the Capitol, let alone be given some special title, or be addressed as something other than an ordinary fellow.

The tension between the Federalists and the anti-federalists—between the forces favoring a strong executive and those wanting Congressional government—led to the creation of political parties. It also set off the political feud that created a strong Judiciary—the case of *Marbury vs. Madison* involved a straight political issue, but allowed Justice Marshall to establish the doctrine of judicial review, and made the Supreme Court an equal branch of government. After that, the referee between Congress and President was the court.

The first Federal government was essentially a Congressional government. Presidents might once in a while do something spectacular—Jefferson buying up the West, Jackson tearing down Hamilton's Bank of the United States—but the Federal government was small and Congress maintained firm control. Not many early Presidents are well remembered: you probably remember more readily the Congressional names like Clay, Calhoun and Webster than names like Buchanan, Van Buren or Harrison.

The Civil War brought a strong President forth, but that was an extraordinary situation to say the least. Congress reclaimed its power by impeaching Johnson, and Grant fumbled his chances away in scandals not unlike the Watergate and ITT controversies in their impact. Congress remained ascendant until the turn of the century. After that, we had the beginnings of Presidential government.

III

What happened?

Congress could dominate the government as long as the needs of the country required no really strong central government. The business of opening the West, expanding our borders, and otherwise developing a relatively empty land, took only a policy of benign neglect to carry out. Congress provided the key—the Northwest Ordinance—and a few other necessary ingredients, but on the whole, the country could develop without big government. It was an agrarian society, not industrial, rural rather than urban, and did not face any powerful external enemies. There was no need of a big military force—let alone a military draft—, no need of big taxing powers to take care of urban needs, and no requirement for regulating big industry.

Our development might have been smoother if the federal government had been somewhat more potent. Some of the financial panics might have been avoided with a central banking system like Hamilton had set up, but Congress never restored it, nor did anybody except Lincoln try to do much about it. The government might have been wiser to offer money instead of land to the railroads, but that would have required higher taxes. It did not take big government to enforce the tariffs or hand out public lands. Congress could set a few basic policies and the country would run well enough.

But as the country matured, the need for a strong central government grew. With the industrial age, something had to be done to keep the financial wheels turning; with our emergence as a world power, something had to be done about foreign affairs; and with growing cities, somebody had to do something about urban problems. All of this required a continual exercise of greater powers—not just a grant of powers to the central government, but a continual exercise of those powers. Since Congress itself cannot be the executive, that meant the Presidency had to grow stronger.

Thus, with the need for stronger central government, and the need for constant executive action by that government, the era of Congressional government came to an end. The Garfields, the Arthurs, and other obscure presidents were no more. Republicans, fond of the old days, tried to dismantle Federal government, but after Warren Harding, never got very far.

IV

Theodore Roosevelt was one of the earliest to recognize the potential powers of the Presidency. He also came into conflict with Congress over this—but he established presidential government.

Roosevelt built the Great White Fleet and engaged in an aggressive foreign policy, taking over the Panama Canal project from the French and pushing it through, for instance—but not without struggles with Congress.

Legend has it that when Roosevelt wanted to send his Great White Fleet around the world, Congress would not give him the money for the project. It cost too much, they said, and who needed a display of naval power anyhow? Roosevelt did have enough money to send the fleet out as far as Tokyo, where the money ran out. Congress had the choice of giving him the money to buy enough coal to get the fleet back, or leave it in Japan. So the fleet went around the world.

Legend or not, this story illustrates the dilemma of Congress in confronting a strong executive. The President has a great number of powers, and by judicious use of his powers, can leave the Congress with little or no choice but to follow his lead. This is especially true in foreign policy. How can Congress stop the bombing of Cambodia, for instance? Only by grounding the whole air fleet—we have the same kind of choice here that the stranding of the White Fleet gave our predecessors decades ago.

The presidency by its nature carries strong powers in foreign policy, which explains why the first powerful forces of presidential government developed in that area—Roosevelt's big stick, Wilson's gunboat diplomacy all over Latin America, Wilson's policies leading to World War I, Roosevelt's policies before and during World War II, Truman's undeclared war in Korea, Kennedy's Cuban adventure, Eisenhower's intervention in Lebanon, Johnson in Vietnam and the Dominican Republic, Nixon in Laos and Cambodia, established almost unlimited executive authority in foreign policy.

So Congress is left with domestic policy, and now the President seeks to take that away, too.

V

Presidential government in the domestic field had its modern beginnings in urban and industrial problems. The Sherman Anti-Trust Act of 1890 started things off; then there were the pure food and drug laws; and then there were the Wilsonian programs that really gave birth to big government—including, at last, a central bank in the form of the Federal Reserve. Congress could grant these powers, but only the President could carry them out.

The Republicans attempted to do away with Presidential government by torpedoing the League of Nations, passing the neutrality acts and getting us back to normalcy with Harding and Coolidge, but Hoover and the Depression finished that—and almost finished off the Republicans, too. Franklin Roosevelt established big government—and completed the domestic ascendancy of the Presidency as well.

Under Roosevelt, the neutrality acts did not prevent his following his chosen foreign policy; and the exigencies of world depression gave him unlimited powers over the domestic life of this country. That completed the building of the modern Presidency, and set into full motion the decline of Congress as the dominant branch of government. After Roosevelt, the only real role Congress had in foreign policy was to approve treaties and fork over the money required to do the President's bidding. In domestic affairs, Congress might say no to Presidential proposals, but never developed the capacity to do more than to frustrate the President—Truman for a while, Kennedy, and Nixon, sometimes. But whenever the President has had a majority of Congress in his party, as Johnson did, the President dominates domestic policy just as thoroughly as foreign policy. Nixon's frustration stems from his inability to win a Republican majority in Congress, so he is seeking to dismantle even the power that Congress has to frustrate him. He wants to see the final demise of Congress as a part of this government, and create Presidential government in its fullest glory, which is to say that he wants one-man rule.

Up until now, Presidents have given Congress domestic legislation and we have passed it, modified it, or not acted at all. Mr. Nixon began in this way, but very little of his domestic program got enacted, save for revenue sharing. One of his problems was that he never tried very hard—welfare reform was abandoned, and finally torpedoed by the White House, itself, when it could have been enacted by engineering a simple compromise. The Administration never had much of a domestic program beyond welfare reform,

and what it did have, the President's men were not enthusiastic about, so not much of it was passed.

Mr. Nixon wants to dismantle a great deal of the Federal machinery that has been erected to deal with social problems. He realizes that Congress will not repeal these programs, and so has hatched revenue sharing. He would simply give the states huge amounts of money to do with as they please. This would achieve the objective of eliminating social programs, without Congress having to repeal them, or Nixon taking the responsibility for the action. The dissolution of the programs would come about because the money would be sent to a great many places that don't need it—his new communities program gives more money to the two richest counties in the country than they can conceivably get now, for instance—and put money in the hands of governments that don't necessarily know how to deal with complex urban problems, or care very much, either. And revenue sharing, in general, makes less Federal money available anyway. So the object of revenue sharing is this: start with less money, slice it up a little thinner, and give it to the people who don't really have the same ideas in mind that Congress does on what ails the country and what to do about it.

Needless to say, Congress has not taken to this idea very enthusiastically. In the first place, we do have a commitment to social programs—they are needed, most of them work well enough, and we know that the money is going where it will do the most good. In the second place, Congress is very reluctant to take its only important power—domestic legislation—and turn it over to the states and the mayors. If we do that, we might as well go out of business altogether. And finally, the President does not do a very good job of salesmanship. Few in Congress have real trust in him; even Republicans wonder why he didn't use that Watergate slush fund to help elect a few more Republicans.

The President, unlike his predecessors, is not content to let Congress work its will. He has told us that if we don't do things his way, they will not be done at all. In education, he says that we can enact his education revenue sharing, or he will kill all existing programs. He's giving us that kind of choice—do it his way, or destroy the whole system.

But if we do it his way, we will be destroying our last important realm of power in government, and effectively destroy ourselves and the government as we know it. And so the fight is on.

The test is this: who will set the basic policy of our government. I concede that the President, rightly or wrongly, sets the course of events in foreign affairs. But Congress has the right, the responsibility, and the authority, to set our basic domestic policy, and to influence foreign policy as far as we can. Unless the Congress remains as a part of the policy-making machinery, we will have a wholly different kind of government—one in which the President alone decides what, and how will be done, and when. That is not what the Founders of this country intended, and it is not consistent with the Constitution. The President may wish for a parliamentary system—but if he does, he is going to have to share the power with his parliament. He may wish for one-man rule—but if he does, it will be the end of George Washington's revolution and the coronation of Richard the First.

VI

The Congress is at a great disadvantage in this struggle. It is divided into two houses and subdivided into conflicting parties, loyalties and interests. It has no way to enforce its will—what do you do if you pass a law and the cops don't enforce it? The law is on the books, but nothing has changed.

The President has an enormous advantage. While Congress may have diverse ideas on a given issue, he has only one, and can enforce that idea throughout the Executive. He has access to vast public relations resources—the legions of government speakers and speechwriters, and complete domination over the mass media (because nobody else can command TV time like the President). The Congress tends to diffuse issues, but the President can focus on them.

And because the President has such powerful access to the press and the media, he can usually state the case in his own terms. That is, he can fight all his political battles on his chosen ground; he can control the issues that are debated in the public eye, and can by manipulating the facts and figures, sharpen or distort the case in any way he sees fit. And Presidents do not hesitate to do this.

But the inequality of the contest does not mean that it is over, or never will take place. God forbid.

The framers of the Constitution never intended that the powers of President and Congress would ever be fully defined. The Constitution is full of gray areas, natural lines of tension. This was done because the framers wanted the powers to be diffused enough that the government could be held on a leash, and never exceed the powers granted it. To the extent that one branch gets unlimited power, the ability of government to overreach its authority increases—because there's nobody to stop it. When the President obtained complete domination of foreign policy, and Congress lost its role in that field, the Presidents could—and have—involved us in undeclared wars—Korea and Viet Nam. Even some of our actions in the prewar period amounted to undeclared war. That was never intended by the framers of the Constitution.

If the President has unlimited foreign powers, and has thus been able to destroy the protections against unwanted wars envisioned by the writers of the Constitution, can we safely sit back and let him take over all domestic authority? If that happens, what remains to keep a police state from developing? What remains to keep the government from assuming all power, in the name of one man? The answer is sadly, that keeping power in check requires that power be shared. The President may not like this, but if we want this government to survive, that is the way it has to be.

If the President wins his court fights, his legislative fights, and his political fights all the gray areas, the contested zones of power, will be defined. When that happens, the flexibility and suppleness of the Constitution will be gone; and since power would no longer be divided, the revolution would be over, and the king restored to his throne. The only difference would be that the king's throne would have moved across the Atlantic, and his name would be Richard, rather than George.

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## MR. NIXON WAVES THE FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 30 minutes.

Ms. ABZUG. Mr. Speaker, on Monday night we were treated to the 1973 version of Mr. Nixon's pathetic "Checkers" speech. Age has not improved his rhetoric or weaned him from reliance on the cliché and Old Glory. He started his address posing between an American flag and a bust of "Honest Abe" Lincoln and wound up by invoking Tiny Tim's prayer to God to bless us "each and every one." Neither Lincoln, Dickens, nor the refuge of superpatriotism can substitute for the truth, and it is difficult to believe that we were hearing anything approaching the whole truth in President Nixon's TV speech.

I have too much respect for the Office of the President to be deceived by the man who now holds that position or to accept his pious disclaimers of any knowledge of the political espionage, wiretapping, conspiracy, lawbreaking, and subversion of the democratic process that we now refer to as Watergate.

The Nixon speech represents the beginning of a concerted effort to portray the President as above this whole sorry mess. It will not wash. The Watergate scandal is all about him, and it has been so since last June 17. It involves his closest advisers, whom he still praises, his Cabinet officers, his personal attorney, the White House attorney, the head of the FBI, and the man he chose as Attorney General and later as head of the Committee To Reelect the President.

Mr. Nixon would have us believe that he was so wrapped up in affairs of state that he paid no attention to his campaign for reelection. I doubt that any President in the history of our country was indifferent to his own reelection, and certainly not this President.

Americans do not accept Mr. Nixon's denial of knowledge of Watergate, for the history of the case as it has unfolded in the press belies it. It is well known that Mr. Nixon does not read newspapers, only summaries prepared by his staff, but even in his insulated White House cocoon he must have heard enough of what was being disclosed in the press at least to arouse his suspicions of wrongdoing by men he saw every day. Yet Mr. Nixon apparently expects us to accept his statement that between June 17, 1972, and March of this year, he remained convinced that charges of involvement by members of the White House staff were false.

As others have pointed out, if the President did know about the illegal activities of his reelection committee—and he had any number of illegal actions to get wind of—then he is now lying to us. If he did not know what his closest advisers and appointees were up to, then he was more naive than any President can reasonably be expected to be, particularly when one considers that he was the beneficiary of these unlawful deeds.

In a speech that abounded in hypocritical statements, several passages stand out as presumptuous almost beyond belief.

Skirting the obvious fact that a conspiracy existed, Mr. Nixon tells us that—

Watergate represented a series of illegal acts and bad judgments by a number of individuals—

And then praises the system that brought the facts to light—

a system that included a determined grand jury, honest prosecutors, a courageous judge and a vigorous free press.

Does not Mr. Nixon know that Judge John Sirica repeatedly had to reprimand the Federal prosecutors from Mr. Nixon's Justice Department for failing to ask the obvious follow-up questions of the Watergate defendants that would have

led to the involvement of high administration officials?

Does he think that with one phrase he can wipe out his vendetta against such great independent newspapers as the Washington Post and the New York Times or undo the malicious and false attacks on the media by his own press secretary and members of his administration?

If Mr. Nixon is now an overnight convert to freedom of the press, let him prove it by withdrawing his infamous Official Secrets Act (S. 1400), which would imprison Government officials, journalists, editors, publishers, and TV executives for disclosing almost any kind of defense and foreign policy information, whether or not its disclosure would endanger national security.

Let him call off the "Pentagon papers" trial of Daniel Ellsberg and Anthony Russo, in which the dirty hand of the Watergate lawbreakers was at work—at Mr. Nixon's personal behest, which represented a preview of the "official secrets" approach, and which has been irrevocably tainted by the attempt on the part of the White House to offer the judge a high Federal position.

Let him withdraw his so-called anti-obscenity legislation, which would impose unprecedented censorship on newspapers, magazines, books, TV, and films.

Let him halt his administration's campaign of intimidation against public television broadcasting which is intended to suppress controversial programs or material critical of his administration.

Equally presumptuous was Mr. Nixon's attempt to insinuate that Democratic Party campaign "excesses" were comparable to those "shady tactics" used by his reelection committee. Having implied that Watergate was "a response" to some vaguely described actions by the "other side" Mr. Nixon says piously, "Two wrongs do not make a right."

Does Mr. Nixon know of any campaign action by the Democratic Party that can be classed with the criminal deeds of "Creep" and the abuse of Government power to extract millions of dollars—lots of it in cash—from corporations for the sole purpose of getting Mr. Nixon back into the White House? If he does, then he has a responsibility to make these facts public.

Let us not forget that the campaign to reelect President Nixon has been revealed to encompass not a "caper" but a host of criminal acts: wiretapping, conspiracy, perjury, obstruction of justice, criminal campaign financing, mail fraud, interference with the electoral process, criminal tax violations, and misuse of Government resources.

Let us not forget either that Mr. Nixon's pet corporation, ITT, won favorable disposition of an antitrust suit from Attorney General John Mitchell in exchange for money to underwrite the GOP convention and that milk price supports were suddenly raised by the Agriculture Department after dairy farmers came through with sizable campaign contributions. What "wrongs" committed by the Democrats does Mr. Nixon equate with these shocking and unlawful activities by his representatives or with the evidence that false letters and other phony data planted by Creep may actually have manipulated the selection of the Democratic Party's Presidential candidate?

One can only marvel at the audacity of Mr. Nixon in reciting his goals for America: "to make this country a land—of equal opportunity for every American; to provide jobs for all who can work and generous help for those who cannot; to establish a climate of decency and civility," et cetera. This from the President who made "busing" a code word for concealed racism in his reelection campaign, opposed public service employment, eliminated thousands of summer jobs, mercilessly cut social services, denied vocational rehabilitation to the handicapped, tried to illegally shut down the Office of Economic Opportunity, proposed a budget that cripples a broad range of socially necessary programs and unconstitutionally impounded funds specifically appropriated for these programs by Congress and signed into law by him.

And finally, Mr. Nixon tells us of his "terrible personal ordeal" on Christmas Eve during the renewed bombing of North Vietnam which he ordered to bring us "peace with honor." Does he expect us to sympathize with him as he sat in the safety of his vacation home while Vietnamese men, women, and children were killed and wounded by the savage bombing he unleashed?

Can he still talk about "peace with honor" when his insistence on ending the war without a viable political settlement protracted the fighting for the 4 years of his first term, when the fighting continues in Vietnam and his peace settlement is falling apart, and while he continues massive bombing of Cambodia without the slightest constitutional justification?

Just 2 years ago, on the orders of Mr. Nixon's Attorney General, 14,500 persons were arrested here in Washington during the antiwar May Day demonstrations. The scale of those mass dragnet arrests was unprecedented in the history of our Nation. John Mitchell boasted about them at the time as thousands of American citizens, many of them not even demonstrators, were dragged off to detention pens and held under miserable conditions without formal charges or any semblance of legality. The vast majority of these cases were dropped in subsequent court actions and just a week or so ago the District of Columbia Circuit Court of Appeals ruled that the arrests were indiscriminate and unjustified, and suggested that the Government pay back the bonds of those illegally jailed.

I recall the May Day arrests because they are typical of the Nixon administration's contempt for the law and its long record of illegal and unconstitutional actions culminating in the Watergate break-in. Watergate was not an isolated incident. It was the ugly soul of this administration.

There are understandable efforts now to have us accept Mr. Nixon's plea of innocence at face value. We in Congress must not go along with this charade or make ourselves accomplices to further deception.

We have a responsibility to join the Senate in demanding that a special prosecutor, totally independent of the President or his appointees, be named to pursue this investigation.

And insofar as the personal involvement of the President is concerned, we have a responsibility in the House to launch an investigation to determine whether Richard Nixon's conduct requires the exercise of the power granted to us under the Constitution.

I am pleased to note that my colleague from California (Mr. Moss) who is a distinguished constitutional scholar and legislator, is planning to introduce a resolution to provide for such an inquiry, and I shall join with him in introducing it and seeking its adoption by the House.

At this point, I wish to insert in the RECORD a relevant article on this subject:

[From the New York Post, May 1, 1973]

WATERGATE SCANDAL—THE TWO VERSIONS

(By Andrew Porte)

Throughout the history of the Watergate affair the public has been given two versions—the Nixon Administration's and the one pieced together by reporters and investigators.

Here are the two versions. The Administration's—along with events known to the public—is in standard type. A composite of the reporters' version is in italics.

1971

President Nixon drops behind Sen. Muskie, the Democratic front-runner in the polls. In April, Nixon trails by eight percentage points 47–39.

*Nixon, according to columnist Jack Anderson, orders an espionage-sabotage effort aimed at undercutting Muskie and pushing Alabama Gov. George Wallace and Sen. George McGovern, whom Nixon thinks would be his easiest rivals. The instructions for setting up the mission are issued through chief of staff H. R. Haldeman.*

In July, after the release of the Pentagon Papers, ex-FBI agent G. Gordon Liddy and ex-CIA agent E. Howard Hunt go to work for the White House, ostensibly as part of a task force formed to plug news leaks.

*The work goes beyond that. Liddy suggests bugging the New York Times to see who leaked the papers. Hunt travels to Cape Cod, trying to find information that might be damaging to Sen. Edward Kennedy, still believed to be a Democratic Presidential contender. He tries to hire a government worker to spy on Kennedy. He tells his former boss that he wants to break into a Las Vegas publisher's safe because he might find information that might be "very damaging" to Muskie. On Sept. 3 Hunt and Liddy are involved in a break-in in the Los Angeles office of Daniel Ellsberg's psychiatrist.*

*At some point Hunt either obtains or forges phony cables showing Kennedy Administration complicity in the assassination of South Vietnamese President Diem.*

*In September White House appointments secretary Dwight Chapin, with Haldeman's approval, hires Donald Segretti to spy on and sabotage Democratic candidates. He directs President Nixon's personal lawyer, Herbert Kalmbach, to pay Segretti out of a secret fund that eventually reaches $500,000. The money comes from contributions to the reelection effort.*

*Segretti travels cross-country and approaches at least 18 persons to try to recruit them for his spy campaign. He remains in constant touch with Chapin and Hunt.*

Late in the year the Committee to Reelect the President (CRP) is formed, with Jeb Stuart Magruder as temporary director. On December 10 Magruder hires Liddy as the committee's general counsel.

JANUARY, 1972

*On Jan. 24, Attorney General Mitchell meets in his office with Magruder, Liddy and White House counsel John Dean. Preliminary plans for bugging Democratic National Headquarters in the Watergate are discussed.*

FEBRUARY

*On Feb. 4 a second meeting is held in Mitchell's office, with the same people attending. Liddy brings with him elaborate charts detailing his plans for bugging the Watergate.*

Feb. 15—Mitchell resigns as Attorney General effective March 1, to become chairman of CRP.

Feb. 24—A letter, alleging that Muskie had used the word "Canuck," a slur on French-Canadians, is printed in the Manchester (N. H.) Union-Leader, while Muskie is campaigning in New Hampshire. Later Muskie breaks down and cries, and his campaign is downhill from then on.

*A White House staff member admits to a Washington Post reporter months later that he wrote the letter.*

MARCH

*On March 4–5 a third planning meeting is held, this time at the Florida White House at Key Biscayne, Mitchell, Magruder and Liddy are present, and so is Fred LaRue, a Mitchell aide. (Magruder says Mitchell approved the wiretap plans at tnis meeting; Mitchell claims he gave a final veto and says he wants to know who went over his head to have them approved.)*

*(One report has White House counselor Charles Colson calling Magruder after the meeting to ask why the wiretap plans have been delayed. He allegedly expresses dissatisfaction with the delay in getting the plan rolling. Colson denies this.)*

*Later in the month, wearing a red wig, Hunt visits the ill ITT lobbyist Dita Beard. The purpose of his mission has never been made clear.*

APRIL

On April 7 the new campaign financing law goes into effect. *A day earlier campaign treasurer Hugh Sloan gives $350,000 in unreported cash to White House aide Gordon Strachan, who places it in Haldeman's safe, where much of it remains throughout the campaign. Liddy also gets about $300,000 in cash, most of it in $100 bills.*

MAY

On May 2 Ellsberg is disrupted while speaking at an antiwar rally. *Some of those who participated in the incident are the same ones arrested in the Watergate. They say they were told the Ellsberg incident was a CIA mission.*

*On May 8 Miami realtor Bernard Barker withdraws most of the $114,000 in Republican campaign funds that had been deposited in his bank account. Barker is later arrested inside the Watergate.*

White House press secretary Ronald Ziegler says the President's mail is running 5-to-1 in favor of his decision to mine Haiphong harbor. *Almost a year later it is learned that CRP paid for and mailed many of the letters.*

An ad in the New York Times May 17 supports the mining decision. *The ad has been secretly paid for by CRP.*

*On the Memorial Day weekend, a team of raiders breaks into the Watergate, photographs some Democratic files and places a tap on the phone of Spencer Oliver, the party's liasion with state chairmen. From a listening post in a motel across the street, monitoring of the conversations begins.*

JUNE

*Logs of the wiretapped conversations are delivered regularly to CRP. Liddy's secretary, Sally Harmony, types summaries and sends them to Magruder. Liddy assures his fellow conspirators that everything has been approved by Mitchell.*

At 2 a.m. on June 17 five-men are arrested inside the Watergate. One of them is James W. McCord Jr., security director for CRP. *Hunt and Liddy escape. Hunt's name, phone number, and the notation "W. House" are found in a notebook carried by one of the men.*

*Later that day, District of Columbia police call White House domestic adviser John Ehrlichman to tell him about the notebook reference to Hunt, Ehrlichman calls Colson, a friend of Hunt, to ask if Hunt still worked at the White House.*

*Liddy confronts Attorney General Kleindienst on the golf course, but Kleindienst refuses to intervene.*

*On the next day there is a "housecleaning" at CRP, with Liddy and other officials putting incriminating documents through a shredder. Liddy tells Sloan: "My boys got caught last night. I made a mistake by using somebody from here, which I told them I would never do."*

*Eight cardboard boxes filled with documents are removed from the Executive Office Building. Some of the documents come from Hunt's desk. Included are plans for bugging the Watergate. The boxes are stored at the home of a CRP employe, still unidentified.*

Mitchell says: "McCord was not operating either in our behalf or with our consent . . . I am surprised and dismayed at these reports."

*On June 19, Dean, directed by Nixon to investigate, orders two aides to open Hunt's safe. The contents are taken to Dean's office.* Press secretary Ziegler refuses to comment on what he calls a "third-rate burglary attempt."

*On June 20 Dean goes through the contents of Hunt's safe, removes classified material and an attache case. Six more days go by before any of the material is turned over to the FBI.*

On June 22, Nixon says: "This kind of action has no place whatever in our governmental process . . . The White House had no involvement whatever in this particular incident." *That same day, FBI agents interviewing Colson ask if Hunt still had an office in the White House. Dean, sitting in on the interview, says he'd have to check." (Months later, testifying before the Senate, acting FBI director L. Patrick Gray said Dean "probably lied.")*

That night, Martha Mitchell calls a reporter to say "I've given John an ultimatum. I'm going to leave him unless he gets out of the campaign . . . Politics is a dirty business."

*At about this time Hunt, who has dropped from sight, calls a friend, asking him to contact Dean for help.*

Three days later, Martha Mitchell calls again, saying: "I'm leaving him until he decides to leave the campaign. It's horrible to me . . . I'm not going to stand for the dirty things that go on."

*She has been kept a virtual prisoner by security agents for the three days.*

*On June 28 Gray is summoned to Ehrlichman's office. There Dean give him two files of papers, saying they were "political dynamite." He suggests they "should never see the light of day." Gray takes the files, places them in a closet at home and has them burned a week later when he returns from vacation. He never knew the contents, but apparently they contained the forged documents linking the Kennedy Administration to the Diem overthrow, as well as other spurious documents. On the same day Liddy is fired by CRP for refusing to answer FBI questions.*

JULY

Mitchell quits July 1, citing his wife's demands.

*He authorizes payment of the "legal expenses" of those arrested but when this authorization was granted is not clear. On July Gray gives the FBI files on the Watergate case to Dean, without clearing it first with Kleindienst.*

AUGUST

On Aug. 19, Dade County, Fla., State's Attorney Richard Gerstein, who has been conducting his own investigation into the questionable financial transactions, says several "prominent people" may be involved. On Aug. 26, the General Accounting Office reports that $114,000 in Nixon campaign funds had been deposited in Barker's account. Nixon finance chairman Maurice Stans replies, "it should be noted that the GAO report asserts no connection whatever between the finance committee and the so-called Watergate affair."

On Aug. 28 Kleindienst pledges that the Justice Dept. investigation of the Watergate affair would be "the most extensive, thorough and comprehensive investigation since the assassination of President Kennedy . . . No credible fair-minded person is going to be able to say we whitewashed or dragged our feet on it." The next day, Nixon says his own investigation, conducted by Dean, Lets him say "categorically . . . that no one in the White House staff, no one in this Administration, presently employed, was involved in this very bizarre incident . . . We're doing all we can to investigate the incident, not cover it up."

SEPTEMBER

On Sept. 1 Mitchell, in a deposition, denies prior knowledge of the bugging plans. He denies he was present at any meeting where bugging was discussed. "I'll swear to that," he says.

*McCord receives $18,000 in $100 bills from Hunt to cover his "salary" for six months. The others involved—and their lawyers—are paid, too. Hunt advises McCord to plead guilty and remain silent and he will receive executive clemency.*

On Sept. 15 indictments are handed up. Accused are Hunt, Liddy, and the five arrested inside the Watergate. Eight days later Asst. Attorney General Henry E. Petersen predicts, in a speech, that the seven will be convicted and go to jail without talking.

On Sept. 26 Kleindienst says he can state "categorically that no one of responsibility in the White House or campaign committee had any knowledge of the bugging. You can't get career FBI agents to dust something like this under the rug."

OCTOBER

On Oct. 10 the Washington Post reveals details of Segretti's espionage operation. A CRP spokesman calls the story "not only fiction, but a collection of absurd lies." The paper also calls Watergate part of a "massive campaign of political spying and sabotage."

On Oct. 18 Ziegler says no one then employed in the White House had "directed activities of sabotage, spying or espionage . . . If anyone had been involved they would no longer be at the White House because this is activity that we do not condone." The Los Angeles Times revealed details of former FBI agents Alfred Baldwin's statement of involvement in the plot. "I believed we were working for the former Attorney General." Magruder says: "When this is all over, you'll know that there were only seven people who knew about Watergate, and they are the seven indicted by the grand jury."

On Oct. 27, campaign manager Clark MacGregor admits Liddy had access to a secret fund. Other campaign officials had repeatedly denied the existence of any secret fund.

NOVEMBER

On Nov. 1, Barker is convicted in Florida of falsely notarizing a signature on a cam-

paign check. A week later, Nixon is reelected in a landslide.

On Nov. 25, Colson tells friends he will soon leave the White House to join a Washington law firm.

DECEMBER

On Dec. 8 Hunt's wife is killed in a plane crash in Chicago. In her purse is $10,000 in $100 bills. She is repeatedly named as a conduit for the payoffs to the defendants.)

JANUARY, 1973

On Jan. 8 the CRP pleads no contest to eight violations of the campaign financing law in regard to payments to Liddy and is fined $8000. On the same day, the Watergate trial begins. Within a week, five of the defendants have pleaded guilty to all charges against them. The other two—Liddy and McCord—are convicted on Jan. 30. Judge John J. Sirica accuses the prosecution lawyers of not asking probing questions, of not attempting to find out who else had prior knowledge of the bugging scheme.

On Jan. 29 Chapin quits the White House to become an airline executive.

*During the month, several aides go to Nixon several times to recommend that he "get rid of" some people who have covered up White House involvement in the bugging. Nixon asks them for evidence.*

FEBRUARY

On Feb. 7 the Senate votes an investigation. On Feb. 8 Asst. U.S. Attorney Earl Silbert announces that the grand jury has resumed its investigation. The Justice Dept. begins an investigation into Segretti's espionage activities.

MARCH

On March 7 Gray tells the Senate Judiciary Committee, holding hearings on his nomination to be permanent FBI director, that Dean had been questioned about whether everything in Hunt's safe had been turned over to the FBI. Gray added that he was "unalterable convinced" there was no effort to conceal anything.

*On March 20 McCord, in jail, writes to Sirica that pressure had been applied to him to remain silent, that perjury was committed at the trial. On the same day Dean goes to Nixon and tells him that he, Haldeman and Ehrlichman must tell all they know "to save the Presidency." Nixon begins his new investigation.*

On March 22 Gray tells the Judiciary Committee that Dean "probably lied" in June when he said he would have to check to see if Hunt had an office in the White House. The next day Sirica reads McCord's letter in open court. Liddy gets a 20-year jail term.

On March 28 Ziegler "flatly" denies "any prior knowledge on the part of Mr. Dean regarding Watergate."

*On March 28, Haldeman tells the Wednesday Group of GOP Congressmen that he had personally ordered "surveillance" of the Democrats, but "it got out of hand."*

APRIL

On April 3 Liddy is sentenced to an additional eight months in jail for refusing to answer questions. On April 5, Nixon withdraws Gray's nomination. McCord begins telling his story to the grand jury.

*On April 6 Dean tells his story to the federal prosecutors. On April 11 Magruder's assistant, Robert Reisnor, tells the grand jury that Magruder was receiving transcripts of the bugged conversations. Two days later Magruder meets with the prosecutors and tells them that Mitchell and Dean had approved the bugging plans, Mitchell is summoned to the White House.*

Martha Mitchell says: "They want to hang something on him . . . I can tell you a story that will flabbergast you . . . I'll embarrass everyone around."

*On April 15 Ehrlichman learns "new facts" about the documents from Hunt's office he had given to Gray. Gray tells him the files were destroyed.*

Kleindienst and Petersen meet with Nixon apprise him of the situation.

The next evening Nixon sails on the Potomac with his trusted friend Secretary of State Rogers. On Tuesday, April 17, Nixon makes his dramatic TV statement that he has begun a new inquiry. Ziegler say his previous statements on Watergate are "inoperative."

## SURVIVOR'S BENEFITS FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, today I am introducing legislation to correct an inequity in that section of the Social Security Act dealing with survivor's benefits for children. It is my observation that some students, due to special circumstances beyond their control, are denied access to the full measure of student benefits to which they are entitled, because they are unable to complete their education in the prescribed 4 years between the ages of 18 and 22. My bill would extend to age 24 the time limit during which students in these special circumstances may enjoy entitlement to social security benefits.

The purpose of dependents benefits under the Social Security Act is to provide insurance protection against the loss of support which occurs when the breadwinner in a family dies, becomes disabled, or retires. When the Social Security Act was amended in 1965 to extend the period during which children could continue to receive benefits, it was in recognition of the fact that children under age 22 and attending school are usually dependent upon their parents for financial support.

There are some circumstances under which the intent of the act is not carried out because of the age 22 limitation. If a child becomes ill and loses his student status during some time between his 18th and 22d birthdays, he will forfeit the benefits for the education he was unable to complete during that time. The same holds true for the young man who fulfills military service during those years.

Of special concern to me is the effect which the rigid age limit of this portion of the Social Security Act has on young men who leave school to do missionary work. As you know, I represent a State with a large Mormon population. You may also know that most male members of the Mormon Church are called upon at some time in their lives to serve for 2 years as missionaries. Normally this mission service is given sometime between the ages of 18 and 22. It is usual for a young man to go to college for 1 or 2 years, leave to serve a 2-year mission, and then return to college to complete his education. The support of the young missionary during his term of service is almost always borne by his family or church group. The returned Mormon missionary is no less dependent on his family for support while he is in school, than other students. But he loses his benefits because his religious heritage requires 2 years of service at that particular time in his life.

My legislation will restore benefits forfeited by students who, because of health, religious service, or military service, lose their full-time student status for one or more months before age 22. The bill provides that no student may receive more than 48 months of benefits after he turns 18.

My bill will affect a relatively small number of people. But these people have a just claim to the benefits it will provide. I urge my colleagues to lend their support.

## SETTING THE RECORD STRAIGHT ON WOUNDED KNEE

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

Mr. SAYLOR. Mr. Speaker, with violence, gunfire, bloodshed, and death prevailing at Wounded Knee, S. Dak., on the Oglala Sioux Indian Reservation, it is extremely important that the public be well informed as to the facts and background of this deplorable situation.

The House Interior and Insular Affairs Committee's Subcommittee on Indian Affairs conducted indepth hearings early this month on the takeover of Wounded Knee and on last year's destruction of the Bureau of Indian Affairs headquarters in Washington, D.C., both of which are the work of the organization known as the American Indian Movement—AIM.

The facts disclosed by these hearings are in many instances in sharp conflict with the general impression left by the media in the news coverage of both Wounded Knee and the BIA takeover. It is time to set the record straight.

Testimony during our 3 days of hearings brought out the following facts regarding the Wounded Knee occupation:

First. Immediately following his participation in the occupation and destruction of the BIA building in Washington during November 1972, Russell Means, an Oglala Sioux Indian and leader of AIM, was ordered by the Oglala Sioux Tribal Council to refrain from holding meetings on the reservation in South Dakota. The tribal resolution pointed out that Means had been responsible for threats against the life of the elected tribal president, Richard Wilson.

Second. Five days later, Means was charged by the tribal court with violating this order and posted a $75 cash bail bond. Means left the reservation.

Third. Two months later, in February 1973, Means returned to the reservation with about 200 armed AIM followers, seized the Pine Ridge Trading Post at gunpoint and held 11 non-Indians hostage. He demanded that a number of Members of Congress and the President of the United States go to Pine Ridge to meet with him.

Fourth. U.S. marshals arrived at the scene and ordered the AIM group to lay down their arms, release the hostages, and surrender. Means refused, and from February 27 to date, there have been numerous exchanges of gunfire between the AIM group and the U.S. marshals.

Fifth. The legal and elected tribal government of the Oglala Sioux repeatedly demanded that the marshals remove the AIM group from the reservation or stand aside while the tribe itself removed them. The tribal secretary, Lloyd Eaglebull, spoke for the council in labeling the AIM group as outsiders, invaders, and armed hippies.

Sixth. Over the strong protests of the tribal government, the Justice Department entered into a long series of negotiations with the AIM group, culminated by an April 6 agreement signed by the Justice Department and the AIM leaders.

Seventh. The Justice Department lived up to its end of the agreement, but Russell Means refused to honor the commitments he had made for AIM. The agreement proved worthless and the Wounded Knee occupation continues to this day.

From these facts, I am convinced that the AIM group occupying the Pine Ridge Trading Post is nothing but an armed band of brigands who do not represent the Oglala Sioux nor any other Indian tribe. They are using this violent tactic only as a means of gaining publicity and to raise funds from a sympathetic but misinformed public. Means told our committee he hopes to receive $2 million in contributions by continuing his illegal activities at Wounded Knee.

It is clear that the Justice Department should cease its negotiations with this group of outlaws and cooperate with the elected leadership of the Oglala Sioux Tribe in immediately removing the AIM gang of thugs from the reservation by whatever means are necessary.

In the meantime, the House Subcommittee on Indian Affairs has scheduled a series of hearings extending well into the summer for a complete review of Federal Indian policies and programs. We intend to study each problem area of concern to our Indian citizens and to develop whatever remedial legislation is necessary to clarify and improve this Nation's relations with Indian tribes.

But in so doing, we will call only on the legal and responsible representatives of the tribes to assist us. There is no place in the operation of this Republic for self-appointed hoodlums like the AIM group who represent no tribes and who, by their violent and disruptive revolutionary tactics, do more harm than good for the Indians they falsely claim to represent.

## AMERICANIZATION DAY

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, one of the sure harbingers of spring in Hudson County, N.J., is the annual Americanization Day Celebration sponsored by the Captain Clinton E. Fisk Post, No. 132 of the Veterans of Foreign Wars in cooperation with the city of Jersey City. The event took place on April 29, 1973.

This year for the 42d time, tribute was paid at Pershing Field, Jersey City, to the principles which have made this Nation great. Under the leadership of Sam Bardach, general chairman, an outstanding program was arranged.

Mr. Speaker, I would like to include at this point in the RECORD three very outstanding speeches by Vice Adm. Benjamin F. Engel, USCG, John J. Stang, junior vice commander in chief of the Veterans of Foreign Wars, and Comdr. Albert Dewson, USN, representing the 33d Naval District. I am proud to associate myself with these distinguished Americans.

The speeches follow:

SPEECH OF JOHN J. STANG, JUNIOR VICE COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

The Veterans of Foreign Wars of the United States is made up of men who demonstrated their loyalty to the United States of America on foreign battlefields in many wars. Thereafter, they banded together to perpetuate their loyalty and their service here at home.

For nearly seventy-five years, we have stood steadfast in our loyalty to the one nation we all love.

In 1931, the Veterans of Jersey City, in cooperation with many other organizations saw fit to establish "Americanization Day". We owe much to these fine citizens.

Some years later, the V.F.W. and other Veterans organizations conceived, and caused to be established a National Loyalty Day, on May the first. It was originally conceived as an antidote to the saber-rattling May Day of the Russian Communists. It has survived to become the companion of National Law Day. Both are celebrated on the first of May, and each is compatible with the other. This is true, because ours is indeed a "Government of Laws", and he who will not respect and obey our laws cannot lay claim to loyalty toward the nation those laws protect and preserve.

During the Vietnam War, we have seen disloyalty in many forms. Young men have abandoned their own country rather than oppose the evils of Communism on the battlefields of Southeast Asia.

Members of the active military forces have deserted. Men, women, and public officials, both passive and active, have openly practiced disloyalty through treachery at home and abroad. Some of them engaged in outright treason.

But the loyal citizens of this great, enduring nation have far more than these few incidents to talk about. It is not upon disloyalty that history is made. We have a greater number of American men and women who have loved this country, and served it through the changing years.

We, in the Veterans of Foreign Wars, are proud of these men and women. They have shared with us that one great common goal—total devotion to the land we love. And right now, the most inspiring examples of this devotion are the returning veterans from Vietnam.

These young patriots have demonstrated their own loyalty under the most trying circumstances. Thousands of them gave their lives. Thousands more were maimed and wounded. Hundreds suffered the degradation and torture of incarceration in prisons.

Perhaps the greatest exhibition of loyalty to this country and it's President we shall ever see, was the attitude and comments of our returning P.O.W.'s, after their release.

It is now our turn and our sacred duty to demonstrate our loyalty to them. It is our fervent hope that all of them who survived their service in Southeast Asia are now home from the wars.

So let us all join on this great day—this "Americanization Day"—and pay honor to those Vietnam veterans, the Veterans of all wars, and to all who have kept the faith, and loved and served the greatest country the world has ever known—The United States of America.

SPEECH OF VICE ADM. BENJAMIN F. ENGEL, U.S. COAST GUARD COMMANDER, ATLANTIC AREA

Mr. Chairman, Congressman Daniels, Mayor Jordan, Congressional Medal of Honor recipients, Gold Star Mothers, Veterans of Foreign Wars, Commander Stuhr, ladies and gentlemen.

For the past forty-two years, the good people of Jersey City have demonstrated their faith in the ideals of our Nation and what it means to be an American citizen on Americanization Day. Many fine, distinguished Americans have preceded me here as guest speaker, and I am indeed proud to join their ranks by being here with you today.

In another three years, America will be officially celebrating its 200th anniversary. I could not help but think of that on my way over here today—not just from the standpoint of what our Founding Fathers fought for—but how well they shaped and molded our young Nation and thus enabled it to endure these many years. Few countries in the world today can claim such government longevity . . . and especially in basically the same form it was founded, the guarantees and personal freedoms fought for and secured by those valiant patriots in the War of Independence remain with all of us today.

I think it quite remarkable, for instance, that we can regularly change the composition of our Government, without causing chaos. Or . . . create or amend a law to fit new circumstances without major unrest. Or . . . legally stop any actions which the majority of citizens are against. Citizenship is indeed a very precious commodity. Unfortunately, however, it is sometimes taken too much for granted.

As free men living in a free society, we Americans have the opportunity to pursue our individual destinities and live our lives in human dignity. Yet . . . an integral aspect of this freedom is the American citizen and his strong, unwavering support of American ideals. This is really what Americanization Day is all about . . . as you folks here today know well and continue to demonstrate year after year . . . for your Americanization Day observances are the oldest ones in the Nation.

But then I am not really surprised to see such support in New Jersey . . . a State which started to form itself more than three hundred years ago, when it was known as the province of Nova Cesaria. Your State history, I have learned, is far too complex to review here. Suffice to say that your forefathers certainly lost none of their craving for individual freedom, as evidenced by the fact that New Jersey was the third State to ratify the Union's Constitution in December of 1787.

I am particularly proud of the Coast Guard's long association with the State of New Jersey, which began at Sandy Hook almost a century and a quarter ago. The Hook was the site of the first lifesaving station built and supported by Federal funds.

And what a station it was!

The station building measured 23 feet long and 16 feet wide . . . a somewhat spartan structure by today's standards. The facility itself was manned by five or six dedicated men, who set out on coastal rescue missions in a 27-foot surfboat. Two other buildings were constructed later at Sandy Hook, with additional facilities going up at Long Branch, Shark River, and Ship Bottom. Then, of course, no mention of our growth in New Jersey could be complete without calling attention to the Sandy Hook Lighthouse. Placed into operation in June of 1764, the

structure is the oldest original light tower still standing and in use in the United States.

Today, our commitment in New Jersey is appreciably larger. More than twelve hundred coast guardsmen are assigned from Sandy Hook to Cape May and north to Gloucester City serving aboard 24 vessels and shore units, including an air station and a large recruit training center at Cape May. For example, Coast Guard units throughout the State responded to more than three thousand search and rescue cases off the coast and in State waterways, and assisted over seven thousand people.

And, I am pleased to state that the Coast Guard is continuing to increase its efforts in New Jersey to meet the challenge of new and expanding missions.

At Barnegat Light, we're building a new search and rescue complex, which will cost some 1.3 million dollars before it is completed late this year or early in 1974.

At Sandy Hook, we will be building virtually a new station, and that will cost around three million dollars to complete.

Then, at our other units around the State, we will continue to improve our operational techniques, communications systems, waterfront facilities, and the living accommodations for our men.

All of these facilities are committed to the very thing we are here today to honor:

America . . . freedom . . . and individual support and responsibility.

Each of us must put aside differences . . . avoid indifference . . . show concern for the future, and recognize the need to accept and understand our fellow man.

These qualities, tempered with mercy and compassion, have made America the great Nation that it is today.

Celebrations such as this Jersey City Americanization Day parade will help keep patriotism in the minds of all the citizens. Congratulations to all of you members of the VFW and citizens of Jersey City who have worked so hard to put it together.

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SPEECH OF COMDR. ALBERT DEWSON, 33D NAVAL DISTRICT, U.S. NAVY

In an age when protest is in vogue, antimilitary sentiments are popular and many accepted beliefs and traditions are shaken, I believe one thing stands out—ringing as clear today as the Liberty Bell resounded one hundred and ninety-five years ago. That one outstanding point is: that America is still having growing pains, which means progress and progress is good.

The protests of the few, can never shatter the memory that you and I have of the many thousands of young men and women who have; who continue and who *will* continue to take their places in our history.

From Bunker Hill to Flanders Fields; from the battle of the bulge to the jungles of Vietnam, Americans have opposed the yoke of oppression. In every case, the young—Airmen, sailor, and marine citizen soldier have brought credit to America.

On this, the 42nd Annual Americanization Day—we, all of us, must reflect the ideals and principles of our founders and those who came after them. We must keep and preserve these ideals for those who will come after we are gone. We must renew our "Pledge of Allegiance". We must make every day, "Americanization Day".

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## SPECIAL WATERGATE PROSECUTOR

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the incredible outgrowth of the Watergate burglary, an act many of us originally thought merely a stupid criminal blunder perpetrated by foolish incompetents, has developed into a major scandal threatening as the President admitted, the very integrity of the Federal Government.

In spite of the President's remarks of the resignation of Patrick Gray, the Acting Director of the FBI; of H. R. Haldeman, the President's Chief of Staff; of John Ehrlichman, the President's Chief Domestic Policy Adviser; of Attorney General Richard Kleindienst who had the lawful responsibility to investigate and bring to trial those connected with the case; and John Dean, the President's White House Counsel, rumors abound of others' involvement. But most important, the entire process of criminal justice has been put in doubt by a double standard based upon one's relationship with the Government and how much one is willing to pay for that relationship.

We are no longer dealing with a petty criminal act with political overtones. We are dealing with a plethora of criminal acts reaching deep into the heart of the Office of the President of the United States, touching it in ways we do not know, forcing us to think what we had hitherto believed unthinkable; of the possibility that the President himself may somehow have been involved. White House integrity can only be restored by an independent judicial process unsullied by partisanship or special dealing.

While the President is to be commended for taking upon himself the ultimate moral responsibility for the acts of his closest advisers, it is only right and proper that he should do so. However, "ultimate moral responsibility" is not at issue. Nor is the integrity of the White House exclusively at issue as the President had stated. This case strikes at the heart of our system of government.

Mr. Nixon has recognized the need for a special prosecutor but regrettably has not taken the necessary action. Rather he has left it to the mere discretion of his nominee for Attorney General, Mr. Elliot Richardson. I am familiar with Mr. Richardson's record and he enjoys a fine unblemished reputation. But this is an extraordinary case calling for extraordinary precautions in order that the faith of the American people in their Government might be restored.

Mr. Richardson and the Director-Designate of the Federal Bureau of Investigation, Mr. Ruckelshaus, have been long connected with this administration. They have, in return for their loyalty, been the recipient of the President's favor and regard. I have no criticism of their work. They have performed their duties and are untouched by scandal. Yet they have been appointed by the President and, like those recently resigned, are dependent upon him for their careers.

Certainly the President could, and indeed, ought to follow the example of past Presidents. President Coolidge, for example, named Harlan Fiske Stone, then dean of the Columbia Law School and a future Supreme Court Justice, as Attorney General and named two independent special counsels to serve with him to bring to justice those involved in the infamous "Teapot Dome" scandal.

We are faced today with an ugly situation in which men responsible for the execution of the laws of the United States have possibly bribed witnesses, violated Federal statutes prohibiting wiretapping, conspired to violate Federal laws, destroyed evidence, obstructed criminal justice statutes, civil rights statutes prohibiting interference with a Federal election, criminal tax laws, and misused Federal Government resources.

The case now extends beyond what the Republican hierarchy originally downplayed as a "caper."

The investigation has turned up instances wherein persons paid from political contributions have provoked and initiated fights at opposition political rallies, have impersonated members of the Gay Liberation Front in order to make it appear that opposition candidates were courting homosexual support, and planted spies to report on and disrupt American citizens engaged in lawful political activities. All this and maybe more was done in the name of the effort to reelect the President.

Mr. Speaker, no one to date has been given responsibility for investigating the Watergate affair and the ensuing coverup who does not in some way either owe the President a personal loyalty or who is not connected with one or more of the participants, however innocent that connection may seem to be. In order to clear the air of suspicion and doubt and in order to restore the integrity the President rightfully desires, it is absolutely essential that the person given responsibility for the investigation and ultimate prosecution be totally independent from even the suggestion of control from the White House or the administration.

The Department of Justice attorneys responsible for the investigation and prosecution of the case already indicated in the first Watergate prosecution that they are incapable or unwilling to aggressively pursue their duties. Indeed, Chief Federal District Judge John Sirica, himself a long time Republican, severely admonished the U.S. attorneys in open court for failing to pursue the prosecution.

Assistant Attorney General Henry Peterson, in the face of former Attorney General Kleindienst's unwillingness to take part in an investigation involving his friends and persons with whom he was otherwise personally acquainted, was directed by the President to take over responsibility for the investigation. Yet even he owes his career to John Mitchell, one of the President's closest advisers and who is also under suspicion for engaging in criminal activity and upon whom the President relied. Indeed, if the President was aware of the activities of his staff before March, then possibly he was made aware of it by Mr. Mitchell. In light of these circumstances, a cloud hangs over Mr. Petersen's ability to pursue independently the investigation not only of his former employer and benefactor in the Department of Justice, but possibly of his more immediate former employer, Mr. Kleindienst, who resigned yesterday.

Moreover, the executive branch of Government seems paralyzed by Watergate. It is incapable of dealing with any other matter and will continue to be disabled until every person involved has been either cleared or convicted by an independent judicial process.

I do not contend as some do although they may well be right that the very foundation of our democracy rest upon the outcome of this case. We have experienced such tawdry and sordid affairs in our past before and the good judgment and the honesty of the American people have prevailed to oust those responsible. But I do contend that if we are to get on with the business of governing and the general welfare of the Nation, of assuring jobs, education, shelter, and food for those we represent; if we are to get on with and not lose sight of world affairs, then we must see to it that our credibility with the American people as well as the world are intact.

There are also many persons, some past supporters of the President, who by their own statements apparently are considering a move for impeachment of the President. I believe such extraordinary action should be avoided lest the country be torn apart and important matters left to founder for many years. The only way to forestall such a move is by a credible investigation by an independent prosecutor.

I believe that we should accept the advice of former Special Assistant for Domestic Affairs under President Johnson, Attorney Joseph A. Califano, Jr., who proposed that the President, with the concurrence of the Speaker of the House of Representatives and the majority leader of the Senate, appoint an independent special prosecutor to investigate and bring to justice those who have violated the law. If he fails to do so, there will hang over the White House and the Government the suspicion of a whitewash and the paralysis of Government will continue.

I have today introduced a House resolution calling upon the President to appoint, with the concurrence of the Speaker of the House and the majority leader of the Senate, as well as the consent of the Senate, a special independent prosecutor to investigate and bring to trial persons who engaged in criminal activity as part of the Presidential election of 1972 or any activity related to the election or the campaign.

This resolution is advisory and I am hopeful that the President will see its wisdom even before the House can take it up.

The House resolution follows:

H. RES. 373

Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972

*Resolved*, That it is the sense of the House that:

1. the President shall immediately designate an individual of the highest character and integrity from outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass or other activity related thereto.

2. the President shall grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and

3. the President shall, after consultation with the Speaker of the House and the Majority Leader of the Senate, submit the name of such designee to the Senate, requesting a resolution of approval thereof.

## WILL THE FBI INVESTIGATE THE PRESIDENT?

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

Mr. McCLOSKEY. Mr. Speaker, in this morning's Washington Post there appears what is apparently the complete text of an FBI report on the interview of ex-Presidential Counselor John Ehrlichman by an FBI agent on April 27, 1973. It was read into the court record by Judge W. Matt Byrne who is presiding over the Ellsberg trial.

The FBI report discloses the disquieting fact that the FBI agent apparently did not ask Mr. Ehrlichman the crucial question:

When Mr. Ehrlichman learned of the burglary of Daniel Ellsberg's psychiatrist's office by White House personnel, did he advise the President of this fact, and if so, when?

If we are to restore public confidence in the integrity and freedom of our law enforcement agencies from political influence, then the FBI and Justice Department must be willing to ask the hard questions as to the personal knowledge and involvement of the highest officials of Government, including the President, in matters of criminal conduct.

The question that is being asked around the country is whether or not the FBI and Justice Department can, and will, impartially inquire into the conduct of the President himself. If the FBI does not ask the hard questions, then the doubts will continue to grow that we are not really a nation of laws rather than of men when the Presidency is involved. It also poses the question: If the FBI and Justice Department will not fully investigate the conduct of the President's high office, is not the House of Representatives required to do so as part of its specific constitutional responsibility with respect to the executive branch?

The Washington Post article follows:

FBI'S REPORT ON EHRLICHMAN INTERVIEW

Following is the text of an FBI report on an interview on April 27 with presidential adviser John D. Ehrlichman in connection with the alleged burglary of the offices of Daniel Ellsberg's psychiatrist:

John D. Ehrlichman, adviser to the President, was contacted in his office at the executive office of the President.

It was explained to Mr. Ehrlichman that this interview was being conducted at the specific request of the Justice Department. He was told that information had been received alleging that on an unspecified date the offices of an unnamed psychiatrist retained by Daniel Ellsberg had been burglarized, apparently to secure information relating to Ellsberg. Mr. Ehrlichman was advised that the purpose of this interview was to learn what knowledge he might have concerning this alleged burglary.

Mr. Ehrlichman recalled that sometime in 1971 the President had expressed interest in the problem of unauthorized disclosure of classified government information and asked him to make inquiries independent of concurrent FBI investigation which had been made relating to the leak of the Pentagon papers. Mr. Ehrlichman assumed this responsibility and was assisted in this endeaver by Egil Krogh, a White House assistant, and David Young of the National Security Agency. A decision was made by them to conduct some investigation in the Pentagon Papers leak matter "directly out of the White House." G. Gordon Liddy and E. Howard Hunt were "designated to conduct this investigation."

Mr. Ehrlichman knew that Liddy and Hunt conducted investigation in the Washington, D.C., area and during the inquiries were going to the West Coast to follow up on leads. There was information available that Ellsberg had emotional and moral problems and Liddy and Hunt sought to determine full facts relating to these conduct traits. Hunt endeavored to prepare a "psychiatric profile" relating to Ellsberg. The efforts of Liddy and Hunt were directed toward an "in-depth investigation of Ellsberg to determine his habits, mental attitudes, motives, etc."

Although Mr. Ehrlichman knew that Liddy and Hunt had gone to California in connection with the above inquiries being made by them, he was not told that these two individuals had broken into the premises of the psychiatrist for Ellsberg until after this incident had taken place. Such activity was not authorized by him, he did not know about this burglary until after it had happened. He did "not agree with this method of investigation" and when he learned about the burglary he instructed them "not to do this again."

Mr. Ehrlichman does not recall who specifically reported to him about the above mentioned burglary but it was verbally mentioned to him. He does not know the name of the psychiatrist involved nor the location of this individual. He does not know whose idea it was to commit this burglary. Mr. Ehrlichman has no knowledge whether anything was obtained as a result of this activity.

## GENERAL LEAVE

Mr. LITTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of the special order delivered today by the gentleman from New York (Mr. DULSKI).

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

There was no objection.

## 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. BUCHANAN) to revise and extend their remarks and include extraneous material:)

Mr. ROBISON of New York, for 15 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. LITTON) and to revise and extend their remarks and include extraneous matter:)

Mr. BRINKLEY, for 15 minutes, today.

Mr. CULVER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. ABZUG, for 30 minutes, today.

Mr. MCKAY, for 5 minutes, today.

Mr. WOLFF, for 15 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PATMAN in six instances.

(The following Members (at the request of Mr. BUCHANAN) and to include extraneous material:)

Mr. QUIE.

Mr. BLACKBURN.

Mr. CRANE in five instances.

Mr. YOUNG of Alaska in two instances.

Mr. ZWACH.

Mr. KEMP in two instances.

Mr. RAILSBACK.

Mr. MCCLORY.

Mr. PRITCHARD.

Mr. MARAZITI in three instances.

Mr. HANRAHAN in two instances.

Mr. ARMSTRONG.

Mr. LANDGREBE in 10 instances.

Mr. SARASIN.

Mr. FROEHLICH.

Mr. HOSMER in three instances.

Mr. COCHRAN.

Mr. BROYHILL of Virginia.

Mr. MCCLOSKEY.

Mr. BOB WILSON.

Mr. VEYSEY.

Mr. SCHNEEBELI.

Mr. HUBER.

Mr. WHITEHURST.

Mr. BUCHANAN in two instances.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. LITTON) and to include extraneous matter:)

Mr. LONG of Maryland in 10 instances.

Mr. WILLIAM D. FORD.

Mr. REUSS.

Mr. HAMILTON in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. CHARLES H. WILSON of California.

Mr. MOSS.

Mr. WALDIE in three instances.

Mr. DE LA GARZA in 10 instances.

Mr. LEHMAN in 10 instances.

Mr. FULTON in two instances.

Mr. ROONEY of New York in two instances.

Mr. MCCORMACK.

Mr. THOMPSON of New Jersey.

Mr. YATES in two instances.

Mr. SARBANES in five instances.

## ADJOURNMENT

Mr. LITTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, May 3, 1973, 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:

850. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

851. A letter from the Comptroller General of the United States, transmitting a report on the need to control discharges from sewers carrying both sewage and storm runoff; to the Committee on Government Operations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERGLAND:

H.R. 7403. A bill to amend the education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

H.R. 7404. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7405. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing the duties in a civilian status; to the Committee on Armed Services.

By Mr. BIAGGI (for himself and Mr. RINALDO):

H.R. 7406. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BIESTER:

H.R. 7407. A bill to amend title 38 of the United States Code in order to remove all limitations on the aggregate period for which a person may receive assistance under two or more of the veterans' educational assistance laws; to the Committee on Veterans' Affairs.

By Mr. BROOMFIELD:

H.R. 7408. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 7409. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.R. 7410. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

H.R. 7411. A bill to amend title 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIGGS:

H.R. 7412. A bill to create a Law Review Commission for the District of Columbia; to the Committee on the District of Columbia.

H.R. 7413. A bill to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 7414. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DONOHUE:

H.R. 7415. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. DULSKI (for himself, Mr. DOMINICK V. DANIELS, Mr. WILLIAM D. FORD, Mr. ROUSSELOT, and Mr. HILLIS):

H.R. 7416. A bill to amend title 5, United States Code, to establish the entitlement to pay and travel expenses for certain individuals designated for service on boards of review of certain decisions of the Secretary of Transportation concerning air traffic controllers; to the Committee on Post Office and Civil Service.

H.R. 7417. A bill to amend title 5, United States Code, to establish the special basic pay entitlement of air traffic controllers designated to perform on a temporary or intermittent basis the duties of supervisory positions; to the Committee on Post Office and Civil Service.

By Mr. ESCH:

H.R. 7418. A bill to amend the Public Health Service Act to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposse; to the Committee on Interstate and Foreign Commerce.

H.R. 7419. A bill to amend the Internal Revenue Code of 1954 to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 7420. A bill delegating the power of local self-government to the people of Washington, D.C., and establishing a Home Rule Charter Commission; to the Committee on District of Columbia.

By Mr. FROEHLICH (for himself, Mr. OBEY, Ms. ABZUG, Mr. ANDERSON of Illinois, Mr. ASPIN, Mr. BINGHAM, Mr. BLATNIK, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. DERWINSKI, Mr. FRASER, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. KASTENMEIER, Mr. MEEDS, Mr. REUSS, Mr. ROYBAL, Mr. RUPPE, Mr. SARBANES, Mr. THOMSON of Wisconsin, Mr. WALDIE, Mr. YOUNG of Georgia, Mr. YOUNG of Alaska, and Mr. ZABLOCKI):

H.R. 7421. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of

their status as American Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mrs. CHISHOLM, Mr. HECHLER of West Virginia, and Mr. NIX):

H.R. 7422. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS:

H.R. 7423. A bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 7424. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. LONG of Louisiana:

H.R. 7425. A bill to modify the project for flood control on the Mississippi River and tributaries with respect to the Atchafalaya River Basin in Louisiana; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 7426. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. McKAY (for himself, Mr. MILLS of Arkansas, Mr. HANNA, Mr. ULLMAN, Mr. UDALL, Mr. FOLEY, and Mr. OWENS):

H.R. 7427. A bill to amend title II of the Social Security Act to extend beyond age 22 the period during which an individual may be entitled to child's insurance benefits on the basis of full time student status where such individual was prevented by reason of health, religious service, or service in the Armed Forces (after attaining age 18) from attending school during one or more months prior to attaining age 22; to the Committee on Ways and Means.

By Mr. MARAZITI:

H.R. 7428. A bill to amend the Internal Revenue Code to provide tax deductions for expenses of higher and vocational education; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 7429. A bill to repeal certain provisions, which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program; to the Committee on Agriculture.

H.R. 7430. A bill to amend section 318 of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. MIZELL:

H.R. 7431. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. PEPPER:

H.R. 7432. A bill to amend section 103 of the Flood Control Act of August 13, 1968 (Public Law 90–483) to provide for beach erosion control and hurricane protection, Bal Harbour Village, Dade County, Fla.; to the Committee on Public Works.

By Mr. REES:

H.R. 7433. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 7434. A bill to amend the Internal Revenue Code of 1954 to eliminate the excise tax on local telephone service, toll telephone service, and teletypewriter exchange service, effective September 1, 1973; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mrs. HANSEN of Washington, Mr. BLATNIK, Mr. GRAY, Mr. GROVER, Mr. McDADE, Mr. VEYSEY, and Mr. WYATT):

H.R. 7435. A bill to amend the National Visitor Center Facilities Act of 1968 to authorize certain interpretive transportation services, and for other purposes; to the Committee on Public Works.

By Mr. SMITH of Iowa:

H.R. 7436. A bill to provide an equal opportunity to all feed grain producers who desire to participate in the 1973 feed grains program; to the Committee on Agriculture.

By Mr. SYMMS:

H.R. 7437. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 7438. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANDER JAGT:

H.R. 7439. A bill to direct the National Academy of Sciences to conduct a study to determine if the requirements of the Federal Food, Drug, and Cosmetic Act respecting residues in meat and other foods may safely be revised because of technological advances in the measurement of such residues in meat or other food; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mr. GERALD R. FORD, Mr. BIESTER, Mr. DENT, Mr. CHARLES H. WILSON of California, Mr. COUGHLIN, Mr. STOKES, Mr. HINSHAW, Mr. JOHNSON of Pennsylvania, Mr. RODINO, Mr. WILLIAM D. FORD, Mr. COTTER, Mr. NIX, Mr. YOUNG of Florida, Mr. KEMP, Mr. BURGENER, Mr. RHODES, Mr. EDWARDS of California, Mr. J. WILLIAM STANTON, Mr. MADIGAN, Ms. ABZUG, Mr. MINISH, Mr. DELANEY, Mr. BEARD, and Mr. BROWN of California):

H.R. 7440. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mr. HAWKINS, Mr. McCOLLISTER, Mr. THOMPSON of New Jersey, Mr. STARK, Mr. TOWELL of Nevada Mr. RONCALLO of New York, Mr. FRASER, Mr. ADDABBO, Mr. COHEN, and Mrs. GRIFFITHS):

H.R. 7441. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 7442. A bill to establish the Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON of California:

H.R. 7443. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. YOUNG of Georgia:

H.R. 7444. A bill to authorize the coinage of silver dollar coins to commemorate the life of Dr. Martin Luther King, Jr. and to assist in the continuation of his nonviolent message by the designation of the Martin Luther King Center for Social Change to distribute said silver dollar coins; to the Committee on Banking and Currency.

By Mr. CULVER (for himself, Mr. THOMSON of Wisconsin, Mrs. SULLIVAN, Mr. ROSTENKOWSKI, Mr. ANNUNZIO, Mr. BOWEN, Mr. BLATNIK, Mr. MICHEL, Mr. DERWINSKI, Mr. STEIGER of Wisconsin, Mr. QUIE, Mr. ZWACH, Mr. FRASER, Mr. FRENZEL, Mr. ANDERSON of Illinois, Mr. ALEXANDER, Mr. O'BRIEN, Mr. GRAY, Mr. OBEY, Mr. FROEHLICH, Mr. CRANE, Mr. MEZVINSKY, Mr. WHITTEN, Mr. SYMINGTON, and Mr. BERGLAND):

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. MONTGOMERY, and Mrs. BOGGS):

H.J. Res. 534. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673; to the Committee on the Judiciary.

By Mr. MILLS of Arkansas (for himself and Mr. BURKE of Massachusetts):

H.J. Res. 535. Joint resolution authorizing the President to proclaim June 3, 1973, as "National MIA–POW Day"; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 536. Joint resolution to end the bombing in Cambodia and Laos; to the Committee on Foreign Affairs.

By Mr. O'BRIEN (for himself, Mr. BURGENER, Mr. HANRAHAN, Mr. HUBER, and Mr. MAZZOLI):

H.J. Res. 537. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing to the States the power to enact laws respecting the life of an unborn child from the time of conception; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.J. Res. 538. Joint resolution requesting the President of the United States to appoint a special commission to investigate and to prosecute all crimes in connection with the presidential election of 1972, and appointments shall be subject to confirmation by the Senate; to the Committee on the Judiciary.

By Mr. COHEN (by request):

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the United States should become an Oceanus Congressional Nation; to the Committee on Foreign Affairs.

By Mr. DOMINICK V. DANIELS:

H. Res. 373. Resolution requesting the President to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. RIEGLE:

H. Res. 374. Resolution to appoint a special prosecutor; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

199. The SPEAKER presented a petition of Larry Gabor, Huntington, N.Y., and others, relative to the price of meat, which was referred to the Committee on Banking and Currency.