plicated life, the assessment of the "side effects" of technology has become increasingly important to the total community. Technology assesment as defined by the OTA is the full and balanced analysis of all significant primary-secondary, indirect and delayed consequences for impacts present and foreseen of the technological innovational society environment for the economy. Technology Assessment is not intended as a deterrent or mechanism to halt or slow the development of technology.

The Congress of the United States today is faced more and more with highly important political decisions based on highly intricate technical matters closely related to technology and its use. The need to pass legislation on such items as new missiles, super-sonic transports, environmental pollution, health and safety, etc., requires objective expert advice to guide these decisions. This need resulted in the passing of the Technology Asesssment Act in 1972 which created the Office of Technology Assessment.

Because the engineering profession is concerned with the impact of technology on the economic and social structure and fully accepts its responsibility as a contributor to the implementation of technological change, the Engineers Joint Council felt it was a matter of extreme importance to create the Technology Assessment Panel which would then serve as a focal point to marshal the total resources of the engineering and professional community.

The Engineers Joint Council is a Council of professional engineering societies. The total membership in these member body societies is approximaetly 600,000, all of whom are directly connected with the engineering and professional communities, and are intimately concerned with the development, use and application of technology in industry.

The following societies will serve as active members, through their representatives, on the Technology Assessment Panel: SESA, ASCE, ASEE, ECPD, SFPE, SAE, APCA, AIAA, ASQC, IEEE, AIIE, SME, ISA, ASM, AICE, AIME, ASHRAE, ASME, NACE, and SPHE.

HOUSE OF REPRESENTATIVES—*Thursday, May 31, 1973*

The House met at 12 o'clock noon.

The Honorable WILLIAM H. HUDNUT III, of Indiana, offered the following prayer:

This is the day which the Lord hath made. Let us rejoice and be glad in it.

Let us pray.

O Thou Eternal God, our loving Heavenly Father, we do thank Thee for the opportunities that come to us to serve Thee and to serve our country, and we pray that in our day and in our generation, through our ministry in this House of Representatives, we may perform something worthy to be remembered by the people of this great Nation and by You, our Father. And to You be the glory and the praise, now and forever, world without end. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6912. An act to amend the Par Value Modification Act, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6912) entitled "An act to amend the Par Value Modification Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. TOWER, Mr. BENNETT, Mr. ERVIN, and Mr. PERCY to be conferees on the part of the Senate.

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

S. 1317. An act to authorize appropriations for the U.S. Information Agency; and

S. 1501. An act to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974.

INCREASE IN PRICE OF NATURAL GAS

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

Mr. OBEY. Mr. Speaker, it appears that step No. 2 in the administration's efforts to have Government cave in to the oil and gas companies came yesterday with the Federal Power Commission's decision to allow a 73-percent increase in the price of natural gas.

Step 1 was the administration's hint Tuesday that the gas tax might be increased.

The gas price increase approved yesterday—from 26 cents a 1,000 cubic feet to 45 cents—will yield the three gas companies who received the increase—Belco Petroleum, Tenneco, and Texaco Oil—a 27.5-percent rate of return on total investment.

For the Government to guarantee that kind of return is outrageous, especially when the companies specifically refused to guarantee that any additional profits from the increase will be plowed back into additional exploration and development efforts.

When the companies imply—as they have—that they will not be doing more exploration and development for additional gas reserves, unless the prices they get are substantially increased, then its time for the Government to say: "To hell with you, we will do the job ourselves."

Mr. Speaker, when the present price of natural gas was increased to 26 cents in 1971, industry indicated it would increase its exploration and development to ease the gas shortage.

The result instead has been decreasing gas reserves and increasing gas shortages, for which the companies are now being rewarded with an increased rate of return and no doubt increased profits.

If the major oil and gas companies had paid as much attention to research over the past 5 years as they have to advertising and promoting their own cause, we might not be in as serious a bind as we are today.

ANNUAL CONGRESSIONAL BASEBALL GAME

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

Mr. CONTE. Mr. Speaker, I am sure that everyone in this Chamber was thrilled by the recent news that major league baseball apparently will be returning to the Nation's Capital next year.

But I am pleased to announce today that the fans in this great Chamber will not have to wait until next spring to see topnotch baseball played as it has rarely been played before.

Yes, Mr. Speaker, I am referring to that annual exhibition of Capitol talent, that refreshing exercise of brain and brawn, that storied struggle of titans, that summer outing that causes flutters in the hearts of little children and grown men alike—yes, Mr. Speaker, I am referring to the annual congressional baseball game.

The mere fact that there will be no major league games in Washington this year is not a big enough obstacle to block the annual congressional battle.

Once again this year, the game will be played—if that is the right term. The memorable night will be July 30 at Baltimore's Memorial Stadium, and the game will be a prelude to a major league contest between the Baltimore Orioles and the Detroit Tigers.

While this will necessitate a short bus ride up the Baltimore-Washington Parkway, all the traditional hoopla and outstanding talent that have marked previous congressional games will again be provided.

Despite losing the last nine consecutive games to my slick fielders and heavy hitters, my colleague from Pennsylvania and opposite number on the diamond, Mr. CLARK, promises to field enough Democrats to fulfill at least the numerical requirements for a team.

If they can do that in spite of their recent adversity on the ballfield, surely every Member of this body should match their sacrifice by coming out to the game July 30 to see the Republicans' 10th consecutive victory in this glorious series.

APPOINTMENT OF CONFEREES ON H.R. 6912, TO AMEND THE PAR VALUE MODIFICATION ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6912) to amend the Par Value Modification Act,

and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, GONZALEZ, REUSS, MOORHEAD of Pennsylvania, REES, HANNA, YOUNG of Georgia, STARK, STEPHENS, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, CRANE, FRENZEL, and CONLAN.

APPOINTMENT OF CONFEREES ON H.R. 5293, PEACE CORPS AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5293) authorizing additional appropriations for the Peace Corps, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

APPOINTMENT OF CONFEREES ON H.R. 5610, TO AMEND FOREIGN SERVICE BUILDINGS ACT, 1926

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5610) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. HAYS, MORGAN, ZABLOCKI, MAILLIARD, and THOMSON of Wisconsin.

AUTHORIZING U.S. POSTAL SERVICE TO RECEIVE FEE FOR EXECUTION OF PASSPORT APPLICATION

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 7317) to authorize the U.S. Postal Service to continue to receive the fee of $2 for execution of an application for a passport, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand this provides for 1-year extension?

Mr. HAYS. The gentleman is exactly correct.

Mr. GROSS. And that is pending a study by the Postal Service as to the continuance of this service?

Mr. HAYS. That is right. The Postal Service has been studying it and they claim they could not finish their study so this is continuing it for an additional year until they do finish the study and to accommodate the public in making applications for passports.

Mr. GROSS. May I assume that the gentleman will not be particularly interested in a further extension?

Mr. HAYS. Well, I can only say to the gentleman that if the Postal Service looks favorably on it and the thing has increased and has worked, we might consider making it permanent. However, that would come to the committee in the regular way.

Mr. GROSS. Yes. I thank the gentleman for that response.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 7317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport", approved May 14, 1971 (22 U.S.C. 214 note), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

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

A NEW TRADITION BEGINS

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

Mr. PODELL. Mr. Speaker, in the next 10 or 15 minutes we shall have the pleasure in this chamber of welcoming a charming and bright new addition to the House page staff, Miss Heidi Stam, of Brooklyn, N.Y. She will start her work here very shortly.

Heidi got her position here on her own initiative. She sought the job for almost 2 years and knew what she wanted and went after it.

She is a very bright young lady, and I am sure that the House will be enriched by her presence. Brooklyn and the Nation shall be very proud of her.

PROVIDING FOR CONSIDERATION OF H.R. 7806, HEALTH PROGRAMS EXTENSION ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

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. 7806) to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, 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 by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report 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. 7806, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1136, 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. 7806 as passed by the House.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 418 provides for an open rule with 1 hour of general debate on H.R. 7806, a bill extending through fiscal year 1974 appropriations in the Public Health Service Act, The Community Mental Health Centers Act, and the Development Disabilities Services and Facilities Construction Act.

H. R. 7806 authorizes $1,270,566,000 for the 12 health programs included in the bill. It restricts the authorization under section 314(e) of the Public Health Service Act to support of programs for which no other authority is contained in title I of H.R. 7806. It also extends the provision of the Medical Facilities Construction and Modernization Amendments of 1970 which are designed to assure availability of appropriated health funds.

Mr. Speaker, this bill extends many health programs which are greatly needed to aid our progress in the field of medical research. I urge adoption of House Resolution 418 in order that we may discuss and debate H.R. 7806.

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 418 is the rule under which we will consider H.R. 7806, Health Programs Extension Act of 1973. This is an open rule with 1 hour of general debate. The rule has two additional provisions—the bill will be read for amendment by title instead of by section and the House-passed language will be inserted in S. 1136.

The primary purpose of H.R. 7806 is to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act. A comparable bill, S. 1136, passed the Senate on March 29, 1973.

This legislation is needed because on June 30, 1973, 12 major health programs will expire. The committee wants time to consider the future of existing, expiring health programs, because the administration has made it clear that, unless required to continue these programs, they will terminate five of them as soon as their authorities expire.

The total 1 year authorization in this bill is $1,270,566,000. The total authorization for fiscal 1973 for these programs was $2.28 billion.

H.R. 7806 would also extend the 1970 Hill-Burton amendment in the Medical Facilities Construction and Modernization Amendments of 1970 which assures the availability and expenditure of appropriated health funds.

In addition, this legislation also contains a provision which denies any court, public office, or public authority the right to require individuals or institutions to do abortions or sterilizations contrary to their religious beliefs or moral convictions because an individual or institution received funds under these health acts.

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

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7724, NATIONAL BIOMEDICAL RESEARCH FELLOWSHIP, TRAINEESHIP, AND TRAINING ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 417 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 417

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. 7724) to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, 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 report 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 amendment thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 417 provides for an open rule with 1 hour of general debate on H.R. 7724, a bill extending the national program of biomedical research fellowships. The bill authorizes the Secretary of Health, Education, and Welfare to conduct the program through the National Institutes of Health and the National Institute of Mental Health.

H.R. 7724 provides for first, authorization of training and fellowships at NIH and NIMH, and at other public or nonprofit private institutions; second, limiting support for individuals under the legislation to 3 years; third, requiring individuals supported to perform 2 years of research, teaching or practice for each year of support; fourth, requesting that the National Academy of Sciences do a 1-year study for the Congress of the Nation's needs for research workers and programs for training them, with appropriate recommendations; and fifth, requiring that the Secretary of Health, Education, and Welfare not support any research in the United States or abroad of an unethical nature.

Mr. Speaker, this program has been a well-established and fundamental part of our Nation's medical research effort for over 30 years. I urge adoption of House Resolution 417 in order that we may discuss and debate H.R. 7724.

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 417 is an open rule with 1 hour of general debate. The rule provides for the consideration of H.R. 7724, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973.

The primary purpose of H.R. 7724 is to provide a 2-year authorization for a national program of biomedical research fellowships and training, administered through the National Institutes of Health and the National Institute of Mental Health.

In addition, the bill includes provisions limiting the fellowships to 3 years, and requiring recipients of training to spend 2 years in health research or teaching for each year of training received. The bill requires that the Secretary of Health, Education, and Welfare not support any research of an unethical nature. There is also a provision in the bill requesting that the National Academy of Science conduct a study of the Nation's need for biomedical research personnel and report to Congress within 1 year.

The total cost of this bill is $207,947,000 for fiscal year 1974 and an equal amount for fiscal year 1975.

The legislation does not have the blessing of the administration. However, Mr. Speaker, I urge the adoption of this rule so that the House may work its will on the legislation.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6458, EMERGENCY MEDICAL SERVICES ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 415

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. 6458) to amend the Public Health Service Act to authorize assistance for planning, development, and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions. 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. It shall be in order to consider without intervention of any point of order the text of the bill H.R. 8220 if offered as an amendment to the bill H.R. 6458. At the conclusion of the consideration of H.R. 6458 for amendment, the Committee shall rise and report 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. 6458, it shall be in order in the House to take from the Speaker's table the bill S. 504 and 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. 6458 as passed by the House.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 415 provides an open rule with 1 hour of general debate for the consideration of H.R. 6458, the Emergency Medical Services Act of 1973. The rule also provides that it shall be in order to consider without the intervention of any point of order the text of the bill H.R. 8220 if offered as an amendment to H.R. 6458 and that after the passage of H.R. 6458 it shall be in order to take from the Speaker's table the bill S. 504 and to move to strike out all after the enacting clause of the Senate bill and insert in lieu thereof the provisions contained in H.R. 6458 as passed by the House.

H.R. 8220, the proposed amendment, was introduced by the chairman of the Committee on Interstate and Foreign Commerce, Mr. STAGGERS. It is a bill to provide for the continued operation of all Public Health Service Hospitals.

H.R. 6458 authorizes Federal assistance for the planning and development of communitywide emergency medical systems. The bill authorizes grants and contracts for planning and feasibility studies related to such emergency medical systems, and authorizes grants for the establishment and initial operation of such systems. It also authorizes grants to health professional schools for research and training in emergency medical services.

Both the House and the Senate passed legislation with similar purposes in the 92d Congress, but the Congress adjourned before a conference was held.

The total cost of this bill, for a 3-year period, is $145 million.

Mr. Speaker, it is estimated that proper emergency care could save approximately

60,000 lives annually. I urge the adoption of House Resolution 415 in order that H.R. 6458 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 415 provides for the consideration of H.R. 6458, the Emergency Medical Services Act. This is an open rule with 1 hour of general debate. The rule also makes the text of H.R. 8220 in order as an amendment without the intervention of a point of order. This amendment continues the operation of Public Health Service Hospitals. In addition, House Resolution 415 makes it in order to insert the House-passed language in S. 504.

The purpose of H.R. 6458 is to provide new authority for the support of emergency medical services. In the 92d Congress, the House passed a similar bill (H.R. 15859), as did the Senate, but a conference was not possible because of time at the end of the second session.

It has been estimated that proper emergency care could save approximately 60,000 lives annually. In emergency situations many ambulance attendants are not properly trained; only 5 percent of the Nation's ambulance personnel have completed the standard instruction course. Another problem is that numerous States have laws which discourage doctors from stopping to render assistance to accident victims.

This bill will provide grants to public and nonprofit entities for planning, establishment, and expansion of emergency medical service systems. Grants to schools are authorized for research and training programs dealing with emergency medical service. Because of the lack of coordination of Federal programs, the bill establishes an Interagency Technical Committee on Emergency Medical Services, which is to be chaired by the Secretary of HEW or his designee. The bill also provides for a study of legal barriers which impede the effective delivery of medical care under emergency conditions. The Secretary is required to report his findings to Congress within 12 months.

At present there is an impressive project being undertaken by the military assistance to safety and traffic program—MAST—which is a joint effort by DOD, DOT, and HEW. Its purpose is to augment civilian emergency capabilities by using military helicopters, et cetera, on a time-available basis. H.R. 6458 authorizes the Secretary of Defense and/or the Secretary of Transportation to undertake this type of assistance program, to the extent that it will not interfere with their primary missions.

The total cost of this bill, over a 3-year period is $145,000,000.

Mr. Speaker, there is the exception in connection with the amendment that was requested by the chairman, and there is no objection apparently on the part of the committee, for the text of H.R. 8220 to be in order as an amendment without the intervention of a point of order. H.R. 8220 has been introduced in the House since the consideration of the rule and this is the proposed amendment which I am going to take the liberty of reading so the Members of the House will know what is proposed:

That the Secretary of Health, Education, and Welfare is directed to take such action as may be necessary to assure that all the hospitals of the Public Health Service shall, until such time as the Congress shall by law otherwise provide, continue in operation as hospitals of the Public Health Service and continue to provide inpatient and other health care services to all categories of individuals entitled, or authorized, to receive care and treatment at hospitals or other stations of the Public Health Service, in like manner as such services were provided to such categories of individuals at hospitals of the Public Health Service on January 1, 1973.

Mr. Speaker, it is my understanding there was some concern as to whether or not the administration would attempt to phase out programs of this kind and eliminate this. The committee apparently wanted to see that the services were continued without interruption.

Mr. Speaker, I urge adoption of the rule and reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ORGANOPHOSPHOROUS PESTICIDES

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

Mr. GOODLING. Mr. Speaker, I am joined in these remarks by the gentleman from Virginia (Mr. ROBINSON) and the gentleman from Idaho (Mr. SYMMS).

The Occupational Safety and Health Administration just recently issued some emergency temporary standards for exposure to organophosphorous pesticides through the Federal Register of May 1, 1973. These regulations would have a devastating effect on agriculture in the United States, and I have today petitioned by the Secretary of Labor and the Solicitor of that Department to immediately suspend the implementation of these regulations and, in the process, to lend stability to our agricultural complex. I insert my communications in the CONGRESSIONAL RECORD:

MAY 31, 1973.

ALFRED G. ALBERT, Esq.,
Deputy Solicitor, U.S. Department of Labor, Washington, D.C.:

For your attention: Re. Part 1910—Occupational Safety and Health Standards, Emergency Temporary Standard for Exposure to Organophosphorous Pesticides (F.R. May 1, 1973, Part I)—. Petitions for Review and Stay of these amendments have been filed in the Circuit Courts of Appeal of the following jurisdictions: New Orleans—by Florida Peach Society, San Francisco—by Washington Horticultural Society and Chicago—by American Farm Bureau Federation. I have today wired Secretary of Labor Brennan, urging his immediate suspension of the implementation of these amendments, pending judicial findings on same.

GEORGE A. GOODLING,
KENNETH J. ROBINSON,
STEVEN S. SYMMS,
Members of Congress.

MAY 31, 1973.

Hon. PETER J. BRENNAN,
Secretary, U.S. Department of Labor, Washington, D.C.:

Seriously urge you act immediately to suspend implementation of Part 1910—Occupational Safety and Health Standards, Emergency Temporary Standard for Exposure to Organophosphorous Pesticides (F.R. May 1, 1973, Part I)—pending judicial finding on petitions filed in various Courts of Appeal for Review and Study of these amendments. Alternative is agricultural chaos. Please respond to this request and communication promptly.

GEORGE A. GOODLING,
KENNETH J. ROBINSON,
STEVEN D. SYMMS,
Members of Congress.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 168]

Adams	Evins, Tenn.	Nedzi
Alexander	Fisher	O'Hara
Annunzio	Flynt	O'Neill
Ashbrook	Foley	Owens
Ashley	Fraser	Pike
Badillo	Fuqua	Powell, Ohio
Biaggi	Goldwater	Price, Ill.
Blackburn	Gray	Randall
Blatnik	Gubser	Rarick
Boggs	Harvey	Reid
Bray	Hébert	Rhodes
Burke, Calif.	Henderson	Roncalio, Wyo.
Camp	Hunt	Rooney, N.Y.
Carney, Ohio	Ichord	Sandman
Carter	Ketchum	Satterfield
Chisholm	Landrum	Spence
Clark	Leggett	Steiger, Ariz.
Coughlin	McCormack	Stratton
Cronin	Madden	Sullivan
Davis, Ga.	Martin, Nebr.	Talcott
de la Garza	Mazzoli	Teague, Tex.
Dickinson	Milford	Udall
Diggs	Minshall, Ohio	White
Dingell	Moakley	Wilson,
Donohue	Mollohan	Charles, Tex.
Esch	Murphy, N.Y.	Winn

The SPEAKER. On this rollcall 355 Members have recorded their presence by electronic device, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 7357, AMENDMENT TO RAILROAD RETIREMENT ACT

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 416 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 416

Resolved, That 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. 7357) to amend section 5(1)(I) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; 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 report 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.

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

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 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 416 provides for an open rule with 1 hour of general debate on H.R. 7357, a bill amending the Railroad Retirement Act.

H.R. 7357 has three major purposes: First, to simplify administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act; second, to liberalize the eligibility conditions for children's benefits under the Railroad Retirement Act to conform with the liberalizations provided in such benefits under the Social Security Act by Public Law 92–603, approved by the 92d Congress; and third, to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for persons insured under the Social Security Act.

The cost resulting from H.R. 7357 balances with the savings from technical amendments to Public Law 92–603 and Public Law 92–460, so there is no additional cost involved.

Mr. Speaker, I urge adoption of House Resolution 416 in order that we may discuss and debate H.R. 7357.

Mr. DEL CLAWSON. Mr. Speaker, today we will consider H.R. 7357, amendments to the Railroad Retirement Act. The rule under which we will consider this bill is House Resolution 416, an open rule with 1 hour of general debate.

There are three major purposes of H.R. 7357: One, it liberalizes eligibility for children's benefits under the Railroad Retirement Act to match the liberalizations in such benefits provided under the Social Security Act by Public Law 92–603, approved at the end of the 92d Congress. Two, it simplifies administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act; and three, it extends kidney disease medicare coverage to railroad employees, on the same basis as such coverage is now provided for persons insured under the Social Security Act.

The provision extending kidney disease medicare coverage is an amendment to the Social Security Act which is within the jurisdiction of the Committee on Ways and Means. However, the committee report contains a letter from the Committee on Ways and Means approving this provision with the understanding that by doing so the Ways and Means Committee does not give up any jurisdiction which it now has.

The committee report estimates that there will be no additional cost as a result of this bill because the increased cost resulting from these amendments to the Railroad Retirement Act is balanced off by the savings from technical amendments to Public Law 92–460 and Public Law 92–603.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on H.R. 7357.

AMENDMENT OFFERED BY MR. MURPHY OF ILLINOIS

Mr. MURPHY of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of Illinois: On page 1, line 1, of House Resolution 416, after the words *"Resolved,* That", insert the word "upon".

Mr. MURPHY of Illinois. Mr. Speaker, I have offered this amendment because the word "upon" was inadvertently left out of the resolution. It is a technical amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois (Mr. MURPHY).

The amendment was agreed to.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HEALTH PROGRAMS EXTENSION ACT OF 1973

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. 7806) to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

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. 7806, with Mr. CHARLES H. WILSON of California 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 Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

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

Mr. Chairman, I rise in support of H.R. 7806, a bill to extend the expiring health programs for 1 year.

This bill, H.R. 7806, is a very important piece of legislation for the Congress. At the end of June, 12 of our most important health programs will expire including the Hill-Burton program, community mental health centers program, and the regional medical program. The administration has proposed to terminate these and other programs. They have done so in a way which does not allow the Congress a reasonable opportunity to consider them. Our committee is presently working on appropriate revision of all of these programs but the administration has refused to date to give us any assurance that they will continue the programs until we have completed our consideration.

H.R. 7806 is sponsored by the gentleman from New York (Mr. HASTINGS) and all other Members of the Subcommittee on Public Health and Environment. It was reported from the subcommittee and the full committee unanimously. Its purpose is to allow the Congress the opportunity to do the job of rewriting its own health programs.

The bill would authorize for the 12 expiring programs appropriations in fiscal year 1974 at the level contained in the second, vetoed, fiscal year 1973 HEW-Labor appropriations bill, a total authorization of $1,270.6 million; restrict the authorization under section 314(e) of the Public Health Service Act to support of programs for which no other authority is contained in title I of H.R. 7806; deny any court, public official, or public authority the right to require individuals or institutions to perform abortions or sterilizations contrary to their religious beliefs or moral convictions because an individual or institution had received assistance under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Act; and extend the provision of the Medical Facilities Construction and Modernization Amendments of 1970—Hill-Burton amendments—designed to assure availability of appropriated health funds.

I would like to emphasize that the amount of money we are authorizing, $1.2 billion, is a lot of money but is the amount that the Congress wanted to spend this fiscal year on these programs and is less than the administration wants to obligate on these programs. Further, these are important health programs on which millions of people depend and the congressional determination of their future is an important issue. For all of these reasons, I urge the overwhelming passage of this legislation.

Mr. Chairman, I think that this sufficiently explains the purpose of the bill. However, I might list the 12 programs in total.

Program	*Authorization*
Health Services Research—Administration would extend permanently	$42,617
Health Statistics—Administration would extend permanently	14,518
Public Health Training—Administration would terminate with no phase-out	23,300
Migrant Health—Administration would terminate specific legislative authority and fund under general authority at the same level	26,750

Comprehensive Health Planning and Services—Administration would extend permanently	360,500
Medical Libraries—Administration would extend permanently with revisions	8,442
Hill-Burton — Administration would terminate with no phase-out	197,200
Allied Health—Administration would terminate with no phase-out	44,345
Regional Medical Programs—Administration would terminate with no phase-out. (Heart, cancer, and stroke)	159,000
Family Planning—Administration would terminate specific legislative authority and fund under general authority at the same level	118,024
Community Mental Health Centers—Administration would terminate with phase-out	234,120
Developmental Disabilities—Administration would extend permanently with modifications	41,750
Total	1,270,000

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

Mr. Chairman, I should like to preface further remarks by pointing out that our committee, I believe without question, recognizes the need for some change in the programs that we presently have. We find that year by year new programs have been added, and now many of them overlap. Administrative costs are high and getting even higher. Something must be done to improve the situation.

We have a multitude of social programs. There are many that duplicate one another, and of these a great number are in the health fields. We must cure this situation, and we must have the time to do the job properly.

On June 30 of this year—or in about 1 month from now—several of the important public health authorities are due to expire. Many of these programs have achieved great records of success, many others have not done as well, while still other programs have outlived their usefulness.

It is clear that a great deal of thought and study must be given to these expiring authorities. Which ones should be continued or even expanded? Should some be discontinued? Should they be modified? Should parts of some be merged while other parts are discontinued?

These and many other questions must be considered if we are to give the public health laws the full attention they demand. It is clear that we cannot give this sort of attention to these programs in the 1 month we have left before expiration.

The bill we are now considering, H.R. 7806, is designed to give us the time we need to fully and fairly review those programs due to expire. It does not make substantive changes in these programs, it merely extends them for 1 additional year. During that year the Congress can revise the public health laws without the fear of making serious mistakes through undue haste.

It is to the great credit of my friend and distinguished colleague, JIM HASTINGS of New York, that he introduced this measure in the House. Mr. HASTINGS' contribution to the Subcommittee on Public Health and Environment has been considerable. This is but another example of his diligence and plain good sense. I am pleased to have joined with him in cosponsoring this measure.

I should point out, Mr. Chairman, that this bill comes to the floor with one amendment unanimously approved by the full Committee on Interstate and Foreign Commerce. This amendment dealing with "project grants for health services development," subsection 314 (e) of the Public Health Service Act, has the effect of extending the broad flexible authority now contained in that provision.

When the language was originally written in 1966 the committee indicated its intention to provide such flexibility and thus to overcome "undue rigidity in the categorical financing of federally assisted health programs."

The authorization for this provision is consistent with the budget requests for four programs the administration would fund under this authority. While it is expected that these funds will be used for the requested programs, the provision does provide sufficient flexibility to allow the administration the option of requesting a reallocation of funds or a supplemental appropriation at a later time.

As we are all aware, this bill is intended to afford the Congress the time it needs to thoroughly review and where necessary, to rewrite and reorganize public health laws. The administration has given a great deal of thought and study to the programs authorized by these laws. They are strongly recommending that many of them be discontinued as federally supported efforts and that others be significantly modified. While I feel that it is premature for us to go along with these proposals before we have had an opportunity to fully study the programs and issues involved, I am deeply impressed by much of the underlying logic contained in the administration's proposals. I hope that as we review and redraft the public health laws, we give the administration's plan the full weight it deserves.

Mr. Chairman, H.R. 7806 is the necessary means to an important end. I support the measure and urge my colleagues to do likewise.

I should like to point out that recommendations were made by the administration to drop certain programs, including Hill-Burton, with the understanding that much of the financing for hospitals can now be achieved through other programs.

About $800 million will be paid through medicare and medicaid; about $1 billion by private insurance companies through depreciation allowances now available.

The administration has also noted that 56 regional medical programs are now in operation. Many are in almost direct conflict with comprehensive health planning agencies. The result is a great deal of confusion. We must develop a means for revising and, hopefully, coordinating the functions of these programs.

So when the Members take a look at all of the programs that we are talking about here, I think it will be conceded that some change is necessary. In view of the dollar crisis that we are now involved in, we should do everything possible to try to streamline the administration of these programs so that more of our dollars can reach the people.

Our committee has repeatedly endorsed the idea that the total dollar outlay for Federal programs has got to stay within the administration's budget.

For the same programs included in this measure the administration has requested $1.3 billion; we would authorize $1.27 billion. It is true that of the $1.3 billion requested by the administration only about $820 million will be needed for obligation during fiscal 1974. I agree that funding must be kept to the minimum reasonable level.

I would further like to emphasize that what is needed for our health programs is change—well thought out and sensible change.

We believe changes ought to be made and I hope the committee will get right to it and make the changes that are necessary.

In the Rules Committee the other day it was suggested that if we extend this legislation for 1 year, at the end of that year we will be back for another extension. I indicated that I would even entertain the idea of a 6-month extension. However, the main author of the bill and I have discussed this and finally rejected the idea. The point should be made though, that we must get on with this important work at once.

Certainly I want to compliment HEW for trying to make some changes. I think these changes are necessary. I am trying, at this point, only to make it clear that we in the committee recognize there is a need for change. We are concerned about the overlapping of programs, and the great many dollars which are being spent on programs but, yet, are not reaching the people who need them. It is our hope that we can get down to business and make the changes that are necessary during the next few months. We hope that we can work with the administration in developing new, more streamlined, and more workable programs.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida, the chairman of the subcommittee (Mr. ROGERS).

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

Mr. Chairman, I rise in full support of this bill which is an extension act for 1 year of significant health programs. I think it is a bill which is critical to the proper development of health legislation over the next 3 or 4 months. As has been stated, it provides for a simple 1-year extension of existing programs which would expire June 30, 1973.

The purpose of this bill, however, goes far beyond the extension of programs because the underlying effect of the bill is to assert that it is the Congress that is to determine health policy in this country and not the Federal bureaucracy.

Mr. Chairman, our committee writes bills whose authorizations expire every 3 years, in order to insure oversight of the programs authorized under our legislation. This year 12 programs expire. These are programs developed as long ago as 1946, when the Hill-Burton Act was first enacted, and as recently as 1970, when the Developmental Disabilities Act was signed by President Nixon.

A substantial number of these programs require detailed revision. It will, however, be impossible to complete our job by June 30, when all 12 programs expire.

During the last few months of the last session of the Congress, Mr. Chairman, our subcommittee attempted to revise and extend some of these 12 programs for a year, so that this year's logjam would not occur. We were prevailed upon—successfully—by officials at the Department of Health, Education, and Welfare to wait until the Department's position on expiring programs could be developed. Although the budget submissions gave some hints of what the proposals would be, it was not until March that the administration's legislative recommendations were submitted to the Speaker. Even more importantly, the recommendations do not contain meaningful substantive revision, as the committee expected in 1973 when we acceded to HEW's request not to extend some of these programs at that time. The request is little more than an "up or down" approach to the 12 programs and leaves to the Congress—and only the Congress—the responsibility for much needer evaluation and revision of the program.

In the request, HEW seeks extension of five of the programs with virtually no revision. These include health statistics, health services research and development, medical libraries, developmental disabilities, and comprehensive health planning. It seeks extension of two of the programs by funding them under broad general authorities, despite the existence of legislative guidelines for these programs carefully developed by the Congress. These are migrant health and family planning. But most critically, Mr. Speaker, HEW recommends abrupt termination of five substantial health programs—regional medical programs, assistance to new community mental health centers, assistance to schools of public health, assistance to schools of allied health, and the Hill-Burton hospital construction and modernization program. While no member of our subcommittee would assert that based on the programs' experience over the past 3 years, these programs do not need modification, abrupt termination is unthinkable. It would ignore the good features that should be retained in these programs through revision of the programs or incorporation of them into other health programs. It ignores the welfare of millions of persons, of educational institutions and health care facilities that depend upon these programs. In fact, the Assistant Secretary for Health, Dr. Charles E. Edwards, in testimony before our subcommittee last month, acknowledged the necessity for phaseout time even if these programs were to be completely terminated, which, by the way, I assure my colleagues will not be the recommendations of our subcommittee.

I asked Dr. Edwards if HEW would need a period of adjustment if the subcommittee were to decide to terminate authorities under 314(e) of the Public Health Service Act. Dr. Edwards responded that, yes, HEW would need a little adjustment period. This is what the subcommittee would provide these individuals and institutions at the very least—a period of adjustment of 1 year.

Moreover, Mr. Chairman, presently there is very broad authority in the Public Health Service Act and we are addressing ourselves to that issue as well so that we can stop overlapping. We have already taken up one of four bills that the committee will develop this year to revise expiring programs. One of the purposes of that bill will be to refine this broad authority which has been used by the bureaucracy to go off on its own instead of staying within the guidelines that the Congress itself desires to set.

I think one section of this bill should be clarified, Mr. Chairman. The committee has authorized to be appropriated under section 314(e) funding for only those programs which have no other current legislative authority. It should be clearly understood that these programs are the only programs which HEW has the authority to fund under this section. As the committee report indicates, we would like to see 314(e) used to develop new and innovative programs as originally intended, and would be receptive to administration requests in the form of legislation to implement the amendment in this fashion.

Mr. Chairman, it is important to note that this bill is hardly a budget buster. The authorization figures in this bill are based on the second 1973 fiscal year vetoed appropriation bill. In fact, the total authorization for this bill is approximately $3 million less than the administration's 1974 budget request for these programs. So it is not money that is the issue, Mr. Chairman. The issue is whether or not it will be the Congress or the bureaucracy that will determine health policy for this country.

Finally I want to commend the members of the subcommittee for their very diligent work. All of the members have participated in a most active way. The gentleman from Minnesota (Mr. NELSEN) on the minority side and the author of this bill the gentleman from New York (Mr. HASTINGS) have been most vigorous in trying to bring about proper legislation in the health field. Then of course I thank the Members of the majority who have all had a significant input. I would like to recognize them here on the floor: The gentleman from Virginia (Mr. SATTERFIELD), the gentleman from Maine (Mr. KYROS), the gentleman from Missouri (Mr. SYMINGTON) and the gentleman from North Carolina (Mr. PREYER) and the gentleman from Kansas (Mr. ROY). Moreover, the gentleman from Pennsylvania (Mr. HEINZ) and the gentleman from Indiana (Mr. HUDNUT), have had substantial input.

Of course we are very sorry that another member of the subcommittee, our very distinguished colleague, the gentleman from Kentucky (Mr. CARTER), because of illness in his family was unable to be here, but his office has sent word that he is in strong support of this legislation.

We have tried to present this legislation in a very bipartisan manner for the best interest of the Nation's health. I urge the bill's adoption.

There are some who fear that a 1-year extension might phase us into another extension, and another extension, feeling that perhaps we will not really get down to cases and make the changes that appear to be necessary.

I would like to have the chairman comment and endorse on what he has already said, but the point is that we are not going to sit around and wait. We are going to do the job that ought to be done.

Mr. Chairman, I agree 100 percent with what the gentleman has just said. We are going to look at expiring programs as quickly as possible, look at the recommendations of HEW, and try to make quick judgments so that we can bring specific recommendations to the Congress to act on them.

Our committee has no opposition to changes where programs are not operating. I am sure the gentleman will substantiate that we are willing to make changes, but we want to do it properly. We just cannot automatically cut off a program without looking at it and making some adjustment.

In fact, as I stated earlier, the Assistant Secretary of Health, Education, and Welfare in testimony before our committee the other day, when I asked him, "Suppose we just terminated the broad authority, found in section 314(e) of the PHS Act, as of June, would you need a period of time to make some adjustments?" He said to the effect that "Of course we would need time."

And that is the reason why the passage of this legislation is necessary.

Mr. NELSEN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Chairman, H.R. 7806, the Health Programs Extension Act of 1973, would extend several provisions of the Public Health Service Act, the Developmental Disabilities Act, and the Community Mental Health Centers Act for 1 year; to June 1974.

Among the programs to be continued are: comprehensive health planning, regional medical programs, Hill-Burton hospital construction, and community mental health centers.

The administration has proposed elimination of 5 of the 12 major health authorities included in this extension.

When I first introduced this measure in February, I made it very clear that my support for 1 year extension does not constitute a blanket endorsement of all of these programs. It merely indicates support for the proposition that this Congress has the right, indeed the responsibility, to thoroughly review and determine the future of programs that the Congress itself has created.

This then is the major thrust of H.R. 7806. To provide this Congress, through activities of the Subcommittee on Public Health and Environment, the necessary time to reconstruct these health proposals, to eliminate those that are no longer productive, to improve those that are viable.

The passage of this measure will record the fact that Congress is a coequal branch of the Federal Government, together with the executive branch.

I must advise the House, Mr. Chair-

man, that the work of restructuring these health programs has already begun, and I am confident that before the calendar year 1973 has concluded, that this House will have the opportunity to express itself on many of the new proposals.

In considering this legislation, the Subcommittee on Public Health and Environment made every effort to keep authorization levels within the constraints of the administration's budget request for fiscal year 1974. These efforts were successful.

The total authorization level in this bill is $1.27 billion—this compares most favorably with the administration's request of $1.3 billion.

It is true that the administration would allocate these funds in a different manner. They would substantively modify the applicable acts by terminating some programs and increasing emphasis on others. Our measure would extend these programs on an interim basis while providing only a minimum level of funding—thus we would be able to adhere to the administration's budget levels while at the same time assuring program continuity.

H.R. 7806 also contains a freedom of conscience provision relating to abortion. This measure is designed to protect any individual or institution, who, for moral or religious convictions, do not wish to participate in an abortion or sterilization procedure, from so doing merely because it has received Federal assistance under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Act.

Mr. Chairman, the public health programs of this Nation touch the lives of millions of Americans every day. These are our constituents. This Congress put these measures into law, and it is this Congress that should determine which of these measures should continue in the law.

In order to live up to this responsibility, we must have a reasonable amount of time to fully examine all alternatives and determine a final course of action.

H.R. 7806 would afford us this time and I strongly urge its passage.

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

Mr. HASTINGS. Certainly, I yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I think the comments made by the gentleman from Minnesota, the gentleman from New York, and the gentleman from Florida are very helpful.

Let me ask this hypothetical but also a very real question:

First, is there a comparable bill in the other body? And if so, how does it relate to this proposal?

Mr. HASTINGS. Mr. Chairman, I might say that I am glad the gentleman asked the question. The Senate, by a vote of 72 to 19 has passed the extension act. There are differences, however, in that they extended at last year's authorization level. We, section by section, program by program, go to an authorization which equaled last year's appropriation. That is the major difference.

Mr. GERALD R. FORD. Would the gentleman from Florida wish to comment? I would appreciate having his observation.

Mr. HASTINGS. I am glad to yield to the gentleman from Florida.

Mr. ROGERS. I would be glad to comment.

We believe, from the discussion we have had, that we the Senate committee is very satisfied with the appropriation levels available in the House bill. I hope rather optimistically that perhaps the Senate will accept the House action. I would hope that would be the case, and there is some reason for the hope.

Mr. GERALD R. FORD. I am grateful for the comments of the distinguished gentleman from Florida. On this assurance I believe the situation changes some what significantly in this body, and certainly so on the basis of the comments made and the colloquy between the gentleman from Minnesota and the gentleman from New York, and others on the Democratic side. If we can rely on this assurance, and I certainly do, then there is a rationale which is perfectly understandable for a 1-year extension as proposed.

Mr. HASTINGS. I thank the gentleman for his support.

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

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

Mr. HEINZ. I thank the gentleman for yielding.

Mr. Chairman, I must say I deeply appreciate the comments of the distinguished minority leader on H.R. 7806, The Health Programs Extensions Act of 1973. As a member of the House Subcommittee on Public Health and Environment, I should like to take this opportunity to compliment the leadership and hard work of the gentleman from Florida, my subcommittee chairman, PAUL ROGERS, as well as that of the distinguished gentleman from New York (Mr. HASTINGS) and all those on the subcommittee who have worked so long and hard on this bill.

This bill extends for 1 year the authorizations for 12 major health programs which expire on June 30, 1973. This includes programs for health services research and development, health statistics, public health training, migrant health, comprehensive health planning, medical libraries, Hill-Burton hospital construction, allied health training, regional medical, and family planning and population research. The total 1-year authorization level for this bill is $1.21 billion, equal to the amount of budget authority requested by the administration for these programs.

The Department of Health, Education, and Welfare has proposed, however, a radical revamping of current Federal health programs. HEW has asked Congress to phase out several programs, including public health training, Hill-Burton, allied health training, regional medical programs, community mental health centers, and support for developmental disabilities. In addition, HEW seeks to reduce funding for health services research and development, and to hold funding at 1973 levels for family planning and population research and developmental disabilities. Slight increases are requested for medical libraries and health statistics, while comprehensive health planning is slated for substantial funding increase.

The Health, Education, and Welfare Department's proposals deserve the most careful and complete congressional consideration. These proposals would redirect Federal efforts in the health area and have serious implications for the present and future health needs of our citizens as well as for our health care institutions. H.R. 7806 will allow the public health and environment subcommittee the time needed to fully consider these proposals on their merits.

The time has certainly come for Congress to reexamine completely all current Federal health programs in light of the Nation's health needs in the 1970's and in light of current and future budgetary restrictions. While the administration is to be praised for confronting such difficult questions as the appropriate Federal role in health and how well current programs mesh with that role, under our constitutional system of government it is Congress that must determine the answers to those difficult questions. H.R. 7806 provides the additional time necessary for Congress to review all health programs, and to consider thoroughly the administration's proposed new departure for Federal health efforts. Then the programs that Congress agrees are no longer necessary or appropriate or have failed may be phased out or restructured, while any programs necessary may be continued, revitalized or supported with increased resources.

There is an important additional reason for swift and unanimous approval of H.R. 7806. It contains provisions preventing health care personnel from being compelled by their employers to cooperate in sterilizations or abortions when they find such procedures morally abhorrent.

A recent Federal court case in Montana has made urgent the question of whether Congress intended Federal money to be used as a lever to force religiously affiliated hospitals to perform medical procedures they regard as violating their religious or moral convictions. In the Montana decision, the judge ordered the Catholic hospital in Billings, Mont., to perform a sterilization, even though such an operation is contrary to Catholic moral codes. One of the bases for the court order was the one-time receipt by the hospital of Federal Hill-Burton construction assistance.

Section 401(b) of H.R. 7806 guarantees that the mere receipt of Federal health funds cannot be used as the basis for requiring any institution to allow the performance of sterilizations or abortions in its facilities. This language assures that institutions that have observed moral codes in the past will not be forced to depart from them simply because at some past time they received Federal funding from programs under the committee's jurisdiction. The pro-

posal deserves the support of the full House.

Mr. Chairman, H.R. 7806 is a good bill. It represents a real meeting of the minds on the part of the minority and the majority members of the subcommittee, as well as the full House Commerce Committee and I, therefore, urge my House colleagues to support H.R. 7806.

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

Mr. HASTINGS. I am delighted to yield to the gentleman from Illinois.

Mr. MICHEL. Did I correctly understand, in answer to one of the questions, the gentleman responded by saying that the authorizing legislation here for 1 year is at last year's appropriation level rather than at the authorizing level?

Mr. HASTINGS. The gentleman is entirely correct. We took the figures from last year's actual appropriations and substituted those for this year's authorization.

Mr. MICHEL. Further, the bill that passed the other body was at what level? At the authorizing level?

Mr. HASTINGS. They went the simple extension route, which would have included last year's authorization. However, as the gentleman from Florida previously mentioned, we have reason to believe the other body in its wisdom will accept the House version.

Mr. MICHEL. I would certainly hope so.

I thank the gentleman for yielding.

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

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

Mr. NELSEN. I should like to point out that in our discussions in the committee we tried to devise language for our report dealing with the overall health budget. We wanted to indicate our feeling that we should keep our level of expenditure within the budget requests. How to do that was problematical, because we do not make the appropriations.

I believe that some kind of endorsement of that idea would have a bolstering effect on the Appropriations Committee. It would be an indication of our willingness to support it.

Mr. HASTINGS. I thank the gentleman for his comment.

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

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

Mr. BUCHANAN. I should like to join other Members in commending the gentleman from New York, the chairman of the subcommittee and others responsible for this legislation. Their leadership has been of decisive importance to a great many people across the land who will directly benefit from these programs. I thank them for it.

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

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

Mr. BAKER. I rise in support of this legislation. I respect the excellent job which has been done by our colleagues.

Mr. Chairman, I rise in suport of H.R. 7806, which extends 12 major health programs through fiscal year 1974. I respect the excellent job our colleagues have done and am pleased to count myself among the many cosponsors of this legislation—and I hope a solid majority of the Members of this House will vote to approve this important measure.

My record here in the House, I believe, reflects my deep concern over Federal spending and my support of efforts to get the Nation back on the road to fiscal sanity. And, I cannot argue with the evidence that many of our health programs should be revised and, perhaps, some should be terminated.

However, I am convinced they should not be terminated until Congress has had a chance to evaluate them and propose alternatives where needed. This legislation gives us the time we need to review our health programs and to develop proposals and to enact new programs to meet the needs of this Nation for better health care in the years to come.

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

Mr. HASTINGS. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Chairman, I rise in support of H.R. 7806, the Health Programs Extension Act of 1973. This bill would extend for 1 year—or less, if oversight hearings can be held promptly and Congress can undertake the necessary evaluation which is the prerequisite for arriving at definitive conclusions about terminating or continuing these programs—12 major health programs for which authorizations expire on June 30, 1973. These include: health services research and development, national health surveys and studies, public health training, migrant health, comprehensive health planning services, assistance to medical libraries, Hill-Burton program, allied health professions training, regional medical programs, population research and family planning, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act. In writing this bill, our Subcommittee on Public Health and Environment has geared the total authorizations as closely as possible to reflect the fiscal year 1973 appropriation levels. The total authorizations provided in H.R. 7806 are $1,250,966,000.

The authority for all of these programs expires on June 30 and obviously the Congress cannot do a thorough job of evaluating and restructuring each one separately. While it is true that the administration has raised serious questions about the effectiveness of several of the programs such as Hill-Burton and regional medical programs, the Congress should have an opportunity to work its will on the shape of this legislation. In order to permit an orderly transition period, I feel it is necessary to extend all these legislative authorities for up to 1 year—and that is exactly what H.R. 7806 will do. It represents an attempt to buy needed time.

One of the programs which is particularly deserving of support is the Community Mental Health Centers Act which was passed originally by the Congress in 1963. Since that time it has resulted in the funding of some 500 new community mental health centers with a profound effect upon the delivery of mental health services in this country. There is documented evidence that these centers have contributed significantly to a decline in the census of state mental institutions. For example, the population of Central State Hospital in Indiana has declined from 2,100 to below 900 since the advent of the initial community mental health center. There is no reason why the progress that has already been made cannot be duplicated throughout America if Federal funds for new centers continue to be available. About 1,500 catchment areas have been identified in the United States for this program, and with only 500 centers operational, we are only one-third of the way home. We should continue to a complete conclusion, before terminating Federal participation in these demonstrably successful programs.

In addition to extending the health programs, H.R. 7806 contains a reasonable, successful, and necessary freedom of conscience provision relative to abortions. The last section of the bill states that no court or other public authority may require an individual or organization to participate in, or make its facilities or personnel available for, the performance of abortions if there is objection on the basis of religious beliefs or moral convictions.

This legislation has strong bipartisan support. It is cosponsored by all members of the Subcommittee on Public Health and Environment. The Interstate Commerce Committee reported it out without dissent. It is my hope that it will receive an overwhelming endorsement by the House of Representatives.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT) a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman from West Virginia (Mr. STAGGERS), the chairman of the committee, and I wish to compliment him and the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS), as well as the gentleman from New York (Mr. HASTINGS), the author of the bill, for the product that is presented to us here, which I think is excellent. I intend to support it.

There is a question I should like to ask of the chairman. I direct the gentleman's attention to section 401(b) of the bill, and I wish to ask him if he has the same impression of the meaning of that section that I do. It says that the receipt of any grant under the three acts referred to does not authorize any court or public authority to require an individual or facility, such as a hospital, to participate or make its facilities available for abortion or sterilization.

Mr. Chairman, I would think that nobody would be compelled today to perform any act of this nature contrary to his religious beliefs or moral convictions, and I think the *Roe* case of the Supreme Court would not affect those personal rights. Therefore, I was worried about the inclusion of this language when the bill was before our committee. It seemed

to me to be unnecessary. I wondered what it was really intended to do.

Mr. Chairman, what troubled me was the provision that the receipt of the grants under the laws in question were said not to "authorize any court" to require certain things.

Now, I am not so much concerned one way or the other about the abortion question, but I am very much concerned about not writing any laws that infringe on any courts' rights to interpret the Constitution. If we create Federal courts, as we have, and they are called upon to deal generally with the Federal law and the Constitution, I do not think we can hamper them in their interpretation of the Constitution by means of a statute.

Mr. Chairman, I hope that is not what section 401(b) is designed to do.

Mr. STAGGERS. Mr. Chairman, in reply to the question of the gentleman from Texas (Mr. ECKHARDT) I would agree with him that it is not. The answer would be: No, it is not.

All we are saying here is that the receipt of assistance under the statutes mentioned in 401(b) is not intended, in and of itself, to authorize any person, including a court, to require a facility to perform sterilization or abortion procedures.

Mr. ECKHARDT. Then do I understand correctly that we are not attempting in the statute to curtail the exercise in the Federal Court of any right which an individual may assert as his constitutional right?

Mr. STAGGERS. Certainly not.

Mr. ECKHARDT. Mr. Chairman, I must say that I think this is a fine piece of legislation. I think it should be fully supported.

Mr. Chairman, I should like to ask the gentleman from Minnesota (Mr. NELSEN) if he would agree with what the gentleman from West Virginia (Mr. STAGGERS), the chairman of the committee, has said in this regard.

Mr. NELSEN. Mr. Chairman, it is my understanding that the details and the interpretation here have been based on pretty careful examination by proper legal counsel. I would have to say that I would go along with their interpretation. Although I am not a lawyer myself, I would say it is my understanding that it is all right.

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I would like to compliment this distinguished committee on the bill which we have before us. It is comprehensive and responsible legislation. I would particularly like to compliment them for including title IV section (b) in the bill, because it is addressed to what I believe is a fundamental problem in our society today.

Title IV section (b) recognizes that the right of conscience exists for both individuals and institutions. It provides that an individual, a hospital, or other medical entity, may follow the dictates of its religious or moral conviction in facing the question of performance of abortions or sterilizations, without jeopardizing its eligibility for Federal assistance.

This bill does not directly affect the issue of abortion; it merely states that Federal funds cannot be used as grounds for compelling those who are opposed to abortion or sterilization to perform what to these individuals and institutions are repugnant acts.

Mr. Chairman, I think it is extremely important that in our society we respect this right of conscience. As my colleagues will recall, the right of conscience has long been recognized in the parallel situation in which the individual's right to conscientious objector status in our selective service system has been protected. This doctrine has been continually approved in Congress, and has even been expanded by the Supreme Court to include moral conviction as well as formal religious belief.

I know all of my colleagues agree that abortion is a profoundly moral issue, on which people differ sharply. It is vital that the freedom of religious belief and moral conviction with regard to this issue be respected, just as military conscientious objection is respected. Therefore, I believe that we in this Chamber should ratify the provision which the Commerce Committee so wisely saw fit to include in this legislation.

For some months, I have been working to secure passage of a protection for the the right of conscience in the abortion question. In February, I introduced H.R. 4797, which was cosponsored by 47 of my colleagues, listed below, and which provided that individual hospital workers could not be forced to assist at an abortion if the practice was contrary to their personal moral belief:

COSPONSORS

Archer, Burke of Massachusetts, Don Clausen, Cronin, Delaney, Derwinski, Esch, Forsythe, Gude, Gunter, Hanrahan, Hansen of Idaho, Helstoski, Holifield, Holt, Howard, Huber, Hudnut, Jordan.

Ketchum, Kuykendall, Lujan, Madigan, Mazzoli, McCollister, Mink, Moakley, Nedzi, Obey, Powell of Ohio, Quie, Rhodes, Rinaldo, Roncallo of New York, Roy, Ryan, J. Wm. Stanton, Sullivan, Whitehurst, Zwach.

Steiger of Wisconsin, Conte, Mayne, Sisk, Broomfield, O'Neill, Karth.

Subsequently, I introduced a companion bill, H.R. 6445, which extended the right of conscience to institutions as well as individuals. This was in line with a similar proposal by Senator CHURCH in the other body. The following Members of the House cosponsored this legislation:

COSPONSORS

Murphy of New York, Madigan, Chisholm, McKay, Pritchard, Whitehurst, Moakley, O'Brien, Huber, Frenzel, McCollister, Grasso, Studds, Boland, Burke of Massachusetts, Sisk.

Although the specific mechanism provided in my original legislation is not incorporated in H.R. 7806, the thrust and intent of the provision before us are the same, and I wholeheartedly support it.

It is crucial that the House of Representatives protect one of the most precious rights—the right to say "no" out of moral belief, without the threat the vast array of Federal assistance programs will be shut off as a consequence. I firmly believe that every Member of the House can support this bill regardless of one's position on the question of abortion itself. We are concerned here only with the right of moral conscience, which has always been a part of our national tradition.

For those who still question the relationship of this legislation to the recent Supreme Court decisions on abortion, let me say that the Court decisions were in fact very narrowly drawn, and they leave in their wake a broad range of policy questions to which Congress must address itself. While on the one hand, in Roe against Wade and Doe against Bolton, the Court acknowledged the right to seek an abortion, on the other hand, the Court refrained from compelling religiously affiliated hospitals to perform abortions. Further, statutes which extended the legal right of individuals in this regard to institutions were ruled permissible.

What is thereby left to Congress, and what is now provided in this legislation, is the application of this dicta to the question of Federal assistance to those individuals and institutions which assert their right of conscience. Rather than conflicting with the Court rulings in these two cases, H.R. 7806 fulfills them.

This is responsible, carefully drafted legislation. It establishes a strong protection against any possible repression or discrimination which might arise out of the vacuum left by the Court decisions. I urge the support of my colleagues.

Mr. BURKE of Massachusetts. Will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am glad to yield to the gentleman.

Mr. BURKE of Massachusetts. I wish to associate myself with the remarks of my distinguished colleague from Massachusetts. She has explained this problem with great clarity and commonsense. I have supported her position on the right of conscience for the individual, and I also believe that we must protect that right. I can attest to the leadership which the gentlewoman from Massachusetts has provided in this field. It is because of her commitment to individual rights and religious freedom that we in the House have an opportunity today to enact legislation that will insure that religious belief and moral conviction will never disqualify a person or a hospital from eligibility for Federal assistance. Certainly my support, and the support of many of my colleagues for the gentlewoman's original legislation gives ample evidence of the widespread commitment there is in this House for the cause of the individual right of conscience.

Mrs. HECKLER of Massachusetts. I thank the gentleman. I yield back the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield whatever time he may require to the distinguished member of the subcommittee, Dr. ROY of Kansas.

Mr. ROY. Mr. Chairman, I would like to associate myself generally with the remarks of the gentlewoman from Massachusetts and congratulate her on her statement with regard to the freedom of conscience amendment which has become title IV of H.R. 7806.

I supported this in subcommittee and

in committee, and I feel we will get strong support here on the floor of the House today to adopt this very important portion of this bill.

Mr. Chairman, this afternoon we are considering three bills reported from the Committee on Interstate and Foreign Commerce. These three bills are important to the future health of the people of this country.

The first bill, H.R. 7806, concerns the extension of various health programs. There is a great need for this legislation. For without the passage of this legislation, there can be no appropriations for these programs and several of them—the Hill-Burton hospital construction program, the regional medical program, and the programs to assist schools of public health and allied health—will die.

The central question with respect to this legislation is one of responsibility. There is no doubt that the Federal Government has a responsibility to the people to limit the Federal budget, to limit taxes. But the Federal Government also has a responsibility to survey the needs of the people and to act to meet those needs if no other source of assistance is apparent.

The Federal Government also has responsibility with respect to its own programs; to survey such programs periodically; to improve those which are not functioning in an optimal manner; and to discard those which are no longer needed. This responsibility also includes the responsibility to continue those programs which continue to be needed and to base changes or discontinuation of programs on hard studies and careful analysis.

But if we look at the administration's activities in the health field, we find that its decisions are arbitrary and irrational. In 1972, Dr. Merlin DuVal, then Assistant Secretary of Health, Education and Welfare, told the members of the Subcommittee on Public Health and Environment that the administration would submit detailed legislative recommendations in connection with the 1972 budget. It was reported that the Department of Health, Education and Welfare was at that time reviewing the programs in detail and would have necessary and desirable amendments when the fiscal year 1974 budget was presented.

Such proposals were not, in fact, submitted with the fiscal year 1974 budget.

They were not, in fact, received until late in March. And these proposals, promised as a result of extensive review and careful analysis revealed no such extensive review and careful analysis. Those proposals would extend, with virtually no revision, five of these expiring programs. They would place two others under a broad general authority obviating the need for their extension and negating existing congressional guidelines for them. And they would terminate five others.

In view of this late presentation, this lack of careful consideration, and this lack of necessary and desirable amendments on the part of the administration, extensive congressional review is appropriate at this time. The congressional review which was begun, then delayed, at the express request of the administration.

This is the situation, then, which necessitates the extension of all of these programs, unchanged, for 1 year.

If these programs are extended, by H.R. 7806, it is anticipated that most of them would be revised, and some of them may be terminated within the year. But such changes or terminations would be responsible. They would be after the committee has had an appropriate opportunity for careful and detailed consideration and after the Congress has had the opportunity to vote upon them.

In developing this legislation, careful consideration was given to an appropriate level for authorization for these programs during fiscal year 1974. The authorization provided in this legislation is not excessive. It is far less than the amounts previously authorized for these programs. In fact, the decrease is from $2.2 billion for fiscal year 1973 to $1.2 billion for fiscal year 1974. The basis for the figures in the legislation come from the second, vetoed fiscal year 1973 Labor-HEW appropriation legislation. If we can compare this to the administration's own budget request for these programs for fiscal year 1974, we find the administration figure of $1.30 billion is somewhat more than the amount authorized under this bill.

Mr. Chairman, because of the need for Government to act responsibly, and because of the need for the Congress to play its role in responsible Government, especially in an instance in which the administration is acting irresponsibly, I urge the passage of this legislation.

Mr. STAGGERS. Mr. Chairman, I yield whatever time he may require to the distinguished member of the subcommittee, Mr. SYMINGTON, of Missouri.

Mr. SYMINGTON. Mr. Chairman, I simply want to say it has been a great privilege working on this legislation under our chairman and with the majority and minority members.

I think this subcommittee has worked as hard on this particular piece of legislation as on any I have seen.

I submit, based on all of the testimony we have received and the various extension involved here, that it enjoys the full support of the medical community in this country in order to do the job that has been given us to do.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Chairman, I am glad to see that the Interstate and Foreign Commerce Committee has reported out this legislation to extend several of our health programs for another year. In particular, the regional medical program, the Community Mental Health Centers Act, and the migrant health programs are important to Florida.

Dr. Clyde E. Moore, chairman of the Florida Regional Advisory Group, wrote to me saying:

> The Regional Medical Program concept is virtually tailor-made for Florida. It enables the decisions regarding the use of available funds to be made here by citizens most knowledgeable about Florida's unique health needs and problems. FRMP's funds have been used in a manner which is enabling the State to "catch up" medically. The Program has operated efficiently and effectively without bureaucracy or organizational inertia.

Unlike most States, Florida was late in establishing medical schools within its borders due to the existence of laws against the dissection of the human body. In fact, Florida's first medical school, which is at the University of Miami, is barely 20 years old, and Florida's third medical school has not yet graduated its first class.

Consequently, many Floridians in need of medical care, and who could afford to do so, have gone to medical centers out of State for specialized kinds of care. Others, who could not afford the expenses involved in going out of State, have done without.

Under the regional medical program, Floridians have been able to remain within the State to obtain kidney transplant surgery. Two transplant centers have already been established at Gainesville and Miami, and a third is planned for Tampa. Kidney dialysis centers have been made possible by RMP in Jacksonville, Orlando, and Pensacola.

Despite claims that the regional medical programs have had high administrative costs, in Florida, administrative costs have been held to 4 percent.

Another program headed by FRMP has been the launching of a demonstration project to bring new techniques to fight hospital-acquired infections to 10 hospitals in the Dade and Broward County areas. The project was so successful that a similar project is being planned for the Hillsborough-Pinellas area.

The second program of importance to Dade County is the Community Mental Health Centers Act. There now exist in Florida only 10 community mental health centers. Dade County does not have one. However, a grant is pending in Washington awaiting funding, and another is in the review process.

Aside from the needs of my own district, such centers which have proven to be successful are needed on the nationwide scale, as originally envisioned. The National Mental Health Association estimates that the annual economic loss in the Nation due to mental health related causes is $300 billion in any given year.

Migrant health programs are a third category of importance to south Florida. In 1972, Florida received a little over $2.5 billion to provide health care to its migrant workers. The recent outbreak of typhoid at a labor camp in South Dade County, and the subsequent emergency, indicate that the needs of the migrants in this country have hardly diminished.

I urge my colleagues to lend their support to the extension of these programs.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the bill H.R. 7806. My interest in the bill is both general and specific. It is specific in light of the needs of the Texas Medical Center, which is located in my district. My general interest was expressed in my cosponsorship of similar legislation, H.R.

6332, which proposed to extend the life of the same broad range of vital health programs. Mr. Chairman, the Congress cannot allow this significant Federal support for health care and its delivery systems to be precipitously terminated as this administration proposes to do. Pending congressional oversight and legislative improvements, these programs must be kept alive so that the training of health care personnel and the delivery of important health services are not disastrously disrupted. I hope that this measure as worked out by the committee does pass.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I was pleased to hear the gentleman who is managing the bill state that section 401(b) does not constitute an attempt to curtail the assertion in a Federal court of any right which an individual may assert as a constitutional right.

The abortion cases which were decided by the Supreme Court in January, Roe against Wade and Doe against Bolton, held that the constitutional guarantees of privacy and due process of law limit the right of the Government to interfere with the right of a woman to terminate a pregnancy that she does not desire to continue.

It has been held in a number of cases that hospitals receiving Federal funds are subject to the same limitations as is the Government when constitutional rights are involved. In *Sams* v. *Ohio Valley General Hospital Association,* 413 F.2d 826 (4 Cir., 1969), the court wrote as follows:

> Substantial Federal moneys invited and flowing into the defendant hospitals under the Hill-Burton Act entail, in return, obligations of observance of Federal constitutional mandates. Disregard of them is State action, for the act trusts the State to maintain a fair and just governance of these hospitals accepting the aid of the legislation.

The Sams case is similar to the situation presented to us today, for the constitutional right there being violated was the right to travel, a right—like the right of privacy—which is nowhere in the constitution explicitly delineated, but which has been interpreted as being a constitutional guarantee. A constitutional right is no less sacred because it is not explicitly spelled out in the Constitution.

In *Simkins* v. *Moses H. Cone Memorial Hospital,* 323 F. 2d 959 (4 Cir., 1963), the court held that racial discrimination by an institution receiving Federal health funds was impermissible. The court referred to the erroneous view that for an otherwise private body to be subject to the antidiscrimination requirements of the 5th and 14th amendments it must actually be rendered an instrumentality of government, and stated that the proper criterion to be applied in a case of this sort is whether the State or the Federal Government, or both, have become so involved in the conduct of these otherwise private bodies that their activities are also the activities of these governments and performed under their aegis without the private body necessarily becoming either their instrumentality or their agent in the strict sense.

To allow health care institutions receiving Federal funds to prohibit the use of their facilities for legal, safe surgical procedures protected by the Constitution would violate the rights of individual citizens to have abortions or sterilizations and the rights of physicians and other health care personnel to perform such procedures.

There is an additional constitutional obstacle with regard to hospitals operated by religious organizations. Giving such an institution Federal funds while it refuses to perform, on religious grounds, abortion or sterilization procedures, would violate the establishment clause of the first amendment.

There is also the issue of discrimination against persons of lesser means. The clearest example of this is that of a woman who desires an abortion but whose local hospital—an institution receiving Federal funds—refuses to perform such operations. Unless she can afford to go to another hospital, perhaps hundreds of miles distant, her constitutional right will be rendered utterly meaningless. I might add that this is far from a hypothetical case, for there is presently pending before the U.S. Court of Appeals for the Seventh Circuit the case of a woman who desires an abortion in a midwestern municipality in which all three hospitals—all of which receive governmental assistance—refuse to permit the use of their facilities for the procedure.

Congress may not by statute limit constitutional rights. Nor, having created Federal courts inferior to the Supreme Court, may it hamper them in their interpretation and enforcement of the Constitution by means of a statute.

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

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

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 7806 and H.R. 7724. We have under consideration today legislation that tests the Federal commitment to the health care needs of our Nation. H.R. 7806 now under debate would authorize the continuation of 12 major health programs due to expire on June 30. Once that bill is dispensed with, we will proceed on H.R. 7724, legislation to extend for 2 years biomedical research training and fellowship grants.

These two bills represent a response by the House to the fiscal year 1974 budget proposals submitted by President Nixon. The administration budget for the Department of Health, Education, and Welfare reduces Federal support for health care delivery and service programs, in some cases to extinction, and decreases basic research funds. These proposals were presented in the name of economy—something all American taxpayers want—but this is false economy when we place in jeopardy the welfare of America's people.

Before turning to the merits of the legislation before us, I am compelled to register a note of thanks to two of our colleagues. I speak of PAUL ROGERS of Florida and of my New York colleague, JIM HASTINGS. H.R. 7806 and H.R. 7724 are the products of their leadership and it is to them that we owe this opportunity to protect the health needs of our country. I should also add that I am fortunate to represent a district whose medical community is regarded as among the finest in our country. Representatives of the University of Rochester School of Medicine and Dentistry and medical personnel involved in the numerous programs threatened by the administraton's budget proposals mounted an unprecedented effort to bring their concerns to Congress. They have worked closely with Mr. HASTINGS and with Mr. ROGERS and his subcommittee and their efforts have had a measurable impact on the legislation now at hand.

Mr. Chairman, H.R. 7806, the Health Programs Extension Act, is a device to buy time and thereby avoid the wholesale disruption or scrapping of a number of vital programs. These programs include public health training, the Hill-Burton hospital construction program, regional medical programs, community mental health centers, allied health training, migrant health, and family planning and population research. To be sure, many of the programs extended by this bill need to be reappraised. Members of the medical community whom I have consulted have been quick to agree that there is a need for restructuring certain programs to meet the changing health needs of our country. However, this restructuring must take place through close congressional scrutiny and indepth deliberation and that process has already begun in the hearings underway in the Public Health and Environment Subcommittee. I am confident that these hearings will produce sensible alternatives to programs extended by this bill. It must also be recognized that in reporting a bill to extend these health programs, the Interstate and Foreign Commerce Committee has kept wholly within responsible budget limitations. H.R. 7806 sets a total authorization level of $1.27 billion, compared to the $1.31 billion requested by the administration. While the specific allocations of funds vary from the administration request, this bill cannot be labeled fiscally irresponsible.

In a similar vein, H.R. 7724 does not amount to an across-the-board dismissal of the administration viewpoint. In the fiscal year 1974 budget, the administration recommends that health research fellowship and training grants be phased out over a period of 5 years. H.R. 7724 would provide new budget authority for traineeships and fellowships for 2 years, during which time reasonable alternatives can be formulated. Furthermore, H.R. 7724 incorporates major modifications to improve the quality and operation of the training and research programs. For example, no fellowship or traineeship may extend beyond 3 years, with certain exceptions. All award recipients must engage in health research or training or serve in the Health Services Corps within a reasonable time after completing the traineeship or fellowship. The Government may recover the full cost of training or a fraction of it, plus interest, from those who fail to fulfill the service requirement. While I have yet to see sufficient evidence that would support the administration's arguments against the fellowship and training programs,

these modifications should certainly satisfy many of the objections to the current operation of the programs.

Both H.R. 7806 and H.R. 7724 emerged from the subcommittee and the full committee by unanimous votes. I urge that the full House respond with an overwhelming endorsement of this essential legislation.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I rise in support of H.R. 7806, extending for 1 fiscal year, through 1974, expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act.

In fact, I would like to commend the committee for its action. This will give the committee an opportunity to carefully and thoroughly examine each of these programs to determine which should survive and which should be terminated, or modified and even redirected.

As the committee report points out, unless action such as this is taken, the President, as he has already stated, will terminate at least five of them as soon as their authorities expire. Like the committee, I do not necessarily feel that all of these programs should be continued. In fact, I doubt that many of them should be continued indefinitely without appropriate modifications. A careful study and evaluation of them may prompt the committee to completely terminate any one or more of them. Some of them, obviously, can be vastly improved. These are changing times, demanding new approaches and maybe better answers to the many problems we face in the health areas covered by this legislation.

Even if some of the programs need to be terminated we cannot overlook the millions of people who have come to depend upon them for health services in one form or another. We cannot overlook the responsible institutions and personnel involved. For many reasons, a less abrupt approach than absolute termination of a health program appears to me to be the responsible way to act. When a program which has been successful or even just partially successful is terminated, appropriate provision should be made for properly phasing it out. Adequate provision should also be made for those dependent upon it, and every precaution should be taken to preserve those programs or parts of programs which have been successful.

I do not know what the Appropriations Committee will do about these programs. It may make some substantial cuts, but in any event, the Committee on Interstate and Foreign Commerce is recommending to this House, through this legislation, that it be given a reasonable period of time in which to consider the future of all these programs in a thorough and responsible manner. In the meantime, the good they do will be continued. If the committee should fail to do its job, then we ourselves may have to take the ball and run with it, but in that event, we could make some serious mistakes.

As the committee evaluates each of these programs during the months that lie ahead, all of the institutions and people affected by them will also be able to prepare themselves for such action as the committee studies may prompt them to anticipate.

And then, too, this legislation puts the Congress in a position of insisting upon its constitutional prerogative of directing the executive branch in connection with health programs which the Congress itself created. After all, the Congress is supposed to legislate and the Executive is supposed to administer.

I definitely feel that we must establish an expenditures ceiling and to wisely do this, we must develop a set of priorities. That is why I favor passage of a budget control act. At the same time, when countless thousands of people and institutions will be affected by the termination, or substantial changes in any program, such terminations or changes just must not be done overnight. We may momentarily save money in the process, but we may end up costing the taxpayers much more in the long run.

For these and many other reasons which have already been clearly pointed out here today, I support H.R. 7806, known as the Health Program Extension Act of 1973.

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

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

Mr. FROEHLICH. Mr. Chairman, I rise in support of section 401(b) of the bill which would establish congressional intent on the question of whether courts should be authorized to require abortions and sterilizations in institutions receiving Federal funds.

Subsection (b) clearly states that the receipt of any grant or contract or loan or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize a court to require the individual or entity to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or entity.

This congressional intent is also explained on pages 15 and 16 of the committee's report.

In short, this section indicates that Congress is opposed to court orders that compel individuals or institutions to perform or facilitate the performance of abortions because they have received Federal financial assistance.

The need for this section has been made apparent by several recent court decisions. Perhaps the best known of these decisions is Taylor against St. Vincent's Hospital, a Montana case in which the court enjoined a hospital from denying the plaintiff the use of hospital facilities for the performance of a "tubal ligation."

This decision was based, in part, upon a determination that the hospital was "acting under color of law" because of the benefit "it has received by virtue of Hill-Burton funds."

In a very recent decision, which is now on appeal in the the seventh circuit, District Judge Myron Gordon issued a preliminary injunction ordering the staff of Bellin Memorial Hospital in Green Bay to assist a doctor in the performance of a nontherapeutic abortion. The injunction was bottomed on the court's finding that there was "State action here" by the hospital because it received Hill-Burton funds.

These decisions are simply unacceptable as a matter of public policy. Those who receive Federal financial assistance to advance medicine should not, on account of that assistance, be compelled to violate their religious beliefs and moral scruples in matters that involve life itself.

Congress did not establish this newly found constitutional right to abortion. It was manufactured last January and imposed upon the Nation by the Supreme Court.

Section 401 makes clear that, as far as Congress is concerned, the vindication of this new right to an abortion shall not come at the expense of the long-established right to conscience, simply because Federal funds are tangentially involved.

Mr. PATTEN. Mr. Chairman, I strongly urge my colleagues to vote for extension of several health programs the Nixon administration wants to end. These programs have helped millions of people and have alleviated human suffering.

The programs include: Public health training, Hill-Burton health facilities construction, allied health training, regional medical programs, and community mental health centers. These programs would expire on June 30, 1973, but I am convinced should be extended. I do not speak only as one of the sponsors of the legislation we are now considering, but as a person who is deeply interested in improving the health of the American people. Our males and females rank poorly with other nations in longevity and we should do somethig about it—but the administration's plan is the wrong approach.

I will only make a few observations in the brief time I have. In Middlesex County, N.J., alone, the Roosevelt Hospital, in Edison, received Federal grants of $487,781 in expanding the hospital there. This was made possible by the Hill-Burton program the administration wants to terminate. It also wants to end community mental health centers funding, but it was an $800,000 Federal staffing grant that has made possible one of the finest mental health centers in the East—the one of Perth Amboy. If the administration is successful in terminating this fine and humane program, two other centers now almost completed will suffer greatly—the structures located in South Amboy, and at Rutgers University.

Mr. Chairman, my major concern is the health of our people. We are the wealthiest Nation in the world, but we are far from the healthiest. Our citizens should have the best medical care

in the world. And passage of this legislation would help achieve this goal. I want to commend the gentlemen from New York (Mr. HASTINGS), the chief sponsor, and the main sponsor in the Senate, EDWARD M. KENNEDY, of Massachusetts, for their strong leadership in this important fight. I hope that H.R. 7806 is enacted, not only for the sake of the afflicted, but for the benefit of this Nation, for good health helps make a Nation great.

Mr. HICKS. Mr. Chairman, it has been said that America is facing a health crisis. In attempting to deal with this situation, can we afford to allow expiration of the 12 important health programs we are discussing here today? I think not. It is imperative that Congress take time to examine these programs in detail and preserve those that have been most effective in our communities. Passage of this bill will allow us an additional year for study and evaluation of such health care fundamentals as community health centers, medical libraries, family planning, public health training, and health services research and statistics.

I am particularly concerned about the preservation of the regional medical programs. These innovative and efficient health care delivery support systems would be indiscriminately eliminated under the administration's budget request. The activities of the Washington/Alaska regional medical program demonstrate that this action is unjustified.

In the Northwest, RMP health care services are provided to more than 380,000 persons. At least 72,000 of these patients depend on the RMP for specific disease services and activities, such as programs for heart, cancer, stroke, kidney, and emergency and primary medicare.

Two programs of particular importance to the Sixth Congressional District are the emergency medical service and the nurse practitioner program. The Tacoma/Pierce County EMS will train 370 emergency medical service personnel in cooperation with Tacoma Community College, purchase emergency vehicles and equipment, and set up a comprehensive communications system that will provide round-the-clock emergency service for the area.

With the difficulty in attracting physicians to rural areas, the nurse practitioner program has fulfilled an especially important health care delivery need in my district. The nurse clinics initiated by the RMP already have demonstrated the effectiveness of nurse practitioners in providing health care in delivery need in my district. The nurse clinics initiated by the RMP already have demonstrated the effectiveness of nurse practitioners in providing health care in communities lacking adequate physician coverage.

Other RMP projects that are highly important to the medical well-being of the residents of my area include shared hospital services, kidney patient care, pediatric pulmonary disease control, stroke nurse clinical training, and services at the Seattle Urban Indian Clinic.

The RMP has become an integral part of Puget Sound's total medical program. Until Congress can make its determination, it is important that these services be continued not only in our area of the country, but throughout the Nation. Therefore, I urge you to support H.R. 7806.

Mr. ESCH. Mr. Chairman, I rise today in support of H.R. 7806, the Health Programs Extension Act, which, if acted upon favorably by my colleagues today, will reauthorize 12 major health programs which expire in June of this year.

It is unlikely that Congress will act upon legislation in this session more important to the well-being of our citizens than H.R. 7806. As a sponsor of the original legislation, I believe this bill is an absolute necessity if we are to live up to our responsibilities to insure adequate health care for our citizens.

I need not go into the long list of truly significant programs in this bill. Suffice it to say that today we are not considering one program, but more than a dozen, including health services research and development, comprehensive health planning, medical libraries, family planning and population research, regional medical, and other programs now in operation under the Community Mental Health Center Act, the Public Health Services Act, and the Developmental Disabilities Services and Facilities Construction Act.

Mr. Chairman, there are a number of programs that are of particular concern to me, including the public health training, and allied health training programs. These programs are slated to be phased out by this administration at a time when the need for an all-out program in this area should be our concern. Our schools of public health which have contributed so much in the area of research and training would literally be forced to close down these efforts unless we act favorably on this bill. The argument is made that these efforts can be maintained under other programs such as national student defense and work study. This, to me, is a factitious argument in that the administration also proposes to phase out and replace these programs.

The fact remains that cutting back on Federal support in this area would probably ruin the research careers of thousands who cannot afford the high cost of research training, and considering that our needs will become greater, not less, in this area, this is a time to expand, and extend, not end, these vital programs.

Mr. Chairman, I could go on all day pointing out the need for the programs under this bill. But I do not think this necessary because I believe the importance of these programs is self-evident. I urge my colleagues to join me in supporting this legislation.

Mr. BOLAND, Mr. Chairman, I support H.R. 7806, a bill to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act and the Developmental Disabilities Services and Facilities Construction Act.

As the cosponsor with my colleague from Massachusetts, Congresswoman MARGARET M. HECKLER, of H.R. 7340, the right of conscience in abortion procedures bill, I am pleased that provisions of our legislation is contained in title IV of the bill before the House.

Mr. Chairman, our bill (H.R. 7340) provided that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance, and for other purposes.

I want to commend the gentlewoman from Massachusetts, Congresswoman HECKLER, for her lucid presentation on our bill. It was our intent in sponsoring H.R. 7340 to protect both institutions and individuals who oppose abortion on moral grounds, and to effectively prevent impositions upon individual rights and liberties.

Also, I want to thank the gentleman from Florida, Chairman PAUL ROGERS of the Subcommittee on Public Health and Environment, and the gentleman from West Virginia, Chairman HARLEY STAGGERS of the full Committee on Interstate and Foreign Commerce, for including our provisions for the right of conscience in abortion procedures legislation in section 401 of the committee bill.

This section 401 provides that receipt of financial assistance under any of the acts being extended by this bill does not constitute legal basis for a judicial or administrative order requiring an individual to aid in performing a sterilization or abortion, if such activity is contrary to the individual's religious or moral beliefs.

Nor does receipt of financial assistance provide legal authority for a judicial or administrative order requiring the provision of personnel or facilities by any entity for the performance of sterilization or abortion, if such activity is contrary to the religious or moral beliefs of the personnel or prohibited by the entity for religious or moral reasons.

Mr. Chairman, I trust that this language will provide the clear safeguards for the conscientious convictions of institutions and individuals who oppose abortion on moral grounds, as intended in our bill, H.R. 7340.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 7806, legislation which I have cosponsored to extend through fiscal year 1974 various vital Federal health programs. It is essential that this measure pass in order to give the Congress the opportunity to reevaluate and, if necessary, restructure these programs in an orderly and constitutional fashion.

The following 12 programs would be extended by the pending bill: Health services research; health statistics; public health training; migrant health; comprehensive health services; medical libraries; Hill-Burton anti-impoundment provision; allied health; regional medical programs; family planning; community mental health centers; and developmental disabilities.

The administration arbitrarily has proposed termination of many of these programs, along with drastic cutbacks in others. No workable alternatives have been advanced by the administration to provide the much needed health services presently delivered by these programs. Congress has a responsibility to extend the programs so that we may make provision for individuals adversely affected

by proposed terminations, and so that we can preserve and enlarge upon those parts of programs which have proven successful.

As the distinguished chairman of the Subcommittee on Public Health, Congressman ROGERS, has stated:

It is the Congress that has developed these programs, and it is the Congress that will determine their fate.

One program that the administration wishes to end, for example, involves community mental health centers. These centers, even with inadequate financing, have operated as one of the most humane, effective, and economical systems of health care yet developed.

The history of care for the mentally ill in this country should be a source of embarrassment to every American. Only recently have we begun to develop new approaches to the treatment of mental illness. One of the most promising of these approaches is the community mental health center program which seeks to treat people in their own community without having to institutionalize them. Yet, the administration, which has endorsed the concept of community mental health centers, wants to end Federal support for the program with no guarantee that States or localities can, or are willing, to finance the centers.

Mr. Chairman, the health of our people is our most precious national resource. Every American, regardless of economic circumstance, should be able to live out his years without fear of the high cost of sickness. Admittedly, we are a long way from the realization of this goal, but we will be even further from it if we permit the administration to succeed in its attempt to scuttle these important programs.

Mr. DONOHUE. Mr. Chairman, I earnestly hope that this pending bill, H.R. 7806, the Health Programs Extension Act of 1973, will be speedily adopted by this House this afternoon.

In essence this measure extends, through fiscal year 1974, 12 health programs under the Public Health Services Act, the Community Mental Health Centers Act and the Individual Disabilities Services and Construction Act, all of whose authorizations are due to expire on June 30 next. This measure also extends for 1 year the provision of the 1970 Hill-Burton amendments designed to insure the availability of expenditure, against administration withholding, of appropriated health funds and further protects the right and freedom of individual conscience and institutional determination to refrain, without deprivation of Federal funds, from participation in any program or action that violates their known ethical standards.

Mr. Chairman, the evidence in support of this measure very clearly shows that any summary wholesale ending of these health programs would impose exceptional hardships on great numbers of people who solely depend upon them for health services and cannot, now, reasonably obtain them elsewhere. The testimony also shows this extending legislation is essential so that additional congressional study and opportunity may be had to preserve those parts of these health programs that have proved to be successful and to provide other avenues of services to those who presently depend on existing programs, when these programs are terminated.

In summary, Mr. Chairman, our approving action on this bill will simply and sensibly provide an opportunity to reexamine all these health programs in an orderly fashion, prevent exceptional hardships from being visited upon great numbers of people who are least able to protect themselves and reassert and reaffirm our legislation determination to exercise the constitutional prerogatives which traditionally belong to this Congress. I therefore urge overwhelming approval of this bill in the public interest.

Mr. DRINAN. Mr. Chairman, on May 5, 1973, I held congressional hearings on a wide range of health programs in Newton, Mass. During these hearings I received expert testimony from a number of physicians, nurses, medical educators, and health administrators on the public health programs that we are now considering as part of the Health Programs Extension Act of 1973, H.R. 7806.

These hearings, which I have shared with my colleagues in Congress, confirmed my belief that the Health Programs Extension Act of 1973 deserves the resounding approval of this body of Congress. The occasion for this legislation, as I am sure my colleagues know, is that the existing authority for 12 public health programs authorized by the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, is due to expire on June 30 of this year. H.R. 7806 would extend the authorization of each of these programs for 1 year at a funding level of $1.27 billion—the exact amount of the second vetoed HEW-Labor appropriations bill of 1972.

Apart from the expiration of authority that will occur on June 30 without this bill, this legislation is particularly significant in the light of the administration's proposals in the area of public health. After months of delay, in late March of this year, the administration revealed its long-awaited position on public health programs. Five of the existing 12 programs were to be terminated or phased out: Hill-Burton hospital construction, the regional medical program, allied health training grants, public health training grants, and community mental health centers. Two other public health programs, migrant health and family planning, were to have been combined under the general authority of section 314(e) of the Public Health Service Act. The remaining five programs were to be continued, and in some cases to be granted permanent authorizations.

In response to these proposals I and other Congressmen joined our distinguished colleague, Congressman HASTINGS, in sponsoring H.R. 6240, legislation similar to that before us today, which also extended the existing authority for public health programs for 1 year.

Mr. Chairman, I believe that the administration position can be criticized on two grounds. First, it represents an abdication of responsibility. Throughout the latter part of the 92d Congress the administration requested the House Interstate and Foreign Commerce Committee to delay extending authorizations for public health programs until the administration completed its review of the programs and formulated a position. The position that finally resulted, as I have noted above, can not be characterized as constructive.

It is the duty of any Government official—elected or appointed—to try to see that public funds are well spent. It is incumbent upon legislators and administrators alike to do their best to improve Federal programs—even those that are demonstrated successes, such as many of those we are considering today. The administration's response to this task of good government is to go after programs with an ax. The administration has proposed no substantial improvements, it has only designated those programs that it would either "keep or throw."

Because of this short-sighted manner of dealing with public health programs, it is necessary for Congress to exercise responsible judgment where the executive branch has demonstrated that it will not. This is what H.R. 7806 is about. The Public Health Subcommittee of the Interstate and Foreign Commerce Committee has already begun work on a sweeping reorganization of the Public Health Service, and has promised a thorough review of each of the programs before us today. To responsibly conduct its examinations, the committee must not be restrained by the pending demise of authorizations for these programs. For this reason at least, a 1-year extension of all of the existing programs is a necessity.

I believe that there are still more important reasons to extend these programs. Each and every one of the 12 public health programs to be extended performs a valuable service to the citizens of our country. Few concerns are as important to the citizens of our country than the quality and the availability of health care. Each of these programs contributes to the quality and availability of health care, and are positive investments in a better future for America.

I would like to focus on two programs singled out by the administration for termination: the regional medical program and the community mental health centers program, both of which are particularly important to the State of Massachusetts which I represent.

In a statement I made on May 14 of this year on the regional medical program, I suggested that the administration was attempting "sleight of hand" tactics with funds for health planning. I would like to repeat the sense of those remarks on this occasion.

While comprehensive health planning is one of the very few public health programs slated to receive an increase in funding during the 1974 fiscal year under the administration's budget, its companion regional medical program is to be terminated entirely. In fiscal 1972 the RMP program was funded at $99.5 million. One year later the funding was cut in half to $58.3 million. Now the administration proposes to end funding for RMP's altogether. It does not require a budgetary expert to see that the administration's proposed increase of $2.5 million for comprehensive health planning

is but a drop in the bucket when compared with a loss of nearly $60 million in funds for regional medical programs.

The regional medical program, I believe, has been victimized by a number of unfair accusations. It has been claimed that the regional medical program duplicates other existing Federal health programs, and is therefore unnecessary. I dispute this claim. In fact, RMP's provide a valuable service in encouraging cooperation between medical institutions and among the health community. Most important, RMP's serve to bring developments in the medical field from the laboratory or the research institution to the patient care health-delivery level. Further, RMP's serve to coordinate efforts between other Federal health care programs, and actively assist private health care agencies as well in controlling chronic diseases such as cancer, heart disease, kidney disease, and stroke. The tri-State regional medical program, to which Massachusetts belongs along with New Hampshire and Rhode Island, is an excellent example of how RMP's can offer wide-ranging health delivery and development services.

As I have suggested before, there may be ways in which the regional medical program can be improved. But the need for improvement in no way justifies the severity of the action desired by the administration. Surely in this case the administration's intended cure is far worse than the disease.

I wholeheartedly concur in the action of the Interstate and Foreign Commerce Committee in recommending an authorization of $159 million for the regional medical program in the coming year. This program has had many successes—

I count the RMP operating in Massachusetts among those successes—and it deserves to be improved, not eliminated.

If it is curious that the administration proposes to terminate the regional medical program because it claims RMP to have been a failure, it is especially curious—if not a bit bizarre—that the administration should suggest the elimination of the community mental health centers program because it is a success.

Here the administration's logic is that since the program has worked so well it no longer needs government support. Of course, this argument neglects the economic realities involved. Funds appropriated under the Community Mental Health Centers Act, for staffing grants and construction, amount to more than one-third of the total revenues of community mental health centers nationwide, according to the National Institute of Mental Health.

The administration suggests that the Federal share can be made up by increased third-party financing, by increased State and local contributions, and conceivably from increased patient charges. In the first instance, the last 10 years has convincingly demonstrated that the availability of third party financing for outpatient care of the sort emphasized by community mental health centers is minimal. Private health insurers—Blue Cross, Blue Shield, and so forth—are slanted toward inpatient hospitalization care. Public health insurance programs, notably medicare and medicaid, suffer from both inadequate coverage of mental illness and structural restrictions on outpatient ambulatory/clinical care. In 1971, medicare and medicaid combined made up only 7 percent of the revenues of community mental health centers. It is unreasonable to expect this percentage to jump much higher. It is equally unlikely that the contribution of private health insurers will rise much from the 1971 level of 9 percent.

Increased support from State and local governments is also improbable, given the historic neglect of mental health at the State and local level and the hard-pressed financial resources of State and local governments. My distinguished colleague PAUL ROGERS, chairman of the Public Health Subcommittee of the Interstate and Foreign Commerce Committee, has referred to this action as being not "buck-saving," but "buck-passing." It is revenue sharing in reverse—taking away Federal moneys and dropping the burden upon the States.

Finally, to suggest that the needed funds could be raised from increased patient—user—costs is to ignore the obvious result of such an action—decreased use of services. Community mental health services should be available to the widest possible spectrum of our citizenry, but such will not be the case if would-be patients must turn away because of lack of funds.

I believe that the community mental health centers program is worthwhile, and ought to be continued, if not expanded. It is worthy of note that the committee report on the Health Programs Extension Act of 1973 states that:

> All testimony heard by the Committee on this program, including that of the Administration, has agreed that the Community Mental Health Centers program has been a success. . . .

This program has done much to improve the conditions of the mentally ill in our country, and has assisted materially in achieving long-overdue improvements in the neglected realm of mental health care. Already the program is credited with a substantial contribution to the one-third reduction in patients in State mental hospitals that has occurred in the last 5 years. More important, the basic concept of the community mental health center—the preventive approach and the emphasis on outpatient care—is demonstrably sound.

It has been estimated by mental health groups that as many as 20 million Americans could benefit from professional mental health care, and that nearly half that number—another 9 million—could benefit from alcoholism and drug dependency care of the sort that is offered by many community mental health centers.

This is no time to pull the plug on the community mental health centers program. I fully agree with the provisions of the Health Programs Extension Act of 1973, which extend the authorization of the program at a level of $234 million.

Mr. Chairman, I urge my colleagues in the House to give this bill the overwhelming support it deserves. Not only for the sake of continuing the vitally important public health programs, but for the sake of good government.

Mr. WOLFF. Mr. Chairman, I rise in support of H.R. 7806, the Health Programs Extension Act of 1973. As a cosponsor of this legislation, I feel it is imperative for Congress to enact this extension in order to give itself needed time to study the merits of those health programs due to expire on June 30.

Mr. Chairman, as you know, the administration has proposed the outright termination of five of the programs extended under this act. Although there very well may be excesses in some of these programs which need revamping, I do not believe that the President has a mandate, either from Congress or from the American people, to scrap these programs entirely before even allowing Congress sufficient time to determine their strengths and weaknesses. His decision has already created havoc for those participating in these programs and threatens to undermine our efforts to improve and upgrade health care delivery systems in this country. Through his decision, the President has placed Congress in the untenable position of having to develop alternative health programs in a matter of a few months. This necessarily precludes a thorough review and comprehensive hearings with health experts across the country to determine where our health care priorities should lie. I do not believe that the future of health care for this Nation or health care delivery systems for our people should be decided so haphazardly. On an issue as vital and far reaching as health care, I would expect the administration to work in a spirit of cooperation with the Congress and, through careful review and reevaluation, to develop stronger, improved health programs. In addition, the authorty for determining when these programs should end lies with the Congress, not with the executive branch, and the Congress must reassert its rightful role in deciding the future of these programs.

Mr. Chairman, by enacting this extension we provide both Congress and the executive with the time and the opportunity to work together to study our health care picture. We express to the American people our refusal to neglect their health care needs and our determination to develop meaningful and effective health delivery systems. I urge my colleagues to join with me in supporting H.R. 7806 as a necessary step in demonstrating a responsible and concerned attitude toward the future of health care in the United States.

Mr. ALEXANDER. Mr. Chairman, I rise today to urge my colleagues in the House to approve the extension of the authorization for appropriations under the Public Health Services Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act. Early in this session I sponsored legislation which would extend these authorizations.

My sponsorship of the legislation stems from my deep concern over the critical shortage of health care facilities and personnel available in most com-

munities of Arkansas. First Congressional District. It is also a result of my belief that these programs we propose to extend have aided significantly in working toward solutions to these shortages.

I have long recognized that every Federal program should be reviewed to see if it is meeting its objectives. If it is not, why not? And, what services the program is actually performing. Programs which are not successfully performing needed services should not be continued. Programs which are well organized, and are meeting needs of the areas they serve should be continued. When it is found that programs are working to meet the objectives established for them and have expanded to serve related needs they should be reviewed, and, if necessary, revised under the direction of the Congress.

But, I am at a complete loss to understand how an executive branch which claims to be cost-conscious can justify jettisoning programs which are performing for new and unproven programs with all the problems and expense such an experiment entails.

What our people in Arkansas need is help now in resolving their health care problems through improvement of existing programs, not a new, bureaucratic structure that may or may not do a better job at some point in the future, after it overcomes its organizing pains.

This is not to say that the Congress, during the coming year, should not evaluate the programs which we propose to extend by our action here today. Such a study should be undertaken. But, it would be folly to discontinue successfully operating programs while awaiting the results of that examination.

It would be well to point out here, I believe, that what is proposed in H.R. 7806 will be less costly than the administration's proposal.

There are two programs affected by the legislative proposals before us today to which I would like to give special attention. These are the Hill-Burton health facilities construction program and the regional medical program.

In discussing the health facilities construction program, the writers of the "Budget of the United States Government"—someone deep in the recesses of the Office of Management and Budget, I assume—said on page 136:

> Over the past two decades, the medical facilities construction program has spent more than $3.7 billion in Federal funds to assist over 10,000 hospitals and other health facilities. This program has resulted in 470,000 new hospital beds. Currently, the Nation is experiencing an over-supply of hospital beds, which has contributed to the inflation in medical care costs. The national average bed occupancy rate is now 73%. In view of these facts the medical facilities construction program is being terminated. Any further construction that might be needed can be financed from charges for patient care through private, State and local borrowing.

A close and critical examination of this paragraph is warranted. I would not challenge the facts in the first two sentences. But, I believe that our people in the First Congressional District, indeed, throughout most of Arkansas, would be astonished to learn that rather than facing a severe shortage of health facilities, they are actually in an over-supply situation.

In fact, I am advised by Dr. J. A. Harrel, director of the Arkansas Department of Health, that the State plan shows a need for adding 750 beds and for replacing 526 during the coming year. Dr. Harrel also says that the plan identifies a need for adding 822 new long term care—nursing home—beds and for replacing 987 existing beds. This is hardly evidence of an over-supply of facilities.

It is my understanding that this study shows that 259 hospital beds in First District need modernizing and that the State plan allocates 253 new beds for the district. In the nursing home area, there is a need for 270 new beds and 268 modernized beds in the First District during the coming year. The First District has a population of more than 480,000 persons, yet it has only 1,731 hospital beds and 3,002 nursing home beds.

While it may be true that some areas of the Nation are over-supplied with inpatient beds in health care facilities, that situation is cold comfort to communities like those in First Congressional District which don't have enough. It may be true that areas which have had more facilities than current demands require should not receive further Federal assistance. But, areas which have not fared so well and which must struggle even to meet the funding requirements under the existing Hill-Burton program should not be penalized for the excesses of the other areas. And, in these areas where there are large members of medically indigent persons, how can we justify the higher medical costs which will be involved in the financing scheme the executive branch proposes.

A sufficient quantity of good quality, affordable health care facilities is essential to nonmetropolitan area efforts at improving their communities. We cannot, as a Nation, afford to follow a policy which discriminates against the countryside, hampering its communities' attempts to become or remain attractive living places for our citizens. To do so will inevitably stimulate more migration from the countryside into the metropolitan areas further aggravating the overcrowding problems of those areas.

This statement which I have taken from the budget is a boldly, bald attempt by the executive to snatch away from the Congress more of its power to legislate. It says flatly, "In view of these facts the medical facilities construction program is being terminated." It does not purport to request that the Congress repeal the programs it has enacted. It attempts to tell the Congress what is going to happen whether the Congress likes it or not. I for one, am not as a Member of Congress, prepared to dance to that piper's tune.

This situation also bears directly on the question of the regional medical programs.

Again on page 137, the writers of the "Budget of the United States Government" presume to instruct the Congress on what is to be the fate of a congressionally enacted program. They say ". . . the original objective of RMP—to improve quality care—will now be a major responsibility of the nationwide system of Professional Standards Review Organizations. For these reasons, the RMP will be phased out in 1974. . . ."

Here is another blatant example of the highandedness with which the Executive is trying to treat the Congress. It is constitutionally irresponsible.

I can not speak for all the State regional medical programs across the country. But, in Arkansas the RMP has been a valuable aid to efforts to upgrade the quality of health care provided our people. If it is typical of other such programs, then it is unconscionable to disrupt the momentum for improvement which has been achieved. If Arkansas is not typical of RMP's in other states, then the answer is not to destroy a successful program, but rather to examine its operation and develop similar strengths in other RMP's.

In recent weeks, since it became known that the executive branch wanted to kill the regional medical programs, I have received a stream of communications from the First District and Arkansas medical community in support of its work. I would like to share with you one example of those communications. I have selected this letter from Dr. Winston K. Shorey, dean of the University of Arkansas School of Medicine because it includes a summary of the history, activities, programs and operations of the Arkansas regional medical program. This illustrates the kind of work that an RMP can and ought to do.

Dr. Shorey's summary follows:

ARKANSAS REGIONAL MEDICAL PROGRAM

1. History of Regional Medical Program.

A. Authorized by Congress as a result of recommendations of Commission on Heart Disease, Cancer and Stroke chaired by Dr. Michael DeBakey.

(1) Legislation was considered by House health committee chaired by Congressman Oren Harris of Arkansas.

(2) Legislation as initially introduced provided for a bricks and mortar development of satellite facilities affiliated with a medical center.

(a) In Congressman Harris' committee the legislation was completely rewritten into the form that was adopted.

(1) Testimony by people from Arkansas before Mr. Harris' committee had a great deal of input into the final legislation.

(3) Legislation that passed was oriented toward education of physicians and other health personnel in modern methods and techniques in patient care.

(a) Direct patient services limited to that required for teaching and demonstration.

(4) As time has gone on there has been increased emphasis on direct patient services.

2. History of Arkansas Regional Medical Program.

A. Legislation did not stipulate who should organize a regional medical program or what constituted a region.

(1) It did stipulate that a region must include a medical school and that a program should be affiliated with a medical school.

(2) It stipulated that there should be a Regional Advisory Board which would have responsibility for program.

(3) It stipulated that some responsible body should be the grantee institution with fiscal responsibility for the program.

B. Upon recommendation from UAMC, the President of the University of Arkansas appointed the initial Regional Advisory Group, requesting that it form an Arkansas Regional Medical Program.

(1) Initial Regional Advisory Group constituted the State of Arkansas as the region.

(2) Dean of the School of Medicine became initial coordinator.

(3) Application submitted for planning grant and this was approved.

C. Planning grant utilized to:

(1) Secure office space.

(2) Provide core personnel.

(3) Tour the State of Arkansas to discuss RMP with county medical societies, hospital staffs, nursing groups, and other health professionals.

(4) Prepare application for operational funds.

D. University of Arkansas Medical Center became grantee institution.

(1) RMP staff reports administratively to Dean, School of Medicine.

(2) Throughout operation of RMP the attempt has been made for it to stand by itself with as little image of it as a UAMC activity as possible.

(a) Objective as a state-wide activity relating to all health activities rather than limited to medical center.

E. Dr. Roger Bost became coordinator as program became truly operational.

F. Upon Dr. Bost's resignation, Dr. C. William Silberblatt became coordinator.

G. Regional Advisory Group has enlarged itself and has increased its representation through the years.

H. Emphasis has been upon supporting programs and projects that spring from the grassroots rather than formulating programs centrally and implementing them downward.

3. Relationship with Comprehensive Health Planning.

A. The two programs began at about the same time in Arkansas.

B. Initial decision to bring the two programs into as close a relationship as possible in Arkansas.

(1) This was not the attitude at the national level.

C. Offices for the two programs were provided in adjoining space.

D. The two programs have worked very closely together and have supported each other.

(1) RMP has had greater resources and been able to supply CHP with professional, technical, and clerical help.

(2) CHP has been an official agency of state government and able to bring about changes developed through RMP.

(3) The combined energies of the two programs have resulted in success in several situations where there has been competition among states and regions for funds.

(a) State-wide Comprehensive Kidney Disease Program, $1,575,000.

(b) Experimental Health Service Delivery System (Arkansas Health Systems Foundation), $1,690,000.

(c) State-wide Emergency Medical Services System, $3,400,000.

(d) State Health Statistics Center, $400,000.

(e) Four (4) Health Service/Education Activities (Fayetteville, Fort Smith, Batesville, Jonesboro), $125,000.

(f) State-wide Family Planning Program, $2,100,000.

4. Arkansas Regional Medical Program as a catalytic agency.

A. The staff of ARMP has served to bring together groups of health professionals to develop objectives that otherwise would not have occurred.

(1) Central Arkansas Radiation Therapy Agency.

(a) All hospitals in Little Rock will pool x-ray therapy in one institution. This will be the educational unit in x-ray therapy for the School of Medicine as well as patient care for all hospitals.

(b) ARMP served to get the initial organization started and is no longer a part of the organization.

(c) No direct RMP funds were involved, but ARMP staff devoted time to initial organization.

B. Has provided many meetings and workshops to acquaint professionals with new concepts and developments.

(1) Area Health Education Centers.

(a) Laid ground work which led to medical school's proposal for Area Health Education Centers throughout state.

(2) Physicians' Assistants.

(a) Meeting in Hot Springs introduced concept to physicians of Arkansas.

(3) Professional Service Review Organizations.

(a) Meeting in Hot Springs to introduce concept to physicians.

5. Direct Funding of Projects.

A. Major projects currently on-going.

(1) Training of nurses for activity in Coronary Care Units Baptist Medical Center, $34,100.

(2) Stroke project at Mountain Home. Development of a Department of Rehabilitation and Physical Therapy, $12,900.

(3) Stroke project at Harrison. Development of a Dept. of Rehabilitation and Physical Therapy, $17,700.

(4) Medical technology training. A refresher program for medical technologists at Baptist Medical Center, $27,500.

(5) Laboratory Quality Control. A program to upgrade quality of laboratory procedures in hospitals in Northeast Arkansas. Conducted by pathologist in St. Bernard's Hospital, Jonesboro, $40,700.

(6) Program for dietitians. Provides workshops for food services supervisors in hospitals and nursing homes, $52,700.

(7) Nursing Home Program. Program to upgrade capability of nursing home aides and fosters work with families of patients. Conducted by Arkansas League for Nursing, $105,800.

(8) Comprehensive Kidney Disease Program. UAMC, Baptist Medical Center, VA Hospital, Regional Hospitals through state, $577,300.

(9) Rural Arkansas Medical Extension Services, Medical school faculty make consulting and teaching visits to hospitals throughout state. Approximately twenty communities each month. Telephone consultation services. Information regarding rural communities needing physicians transmitted to students and young physicians, $160,300.

(10) Cardiac Rehabilitation Program. UAMC and State Hospital. Program to develop rehabilitation services for patients with heart disease, $33,600.

(11) Consumer Education Program. Conducted as a collaborative effort between University Cooperative Extension Service and State Department of Health, $132,200.

B. Developmental Projects.

(1) Partial funding of program of Department of Pediatrics, UAMC to train nurse clinicians, $34,400.

(2) Partial funding of program to determine feasibility of utilizing physicians' assistants in Arkansas, Camden, Arkadelphia, Lavaca, $16,500.

(3) School of Pharmacy. Continuing education program, $6,000.

(4) Partial funding of program to train high school dropouts to be health aids. East End Clinic, Little Rock, $5,900.

(5) Remote cardiac monitoring. Centralized monitoring of coronary care beds in hospitals with too few patients to efficiently do it themselves. Beds in Booneville, Danville, and Mena are monitored by St. Edwards Hospital in Ft. Smith. Beds in Osceola are monitored in Blytheville. (Plan to monitor beds in Murphreesboro, Nashville, Prescott, and Gurdon in Texarkana), $26,000.

(6) Pediatric Oncology. A program providing consultation services by faculty members from UAMC to children with cancer in Texarkana, $13,100.

(7) Blood Lipid Program. A program to provide both education and services to physicians in locating families with high risk for coronary heart disease due to high blood cholesterol and lipids, $15,000.

(8) Provision of a physician for the Bearden Clinic one day a week, $6,000.

(9) First aid kits, thermal blankets, and inflatable splints in every state police patrol car, $7,000.

(10) Evaluation of library collections throughout state preparatory to making application for funds relative to allied health teaching program, $7,000.

(11) Pilot program in speech therapy unit at UALR preparatory to making application for larger amount of funds, $2,600.

(12) Speech training program for individuals who have had laryngectomy, $10,000.

(13) Program for assisting in the repair and maintenance of electronic equipment used in health facilities throughout state, $750.

(14) Development of training program in digestive diseases. St. Vincent Infirmary, $13,000.

(15) Assistance to Sickle Cell Association in public education regarding sickle cell disease, $300.

(16) Assistance to East End Clinic to provide physical examinations and screening of fifteen individuals each Monday evening with objective of accomplishing complete examination of all persons attending the clinic. Professional services furnished by 810th Station Hospital, Army Reserve, $4,000.

(17) Assistance to program for instructing teachers of 5th and 6th grades in teaching health matters to children. Camden, Ft. Smith, Little Rock, $600.

(18) Assistance to Central Arkansas CHP (b) agency in making it possible to merge and become part of State Economic Development District, $3,500.

C. Discretionary expenditures of funds that have been available. Example below.

(1) Purchase of equipment from several clinics throughout state.

(2) Conduct of conferences, workshops and seminars.

(3) Assistance to School for Allied Health Professions UAMC.

(4) Travel of medical student to rural health conference.

(5) Assistance to Arkansas Data Center in its development stage.

(6) Expenses of site visit when grant application for Arkansas Health System Foundation was being reviewed.

(7) Purchase of teaching tapes for nurses' continuing education.

D. Maintenance of the program staff of RMP.

A group of highly competent individuals has been brought together with expertise in analyzing health needs, stimulating appropriate people and agencies to take action to meet these needs, and reviewing proposals that are generated to accomplish this. Proposals are critically reviewed, assistance is provided in improving proposed programs, and final proposals are prepared for action by Regional Advisory Group and the national RMPS agency for funds.

Programs sponsored by RMP are constantly monitored and evaluated for effectiveness.

The RMP staff has made itself available to many individuals and agencies for health development. Example: An application for funds to provide family planning services had been disapproved. Assistance from RMP staff resulted in approval of grant for approximately $750,000 to provide services in Southeast, Northwest, and Southwest Arkansas.

Annual funds for core staff, $500,000.

6. Regional Medical Programs Service is among the health programs that President Nixon and his administration have decided to discontinue.

A. No funds requested in President's budget for RMP beyond June 30, 1973.

B. Telegram sent to each program on February 1, 1973 stating that programs are to be

phased out by June 30, 1973 with the possibility of extending to February 15, 1974 some activities that cannot be discontinued by June 30th.

(1) Subsequent communications from RMPS of DHEW indicate that June 30th should be considered the realistic termination date of RMP activities.

7. The purposes of the presentation that has been made above are:

A. Information to responsible people in government regarding what will be lost with discontinuation of RMP.

B. Request for consideration of a longer and more orderly phase out period if, indeed, the program is not worthy of continuation.

C. Request for support encouraging Congress to give further consideration toward continuing the existence of Regional Medical Programs.

8. A draft letter dated February 27, 1973 from Dr. Harold Margulies, Director of Regional Medical Programs Service, has been received reviewing Arkansas Regional Medical Program as if it were to be continued. This letter results from the annual national review of the program as of October 26, 1972. The following is quoted from the letter.

"It was recommended that ARMP be funded at the November, 1971, NAC approved level of $1,700,000 (direct costs). The recommendation includes a developmental component and maximum funding of $375,000 (d.c.) for the kidney disease project. ARMP's overall progress during the last three years has been excellent, but does not warrant increased funding beyond the Council's previously recommended level."

The need for these programs is amply clear. They have established their value and demonstrated their capacity to benefit society many times over. For these reasons, I urge that the House, and the full Congress, vote to approve this extension of the appropriations authorization for these worthwhile programs.

Mr. CULVER. Mr. Chairman, the bill we are considering, H.R. 7806, extends for 1 year 12 health programs under the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Construction Act. The authorization for next fiscal year is $1.27 billion dollars, $1.01 billion less than the existing authorizations for the present fiscal year.

The total authorized in this bill is $30 million lower than the amount requested by the administration. The administration, however, proposes to terminate five of these important health programs, and a major part of its budget request reflects closeout costs. This bill provides for a 1-year extension to insure that provision is made for those who depend on programs that are to be terminated, and to preserve those parts of programs that have proven successful.

An important principle is involved here. In the name of economy the administration is suddenly seeking to eliminate important health services to many citizens. The fact that this bill proposes $1 billion less than the current authorization is a clear indication of the willingness of the Congress to tighten its belt and to cut marginal spending. To allow immediate termination of programs, however, without allowing adequate time for congressional review or for the provision of alternative services, is irresponsible.

In the past few months I have recieved many letters indicating the dismay felt in Iowa over the phaseout and proposed termination of one of these services in particular—the regional medical programs. These programs have not only provided improved health care in many regions of the country, but they have also allowed physicians to explore practical methods of reforming the Nation's health care delivery system.

Leaving aside for the moment the obvious advantages of involving the private sector in developing new mechanisms for medical delivery, I would like to call to your attention the specific benefits the regional medical programs have brought to some Iowans. The parents of a 2 pound, 10 ounce premature baby in Dubuque gave credit to the Dubuque Prenatal Care Center for saving their baby's life. They wrote that the expansion of this program—

To make such centers within reasonably close reach all over Iowa . . . would be a wonderful thing for other parents finding themselves in a position like ours. It is hard for us to think of more important ways that a little government money could be spent than in making this program possible. Surely the cost could not be much, compared to the tragedies prevented and the happy, healthy babies sent home instead of their lives being snuffed out for lack of the right kind of care when they need it.

Another Iowan suffered a heart attack and credits the coronary care unit at the county hospital with saving his life. The personnel staffing this unit had all been trained through an Iowa heart association program funded by the Iowa regional medical program. The patient wrote that—

The training these people had received is the reason I am alive today. You can see why I think the Iowa Regional Medical Program has been doing some very important things. It would be a real shame if the IRMP had to quit training people to save lives as they did mine. There is a possibility these people would have received this training elsewhere, but I would hate to stake my life on it, wouldn't you?

I am sure that other Members have received equally compelling arguments in favor of the programs that the administration wants to terminate. There may be areas in which these programs can be improved, and when alternative methods of providing the services are available, we may want to terminate some of the Government efforts. At this time, however, I urge all Members to support the 1 year extension of these programs and to reject amendments which would eliminate them.

Mrs. BURKE of California. Mr. Chairman, the measure before us carries major implications beyond this hour. Our vote on H.R. 7806 will not only determine the fate of several expiring health programs, but it also could affect our own future as Members of this body.

This legislation would extend for one year the Public Health Service Act, including regional medical programs, community mental health centers and Hill-Burton construction assistance which were not included in the President's fiscal year 1974 budget.

The administration tells us its budget request is only a recommendation, yet as I speak at least one of these programs is rapidly being dismantled, much like the OEO program was. I refer to regional medical programs—RMP—which in California is associated with the State's nine medical schools. I am told that 260 employees in California already have been laid off or are on terminal vacations. By June 30, $1.8 million in project activities in California will have been terminated in response to HEW orders.

This action raises serious questions from both a legal and constitutional standpoint.

U.S. District Court Judge William Jones recently ruled that the administration could not dismantle OEO's community action programs when it was the intent of Congress to continue them. He further stated that only Congress has the power to terminate the programs either by failing to include the community action programs in a continuing resolution or by failing to appropriate funds for them.

The Senate has expressed its intent with regard to RMP and the other expiring public health service authorities by voting 72–19 for a 1 year extension. The Senate bill, S. 1136, is similar to the measure we are considering. Legislation which concerns the future of these programs beyond fiscal year 1974 also has been introduced by our esteemed colleague, the Honorable Paul Rogers, Chairman of the House Subcommittee on Health and Environment. I urge my colleagues to take similarly strong action by passing H.R. 7806.

Failure to act on so important an issue would create a dangerous precedent which could make every program we enact vulnerable to termination without specific congressional approval. That, in my opinion, would constitute a forfeiture of the constitutional powers entrusted to us.

This view is shared by many. The Sacramento Bee published in our State capital where I served as an assemblyman for the past 6 years, noted the following remarks:

Termination of the RMPs marks the fourth major health program to fall under Nixon's budget ax. The others, all of which have roused Congress to wrathful indignation, are the Hill-Burton hospital construction grant program, the Research Training Grants and Community Mental Health Centers.

These are programs established by the people's representatives in Congress and as such should be beyond purview of the President's executive role. It is his constitutional duty to see that the will of the people, expressed through the Congress, is carried out as legislated.

Added the Fresno Bee:

The Regional Medical Programs have proved a valuable link in the chain of bringing to the people the benefits of research and new medical treatment, largely in outlying regions which lack such facilities.

In a nation where health care delivery already is in a state of crisis, this action by the President is unconscionable. Members of Congress have shown an encouraging militancy to protect their constitutional prerogatives, and the President's series of drastic cutbacks in such domestic needs will surely strengthen the legislators' determination to resist. They should do so not only in defense of Congress' powers, but also for the common welfare.

A 1-year extension of this act would provide Congress the opportunity denied it by the executive branch to review the

programs involved and make its own recommendations. Certainly, my own review leads me to believe that the RMP's and some of the other programs may have been misjudged as to their effectiveness by overzealous budget cutters.

This possibility is openly acknowledged in the HEW budget justification which states:

Despite Federal expenditures in excess of $500 million for these activities, however, there is little evidence that on a nationwide basis the RMP's have materially affected the health care delivery system. Further expenditure of scarce Federal health resources on this program, therefore, cannot be justified on the basis of available evidence.

The key phrase in that brief synopsis is available evidence. I might also point out that the $500 million referred to covers a 7-year period for which the average expenditures amounted to a little over $60 million. In contrast, at the height of the Cambodian bombing, administration officials have estimated that the bombing cost $1 million a day.

What concerns me is the fact that the administration's rationale for cutting these programs does not square with the performance in California of the RMP. In fact, one of the RMP areas, based at UCLA, was singled out by the Harvard University Center for Community Health and Medical Care. Its evaluation released in December 1972, stated that projects and core staff activities are "characteristically relevant, innovative and designed for direct action" and that the UCLA area "had responded energetically to the new RMPS mandate to facilitate change within the health delivery system."

RMP's director Harold Margulies, M.D., expressed similar confidence in RMP just this past January at a national meeting in St. Louis. So did other high HEW officials, including Merlin K. Du Val, M.D., former assistant secretary for health and scientific affairs. He told RMP coordinators:

Today, I feel greatly comforted by the knowledge that RMP's have continued to gain in strength and maturity; they have come to represent a powerful local and national resource that is critical to our progress in achieving HEW goals.

Many people have opined that RMP's stock seems to have been sinking over the last year or so. If this is so, I think the trend has reversed, primarily because you have demonstrated great capacity in meeting new challenges. As the Administration followed through on the President's Health Message of last year you took on new responsibilities which were developmental rather than categorical. You have acted more swiftly than your critics had expected. It is never easy to alter directions when so many commitments and expectations are involved—it is especially difficult when the program has barely begun to establish itself.

These statements lead to the conclusion that the President and his budget officials may not have had all the facts available in considering RMP's future. It would also explain the inaccuracies in the testimony of the former Budget director who now heads the Department of Health, Education, and Welfare.

The Secretary of HEW repeatedly stated that the greatest expenditure of RMP funds has been in the area of continuing education, although the "Fact Book" printed by his agency in May indicates these activities constituted only 16 percent of the fiscal years 1972 RMP budget. I do concur with the Secretary, however, that these health professionals—including physicians—should pay their own way which they do in the RMP's which I am familiar with in California through fees and tuition charges. Nonetheless, it must be remembered that it is the public who benefits from the increased skills and capabilities of those who deliver medical care.

There is also no doubt that some of these public health services do overlap with other Federal efforts which is a concern I share with Secrettary Weinberger of HEW. It is my understanding, however, that Congressman ROGERS' Subcommittee on Public Health and Environment has already begun to tackle this problem and assures me that specific areas of authority for health planning, research, health services, etc, will be spelled out in a revised Public Health Services Act on which they are hard at work.

Mr. Chairman, few can argue with the need to hold Federal expenditures to a realistic level. I support the recent action of the Senate which demonstrated its willingness to work with the executive branch toward that goal in the passage of a $268 billion spending ceiling. But, as Secretary Weinberger testified recently, that is not the issue involved in the decision to terminate these particular programs.

Rather, HEW is seeking a new approach we all know as revenue-sharing. It is built on the premise that Federal money should be returned to local communities to spend on programs which the localities determine are priority needs.

Ironically, the President's budget proposes to cut one of the programs which has consistently followed that philosophy. More than 20,000 practicing physicians, nurses, hospital administrators and consumers are actively involved in RMP decisionmaking as members of regional advisory groups and community committees. That is how a health awareness project got started in southern California with only $1,000 in RMP funds. To date, it has provided direct access to health information and referrals to more than 2,000 residents.

A recent progress report on the 56 RMP regions indicates that almost 10 million people were directly served through projects and programs supported by this agency in 1972. I would like to share with you some of the activities underway in my congressional district.

One of the first paramedic programs in the county was initiated by RMP volunteers with local hospitals, city and county fire departments and the Los Angeles County Heart Association. Frederick Gordon of Inglewood is alive today after suffering two heart attacks because firemen trained by RMP were able to administer lifesaving therapy in time.

RMP is currently working with other emergency medical service interests to assure ambulance drivers and attendants also are properly trained. First steps also have been taken to achieve better coordination of emergency medical services at all levels in the county which includes 77 incorporated cities. That is no easy task, but the progress achieved so far faces a setback without other means of support.

One-year-old La Trina Knight is another person who directly benefited from RMP. Her anemic condition and heart murmur were diagnosed by Antonio Clark, R.N., a pediatric nurse practitioner at the Compton health services facility. Mrs. Clark is among 30 registered nurses who were prepared through RMP to assume greater responsibilities for routine child care and counseling, thereby freeing already overburdened pediatricians to spend more time with seriously ill infants. Although more than 90 nurses were originally scheduled to be trained as pediatric nurse practitioners, this number will be reduced substantially without RMP support.

Ronnie Jacobson almost did not celebrate his first birthday this month. Born prematurely, he suffered from severe hyaline membrane disease, one of the major disorders which contributed to the death of 3,800 newborns in California last year. Many of these infants could have been saved if they had had the benefit of skilled care and modern technology. RMP is helping to extend this capability to hospitals throughout southern California by offering intensive training to physicians and nurses. The real beneficiaries, of course, are patients like Ronnie.

There are three projects outside my district which deserve special mention. They, too, will be affected by the RMP phaseout:

California Regional Kidney Disease Program which anticipated providing life-saving therapy to all good medical candidates by 1975.

The Firebaugh-Mendota Medical Center which has provided primary care to more than 15,000 rural residents of Central San Joaquin Valley, many of whom previously travelled 100 miles round trip to see a doctor. This project will receive only one-third of the RMP funds promised it because of the phase out.

An Extended Care Facilities Project which has enabled more than 600 nursing home administrators and directors of nursing services in Southern California to increase their skills and knowledge of patient care and work more closely as a team.

Elderly patients are receiving better care because of this investment.

Several other projects in California totaling another $1.8 million were approved and ready to be initiated when HEW orders came to shut down.

Among them was a health consortium of hospitals and educational institutions which volunteers spent many hours developing. This project would have facilitated cooperative educational programs based on a realistic assessment of manpower needs. Just as business saves money by pooling resources so did this project anticipate a considerable savings it could pass on to patients. The consortium also encompasses an important educational concept—that of a career ladder—which I hope will not be lost.

Mr. Chairman, I cannot help but feel a program capable of generating this kind of commitment among health professionals deserves more than a casual dismissal. In my view RMP has not only

fulfilled its promise, but it also holds out vast resources yet to be tapped. I urge my fellow colleagues not to let this investment in the health of our citizens be diverted to less noble causes, and urge their support of H.R. 7806.

Mr. KYROS. Mr. Chairman, 13 of the Nation's public health programs are scheduled to expire at the end of the current fiscal year on June 30. These programs include Hill-Burton, the Community Mental Health Centers Act, comprehensive health planning, the regional medical program, and several others.

The purpose of our bill, H.R. 7806, is simply to extend these programs for 1 year, thus affording the Public Health Subcommittee and the U.S. Congress time to consider these programs fully to decide which ones should be continued, which are in need of modification, which might be combined, and which might even be terminated.

Some of the authorities dealt with in our bill are proposed to be continued in the administration's fiscal year 1974 budget. Some—including the Community Mental Health Centers Act, Hill-Burton, and the regional medical program—are proposed to be terminated by Executive fiat. Our bill states simply that it is the Congress and not the executive branch which should determine the fate of these programs. And this is by no means a partisan issue. Indeed, it is worth noting that H.R. 7806 passed both our subcommittee and the full Committee on Interstate and Foreign Commerce on unanimous votes. The full House should act likewise.

There is no doubt, Mr. Chairman, that the Public Health Act is in need of major overhaul. Our subcommittee has already begun this monumental task. We have introduced new legislation to revise three of the existing programs, and a second bill to revise two more will be introduced shortly. This effort will take us many months, but in the end we will have done the job properly. Meanwhile, H.R. 7806 is deserving of our full support.

Mr. ZWACH. Mr. Chairman, I rise in support of the bill H.R. 7806. I am especially interested in title IV which recognizes the rights of individuals and institutions to decide whether or not to take part in abortion or sterilization operations. Similar language is included in S. 1136, which passed the Senate on March 27.

It is my belief that every medical worker has the right to abide by his or her moral code in this situation. Conscientious objection to the taking of unborn life deserves as much consideration and respect as does conscientious objection to warfare.

As a cosponsor of the so-called "conscience clause," I urge favorable action by the House today and wish to thank the distinguished Mrs. HECKLER for all her efforts in this area.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

H.R. 7806

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

SHORT TITLE

SECTION 1. This Act may be cited as the 'Health Programs Extension Act of 1973".

TITLE I—AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

REFERENCES TO ACT

SEC. 101. Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

SEC. 102. Section 304(c)(1) is amended (1) by striking out "and" after "1972,", and (2) by inserting before the period at the end thereof a comma and the following: "and $42,617,000 for the fiscal year ending June 30, 1974".

NATIONAL HEALTH SURVEYS AND STUDIES

SEC. 103. Section 305(d) is amended (1) by striking out "and" after "1972," and (2) by striking out the period and inserting in lieu thereof a comma and the following: "and $14,518,000 for the fiscal year ending June 30, 1974".

PUBLIC HEALTH TRAINING

SEC. 104. (a) Section 306(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $10,300,000 for the fiscal year ending June 30, 1974,".

(b) Section 309(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following ", and $6,500,000 for the fiscal year ending June 30, 1974".

(c) Section 309(c) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $6,500,000 for fiscal year ending June 30, 1974".

MIGRANT HEALTH

SEC. 105. Section 310 is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $26,750,000 for the fiscal year ending June 30, 1974".

COMPREHENSIVE HEALTH PLANNING SERVICES

SEC. 106. (a)(1) Section 314(a)(1) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $10,000,000 for the fiscal year ending June 30, 1974".

(2) Section 314(b)(1) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $25,100,000 for the fiscal year ending June 30, 1974".

(3) Section 314(c) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $4,700,000 for the fiscal year ending June 30, 1974".

(4) Section 314(d)(1) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $90,000,000 for the fiscal year ending June 30, 1974".

(5) Section 314(e) is amended by inserting at the end thereof the following: "There is authorized to be appropriated for the fiscal year ending June 30, 1974, $198,100,000 for grants by the Secretary to public or nonprofit private neighborhood health centers to cover part of their cost of providing health services. The Secretary may make a grant under the preceding sentence to only those neighborhood health centers which received a grant in the fiscal year ending June 30, 1973, under the first sentence of this subsection or under title II of the Economic Opportunity Act of 1964. There is authorized to be appropriated for the fiscal year ending June 30, 1974, $13,000,000 for grants by the Secretary to public or nonprofit private family health centers to cover part of their cost of providing health services. The Secretary may make a grant under the preceding sentence to only those family health centers which received a grant in the fiscal year ending June 30, 1973, under the first sentence of this subsection."

(b) The first sentences of sections 314(b)(1)(A) and 314(c) are each amended by striking out "and ending June 30, 1973" and inserting in lieu thereof "and ending June 30, 1974."

ASSISTANCE TO MEDICAL LIBRARIES

SEC. 107. (a) Section 394(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $1,500,000 for the fiscal year ending June 30, 1974".

(b) Section 395(a) is amended by inserting after the first sentence the following new sentence: "To enable the Secretary to carry out such purposes, there is authorized to be appropriated $95,000 for the fiscal year ending June 30, 1974."

(c) Section 395(b) is amended by inserting after the first sentence the following new sentence: "To enable the Secretary to carry out such purposes, there is authorized to be appropriated $900,000 for the fiscal year ending June 30, 1974."

(d) Section 396(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $2,705,000 for the fiscal year ending June 30, 1974".

(e) Section 397(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $2,902,000 for the fiscal year ending June 30, 1974".

(f) Section 398(a) is amended by inserting after the first sentence the following new sentence: "To enable the Secretary to carry out such purposes, there is authorized to be appropriated $340,000 for the fiscal year ending June 30, 1974.".

HILL-BURTON PROGRAMS

SEC. 108. (a)(1) Section 601(a) is amended to read as follows:

"(a) for the fiscal year ending June 30, 1974—

"(1) $20,800,000 for grants for the construction of public or other nonprofit facilities for long-term care;

"(2) $70,000,000 for grants for the construction of public or other nonprofit outpatient facilities;

"(3) $15,000,000 for grants for the construction of public or other nonprofit rehabilitation facilities;".

(2) Section 601(b) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $41,400,000 for the fiscal year ending June 30, 1974".

(3) Section 601(c) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $50,000,000 for the fiscal year ending June 30, 1974".

(b)(1) Section 621(a) is amended by striking out "through June 30, 1973" in paragraphs (1) and (2) and inserting in lieu thereof "through June 30, 1974".

(2) Section 625(2) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the fiscal years ending June 30, 1973, and June 30, 1974".

TRAINING IN THE ALLIED HEALTH PROFESSIONS

SEC. 109. (a) Section 792(b) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $20,000,000 for the fiscal year ending June 30, 1974".

(b) Section 792(c)(1) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $18,245,00 for the fiscal year ending June 30, 1974".

(c) Section 793(a) is amended (1) by striking out "and" after "1972;", and (2) by

inserting after "1973" the following: "; and $6,000,000 for the fiscal year ending June 30, 1974".

(d) Section 794A(b) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $100,000 for the fiscal year ending June 30, 1974".

REGIONAL MEDICAL PROGRAMS

SEC. 110. Section 901(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $159,000,000 for the fiscal year ending June 30, 1974,".

POPULATION RESEARCH AND FAMILY PLANNING

SEC. 111. (a) Section 1001(c) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: ", and $111,500,000 for the fiscal year ending June 30, 1974".

(b) Section 1003(b) is amended (1) by striking out "and" after "1972", and (2) by inserting after "1973" the following: "; and $3,000,000 for the fiscal year ending June 30, 1974".

(c) Section 1004(b) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $2,615,000 for the fiscal year ending June 30, 1974".

(d) Section 1005(b) is amended (1) by striking out "and" after "1972"; and (2) by inserting after "1973" the following: "; and $909,000 for the fiscal year ending June 30, 1974".

TITLE II—AMENDMENTS TO THE COMMUNITY MENTAL HEALTH CENTERS ACT

REFERENCES TO ACT

SEC. 201. Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Community Mental Health Centers Act.

CONSTRUCTION ASSISTANCE FOR MENTAL HEALTH CENTERS

SEC. 202. (a) Section 201(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $20,000,000 for the fiscal year ending June 30, 1974".

(b) Section 207 is amended by striking out "1973" and inserting in lieu thereof "1974".

STAFFING ASSISTANCE FOR MENTAL HEALTH CENTERS

SEC. 203. (a) Section 221(b) is amended by striking out "1973" each place it occurs and inserting in lieu thereof "1974".

(b) Section 224(a) is amended (1) by striking out "and" after "1972,", (2) by inserting after "1973" the following: ", and $49,131,000 for the fiscal year ending June 30, 1974", and (3) by striking out "thirteen succeeding years" and inserting in lieu thereof "fourteen succeeding years".

ALCOHOLISM PROGRAMS

SEC. 204. (a) Section 246 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) Section 247(d) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the fiscal years ending June 30, 1973, and June 30, 1974".

DRUG ABUSE PROGRAMS

SEC. 205. (a) Section 252 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) Section 253(d) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $1,700,000 for the fiscal year ending June 30, 1974".

(c) Section 256(e) is amended by striking out "$75,000,000" and inserting in lieu thereof "$60,000,000".

OTHER AUTHORIZATIONS FOR ALCOHOLISM AND DRUG ABUSE PROGRAMS

SEC. 206. (a) Section 261(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $36,774,000 for the fiscal year ending June 30, 1974".

(b) Section 261(b) is amended (1) by striking out "nine fiscal years" and inserting in lieu thereof "ten fiscal years", and (2) by striking out "1973" and inserting in lieu thereof "1974".

MENTAL HEALTH OF CHILDREN

SEC. 207. (a) Section 271(d)(1) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $16,515,000 for the fiscal year ending June 30, 1974".

(b) Section 271(d)(2) is amended (A) by striking out "eight fiscal years" and inserting in lieu thereof "nine fiscal years", and (B) by striking out "1973" and inserting in lieu thereof "1974".

TITLE III—AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT

AUTHORIZATION OF APPROPRIATIONS FOR SERVICES AND PLANNING

SEC. 301. (a) Section 122(b) of the Developmental Disabilities Services and Facilities Construction Act is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $9,250,000 for the fiscal year ending June 30, 1974".

(b) Section 131 of such Act is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $32,500,000 for the fiscal year ending June 30, 1974".

(c) Section 137(b)(1) is amended by striking out "the fiscal year ending June 30, 1973" and inserting in lieu thereof "each of the fiscal years ending June 30, 1973, and June 30, 1974".

TITLE IV—MISCELLANEOUS

MISCELLANEOUS

SEC. 401. (a) Section 601 of the Medical Facilities Construction and Modernization Amendments of 1970 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) The receipt of any grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—

(1) such individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

(2) such entity to—

(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

(B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

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 AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, strike out lines 4 through 21 and insert in lieu thereof the following:

(5) Section 314(e) is amended (A) by striking out "and" after "1972,", (B) by inserting "and $230,700,000 for the fiscal year ending June 30, 1974," after "1973,", and (C) by adding at the end thereof the following: "No grant may be made under this subsection for the fiscal year ending June 30, 1974, to cover the cost of services described in clause (1) or (2) of the first sentence if a grant or contract to cover the cost of such services may be made or entered into from funds authorized to be appropriated for such fiscal year under an authorization of appropriations in any provision of this Act (other than this subsection) amended by title I of the Health Programs Extension Act of 1973."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. HEINZ

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

The Clerk read as follows:

Amendment offered by Mr. HEINZ: Page 13, insert after line 24, the following:

(c) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act after the date of enactment of this Act may—

(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

Mr. HEINZ. Mr. Chairman, freedom of conscience is one of the most sacred, inviolable rights that all men hold dear. With the Supreme Court decision legalizing abortion under certain circumstances, the House must now assure people who work in hospitals, clinics, and other such health institutions that they will never be forced to engage in any procedure that they regard as morally abhorrent.

Under the present language, H.R. 7806 assures that no hospital or health care institution would be forced to perform abortions or sterilizations contrary to its religious or moral code simply because it had received Federal funds under one of the health acts treated in this bill. But we must also guarantee that no hospital will discharge, or suspend the staff privileges of, any person because he or she either cooperates or refuses to cooperate in the performance of a lawful abortion or sterilization because of moral convictions.

The amendment that I offer to H.R. 7806 simply states that hospitals or other health care institutions receiving funds under the Federal programs treated in

this bill may not discriminate against those who on the basis of their religious or moral convictions, either participate in or refuse to participate in lawful abortions and sterilizations. I also wish to reassure my colleagues, and make crystal clear at the outset, that it is not the intent or the effect of this amendment to in any way compel health care entities to make available any facilities for sterilization or abortion procedures against their moral or religious convictions. This point was raised prior to my offering this amendment by the gentlewoman from Massachusetts (Mrs. HECKLER), and I believe she is in agreement with my amendment.

I wish to stipulate two other aspects of the amendment:

It is germane—it treats only legislation in the jurisdiction of the committee, that is, the three health acts mentioned in H.R. 7806.

It applies only to entities who receive Federal funds under these programs after the date of enactment of this proposal. We would not, therefore, be attaching a new condition to Federal assistance received 5, 10, or even 20 years ago.

It in no way prevents hospital action against personnel who perorm unlawful abortions or sterilizations.

Congress must clearly state that it will not tolerate discrimination of any kind against health personnel because of their beliefs or actions with regard to abortions or sterilizations. I ask, therefore, that the House approve my amendment to title IV, section 401.

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

Mr. HEINZ. I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I have read the amendment, and I am in agreement with the gentleman on his amendment to the bill. I agree to it, and I believe the committee would, too.

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

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON of California, 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. 7806) to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes, pursuant to House Resolution 418, 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.

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

Mr. WYDLER. 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 372, nays 1, not voting 59, as follows:

[Roll No. 169]

YEAS—372

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

NAYS—1

Crane

NOT VOTING—59

Adams	Esch	Minshall, Ohio
Annunzio	Evins, Tenn.	Mollohan
Ashbrook	Fisher	Murphy, N.Y.
Badillo	Flynt	O'Neill
Beard	Fraser	Owens
Biaggi	Fuqua	Powell, Ohio
Blackburn	Goldwater	Price, Ill.
Blatnik	Gubser	Randall
Bray	Harvey	Rarick
Burke, Calif.	Hunt	Rooney, N.Y.
Camp	Ichord	Sandman
Carney, Ohio	Jones, N.C.	Spence
Carter	Ketchum	Stratton
Coughlin	Landrum	Sullivan
Cronin	Leggett	Teague, Tex.
Davis, Ga.	McCormack	Udall
de la Garza	Madden	White
Dickinson	Martin, Nebr.	Wilson, Charles, Tex.
Diggs	Melcher	Winn
Dingell	Milford	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Winn.

Mr. Rooney of New York with Mr. Hunt.

Mr. Teague of Texas with Mr. Ashbrook.

Mr. Fuqua with Mr. Camp.

Mrs. Burke of California with Mr. Goldwater.

Mr. de la Garza with Mr. Powell of Ohio.

Mrs. Sullivan with Mr. Bray.

Mr. O'Neill with Mr. Cronin.

Mr. Murphy of New York with Mr. Coughlin.

Mr. Mollohan with Mr. Beard.

Mr. Blatnik with Mr. Gubser.

Mr. Carney of Ohio with Mr. Harvey.

Mr. Davis of Georgia with Mr. Blackburn.

Mr. Diggs with Mr. Udall.

Mr. Charles Wilson of Texas with Mr. Dickinson.

Mr. Dingell with Mr. Esch.
Mr. Leggett with Mr. Minshall of Ohio.
Mr. Fraser with Mr. Fisher.
Mr. Evins of Tennessee with Mr. Carter.
Mr. Biaggi with Mr. Sandman.
Mr. Flynt with Mr. Spence.
Mr. Badillo with Mr. Madden.
Mr. McCormack with Mr. Martin of Nebraska.
Mr. Adams with Mr. Ichord.
Mr. Jones of North Carolina with Mr. Rarick.
Mr. Randall with Mr. White.
Mr. Melcher with Mr. Owens.
Mr. Milford with Mr. Landrum.
Mr. Price of Illinois with Mr. Stratton.

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 418, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (S. 1136) to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act.

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. 1136 and to insert in lieu thereof the provisions of H.R. 7806, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Programs Extension Act of 1973".

TITLE I—AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

REFERENCES TO ACT

SEC. 101. Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

SEC. 102. Section 304(c)(1) is amended (1) by striking out "and" after "1972,", and (2) by inserting before the period at the end thereof a comma and the following: "and $42,617,000 for the fiscal year ending June 30, 1974".

NATIONAL HEALTH SURVEYS AND STUDIES

SEC. 103. Section 305(d) is amended (1) by striking out "and" after "1972," and (2) by striking out the period and inserting in lieu thereof a comma and the following: "and $14,518,000 for the fiscal year ending June 30, 1974".

PUBLIC HEALTH TRAINING

SEC. 104. (a) Section 306(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $10,300,000 for the fiscal year ending June 30, 1974,".

(b) Section 309(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $6,500,000 for the fiscal year ending June 30, 1974".

(c) Section 309(c) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $6,500,000 for the fiscal year ending June 30, 1974".

MIGRANT HEALTH

SEC. 105. Section 310 is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $26,750,000 for the fiscal year ending June 30, 1974".

COMPREHENSIVE HEALTH PLANNING SERVICES

SEC. 106. (a)(1) Section 314(a)(1) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $10,000,000 for the fiscal year ending June 30, 1974".

(2) Section 314(b)(1)(A) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $25,100,000 for the fiscal year ending June 30, 1974".

(3) Section 314(c) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $4,700,000 for the fiscal year ending June 30, 1974".

(4) Section 314(d)(1) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $90,000,000 for the fiscal year ending June 30, 1974".

(5) Section 314(e) is amended (A) by striking out "and" after "1972,", (B) by inserting "and $230,700,000 for the fiscal year ending June 30, 1974," after "1973,", and (C) by adding at the end thereof the following: "No grant may be made under this subsection for the fiscal year ending June 30, 1974, to cover the cost of services described in clause (1) or (2) of the first sentence if a grant or contract to cover the cost of such services may be made or entered into from funds authorized to be appropriated for such fiscal year under an authorization of appropriations in any provision of this Act (other than this subsection) amended by title I of the Health Programs Extension Act of 1973."

(b) The first sentences of sections 314(b)(1)(A) and 314(c) are each amended by striking out "and ending June 30, 1973" and inserting in lieu thereof "and ending June 30, 1974".

ASSISTANCE TO MEDICAL LIBRARIES

SEC. 107. (a) Section 394(a) is amended (1) by striking out "and" after "1972", and (2) inserting after "1973" the following: ", and $1,500,000 for the fiscal year ending June 30, 1974".

(b) Section 395(a) is amended by inserting after the first sentence the following new sentence: "To enable the Secretary to carry out such purposes, there is authorized to be appropriated $95,000 for the fiscal year ending June 30, 1974."

(c) Section 395(b) is amended by inserting after the first sentence the following new sentence: "To enable the Secretary to carry out such purposes, there is authorized to be appropriated $900,000 for the fiscal year ending June 30, 1974."

(d) Section 396(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $2,705,000 for the fiscal year ending June 30, 1974".

(e) Section 397(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $2,902,000 for the fiscal year ending June 30, 1974".

(f) Section 398(a) is amended by inserting after the first sentence the following new sentence: "To enable the Secretary to carry out such purposes, there is authorized to be appropriated $340,000 for the fiscal year ending June 30, 1974.".

HILL-BURTON PROGRAMS

SEC. 108. (a)(1) Section 601(a) is amended to read as follows:

"(a) for the fiscal year ending June 30, 1974—

"(1) $20,800,000 for grants for the construction of public or other nonprofit facilities for long-term care;

"(2) $70,000,000 for grants for the construction of public or other nonprofit outpatient facilities;

"(3) $15,000,000 for grants for the construction of public or other nonprofit rehabilitation facilities;".

(2) Section 601(b) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $41,400,000 for the fiscal year ending June 30, 1974".

(3) Section 601(c) is amended (A) by striking out "and" after "1972,", and (B) by inserting after "1973" the following: ", and $50,000,000 for the fiscal year ending June 30, 1974".

(b)(1) Section 621(a) is amended by striking out "through June 30, 1973" in paragraphs (1) and (2) and inserting in lieu thereof "through June 30, 1974".

(2) Section 625(2) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the fiscal years ending June 30, 1973, and June 30, 1974".

TRAINING IN THE ALLIED HEALTH PROFESSIONS

SEC. 109. (a) Section 792(b) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $20,000,000 for the fiscal year ending June 30, 1974".

(b) Section 792(c)(1) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $18,245,000 for the fiscal year ending June 30, 1974".

(c) Section 793(a) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: ", and $6,000,000 for the fiscal year ending June 30, 1974".

(d) Section 794A(b) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $100,000 for the fiscal year ending June 30, 1974".

REGIONAL MEDICAL PROGRAMS

SEC. 110. Section 901(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $159,000,000 for the fiscal year ending June 30, 1974,".

POPULATION RESEARCH AND FAMILY PLANNING

SEC. 111. (a) Section 1001(c) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: ", and $111,500,000 for the fiscal year ending June 30, 1974".

(b) Section 1003(b) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $3,000,000 for the fiscal year ending June 30, 1974".

(c) Section 1004(b) is amended (1) by striking out "and" after "1972;", and (2 by inserting after "1973" the following: " and $2,615,000 for the fiscal year ending June 30, 1974".

(d) Section 1005(b) is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $909,000 for the fiscal year ending June 30, 1974".

TITLE II—AMENDMENTS TO THE COMMUNITY MENTAL HEALTH CENTERS ACT

REFERENCES TO ACT

SEC. 201. Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Community Mental Health Centers Act.

CONSTRUCTION ASSISTANCE FOR MENTAL HEALTH CENTERS

SEC. 202. (a) Section 201(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $20,000,000 for the fiscal year ending June 30, 1974".

(b) Section 207 is amended by striking out "1973" and inserting in lieu thereof "1974".

STAFFING ASSISTANCE FOR MENTAL HEALTH

SEC. 203. (a) Section 221(b) is amended by striking out "1973" each place it occurs and inserting in lieu thereof "1974".

(b) Section 224(a) is amended (1) by striking out "and" after "1972,", (2) by inserting after "1973" the following: ", and $49,131,000 for the fiscal year ending June 30, 1974", and (3) by striking out "thirteen succeeding years" and inserting in lieu thereof "fourteen succeeding years".

ALCOHOLISM PROGRAMS

SEC. 204. (a) Section 246 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) Section 247(d) is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the fiscal years ending June 30, 1973, and June 30, 1974".

DRUG ABUSE PROGRAMS

SEC. 205. (a) Section 252 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) Section 253(d) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $1,700,000 for the fiscal year ending June 30, 1974".

(c) Section 256(e) is amended by striking out "$75,000,000" and inserting in lieu thereof "$60,000,000".

OTHER AUTHORIZATIONS FOR ALCOHOLISM AND DRUG ABUSE PROGRAMS

SEC. 206. (a) Section 261(a) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $36,774,000 for the fiscal year ending June 30, 1974".

(b) Section 261(b) is amended (1) by striking out "nine fiscal years" and inserting in lieu thereof "ten fiscal years", and (2) by striking out "1973" and inserting in lieu thereof "1974".

MENTAL HEALTH OF CHILDREN

SEC. 207. (a) Station 271(d)(1) is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $16,515,000 for the fiscal year ending June 30, 1974".

(b) Section 271(d)(2) is amended (A) by striking out "eight fiscal years" and inserting in lieu thereof "nine fiscal years", and (B) by striking out "1973" and inserting in lieu thereof "1974".

TITLE III—AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT

AUTHORIZATION OF APPROPRIATIONS FOR SERVICES AND PLANNING

SEC. 301. (a) Section 122(b) of the Developmental Disabilities Services and Facilities Construction Act is amended (1) by striking out "and" after "1972;", and (2) by inserting after "1973" the following: "; and $9,250,000 for the fiscal year ending June 30, 1974".

(b) Section 131 of such Act is amended (1) by striking out "and" after "1972,", and (2) by inserting after "1973" the following: ", and $32,500,000 for the fiscal year ending June 30, 1974".

(c) Section 137(b)(1) is amended by striking out "the fiscal year ending June 30, 1973" and inserting in lieu thereof "each of the fiscal years ending June 30, 1973, and June 30, 1974".

TITLE IV—MISCELLANEOUS

MISCELLANEOUS

SEC. 401. (a) Section 601 of the Medical Facilities Construction and Modernization Amendments of 1970 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) The receipt of any grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—

(1) such individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

(2) such entity to—

(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

(B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

(c) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act after the date of enactment of this Act may—

(1) discriminate in the employment, promotion or termination of employment of any physician or other health care personnel, or

(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

The motion was agreed to.

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

A similar House bill (H.R. 7806) was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the title of the bill (S. 1136) passed today by the House with an amendment, be amended to read as follows: "An Act to extend through fiscal 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes."

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

There was no objection.

NATIONAL BIOMEDICAL RESEARCH FELLOWSHIP, TRAINEESHIP, AND TRAINING ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the bill (H.R. 7724) to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Biomedical Research Fellowship, Traineeship, and Training Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) the success and continued viability of the Federal biomedical research effort depends on the availability of excellent scientists and a network of institutions of excellence capable of producing superior research personnel;

(2) direct support of the training of scientists for careers in biomedical research is an appropriate and necessary role for the Federal Government; and

(3) graduate training and research fellowship programs should be the key elements in the training programs of the National Institutes of Health, the National Institute of Mental Health, and their respective research institutes.

(b) It is the purpose of this Act to increase the capability of the National Institutes of Health, the National Institute of Mental Health, and their respective research institutes to carry out their statutory responsibility of maintaining a superior national program of biomedical research into the basic biological processes and mechanisms involved in the physical and mental diseases and impairments of man.

BIOMEDICAL RESEARCH FELLOWSHIPS, TRAINEESHIPS, AND TRAINING

SEC. 3. (a) Part G of title IV of the Public Health Service Act is amended by adding after section 454 the following new section:

"BIOMEDICAL RESEARCH FELLOWSHIPS, TRAINEESHIPS, AND TRAINING

"SEC. 455. (a) The Secretary shall provide biomedical research fellowships, traineeships, and training in the following manner:

"(1) The Secretary shall establish and maintain fellowships for (A) biomedical research at the National Institutes of Health and the National Institute of Mental Health, and (B) training at such Institutes of individuals to undertake such research. Any reference in this section to the National Institutes of Health and the National Institute of Mental Health shall be considered a reference to the Institutes and their respective research institutes, divisions, and bureaus.

"(2) The Secretary shall establish and maintain fellowships for (A) biomedical research at non-Federal public institutions and at nonprofit private institutions, and (B) training at such public and private institutions of individuals to undertake such research.

"(3) The Secretary shall (A) provide training, and establish and maintain traineeships, in the Institutes (referred to in paragraph (1)) in matters relating to the cause, diagnosis, prevention, and treatment of the disease (or diseases) to which the activities of such Institutes are directed; and (B) make grants to public or nonprofit private institutions for traineeships in such matters. Training and traineeships provided under this paragraph (or under grants made thereunder) may not include residency training or traineeships.

"(b)(1) No fellowship or traineeship may be awarded under subsection (a) (or under any grant made thereunder) to, and no training may be provided under such subsection for, any individual unless such individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that

the individual will meet the requirement of subsection (c)(1).

"(2) The award of fellowships and traineeships by the Secretary under subsection (a), the making of grants for traineeships under such subsection, and the number of persons receiving training under such subsection, shall each be subject to review and approval by the appropriate advisory councils to the Institutes referred to in subsection (a)(1)(A) whose activities relate to the research or training under such fellowships, traineeships, or traineeship grants or (B) at which such training will be conducted.

"(3) The period of any fellowship, traineeship, or training (or any combination thereof) provided any individual under subsection (a) (or under any grant made thereunder) may not exceed three years in the aggregate unless the Secretary for good cause shown waives the application of the three-year limit to such individual.

"(4)(A) No fellowship or traineeship may be awarded by the Secretary under paragraph (1), (2), or (3)(A) of subsection (a) to any individual unless the individual has submitted to the Secretary an application therefor and the Secretary has approved the application. The application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(B) Fellowships and traineeships awarded under subsection (a) shall provide for such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the fellows and trainees as the Secretary may deem necessary. A fellowship awarded under subsection (a)(2) may also provide for payments (in such amount as the Secretary determines is appropriate) to be made to the institution at which the research or training, for which the fellowship is awarded, is conducted for support services provided such individual by such institution.

"(5) No grant for traineeships may be made under subsection (a)(3)(B) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Traineeships under a grant under subsection (a)(3)(B) shall be awarded in accordance with such regulations as the Secretary shall prescribe.

"(c)(1)(A) Each individual who receives a fellowship or traineeship, or receives training, provided under subsection (a) (or under a grant made thereunder) shall, in accordance with paragraph (2), engage in health research or teaching, or if authorized under paragraph (B), serve as a member of the National Health Service Corps (established under section 329), for a period computed as follows: For each year during which the individual receives such a fellowship or traineeship and for each year of such training the individual received, the individual shall (i) engage in twenty-four months of health research or teaching, or (ii) (if so authorized) serve as a member of such Corps for a period of twenty-four months.

"(B) Any individual who

"(i) received a fellowship or traineeship, or received training, provided under subsection (a) (or under a grant made thereunder), and

"(ii) is a physician, dentist, nurse, or other person trained to provide health care directly to individual patients,

may, upon application to the Secretary, be authorized by the Secretary to serve as a member of the National Health Service Corps in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual to enable him to comply with the research or teaching requirement of this paragraph.

"(2) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's fellowship, traineeship, or training (as the case may be), as the Secretary shall by regulation prescribe. The Secretary shall (A) by regulation prescribe (i) the type of research and teaching which an individual may engage in to comply with such requirement, and (ii) such other requirements respecting such research and teaching as he deems necessary; and (B) to the extent feasible, provide that the members of the National Health Service Corps who are serving in the Corps to meet the requirement of paragraph (1) shall be assigned to patient care.

"(3)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (2), to comply with such requirement, the United States shall be entitled to recover from such individual an amount equal to the product of—

"(i) the aggregate of (I) the amount of assistance provided to such individual under subsection (a), and (II) the sums of the interest which would be payable on such assistance if, at the time such assistance was provided, such assistance were a loan bearing interest at a rate fixed by the Secretary of the Treasury, after taking into consideration private consumer rates of interest prevailing at the time such assistance was provided and if the interest on each such assistance had been compounded annually, and

"(ii) a fraction (I) the numerator of which is the number obtained by subtracting the number of months equal to one-half the number of months of research or teaching performed by the individual in compliance with paragraph (1) from the total number of months in the period of research or teaching required to be performed by such individual by such paragraph, and (II) the denominator of which is a number equal to such total number of months.

Any amount which the United States is entitled to recover under this subparagraph shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under this subparagraph on account of any assistance provided under this section is paid, there shall accrue to the United States interest on such amount at the same rate as that fixed by the Secretary of the Treasury pursuant to clause (i) with respect to the assistance on account of which such amount is due the United States.

"(B) For purposes of subparagraph (A)—

"(i) in determining the amount of assistance provided an individual the Secretary shall include amounts paid to the individual (or to any institution on his behalf) under a fellowship or traineeship and the cost (as determined in accordance with regulations of the Secretary) of any training provided such individual; and

"(ii) the time at which assistance shall be considered as having been provided under subsection (a) to an individual shall, in the case of a traineeship or fellowship, be the date on which the traineeship or fellowship is awarded and shall, in the case of training, be the date on which such training was begun.

"(4)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(d)(1) There are authorized to be appropriated to make payments under fellowships awarded under subsection (a)(2), $54,599,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975.

"(2) There are authorized to be appropriated to make payments under grants under subsection (a)(3)(B), $153,348,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975."

(b) Section 433(a) of such Act is amended by striking out the last two sentences.

(c) The heading for such part G is amended by striking out "ADMINISTRATIVE" and inserting in lieu thereof "GENERAL".

LIMITATIONS ON RESEARCH

SEC. 4. Part G of title IV of the Public Health Service Act is further amended by adding after section 455 (as added by section 3 of this Act) the following new section:

"LIMITATIONS ON RESEARCH

"SEC. 456. The Secretary may not conduct or support research in the United States or abroad which violates any ethical standard respecting research adopted by the National Institutes of Health, the National Institute of Mental Health, or their respective research institutes."

STUDIES RESPECTING BIOMEDICAL RESEARCH PERSONNEL

SEC. 5. (a) The Secretary of Health, Education, and Welfare shall, in accordance with subsection (b), arrange for the conduct of studies to—

(1) establish (A) the Nation's overall need for biomedical research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

(2) assess (A) current training programs available for the training of biomedical research personnel which are conducted under the Public Health Act at or through the National Institutes of Health, the National Institute of Mental Health, and their respective research institutes, and (B) other current training programs available for the training of such personnel;

(3) identify the kinds of research positions available to and held by individuals completing such programs;

(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

(b)(1) The Secretary shall request the National Academy of Sciences to conduct such studies under an arrangement under which the actual expenses incurred by such Academy in conducting such studies will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such studies.

(2) If the National Academy of Sciences is unwilling to conduct one or more such studies under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such studies and prepare and submit the reports thereon as provided in subsection (c).

(c) The studies required by subsection (a) shall be completed within the one-year period beginning on the date of the enactment of this Act; and a report on the results of such study shall be submitted by the Secretary to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and

Public Welfare of the Senate before the expiration of such period.

Mr. STAGGERS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 7724, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973.

This bill, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973, was reported by the Subcommittee on Public Health and Environment and the Full Committee on Interstate and Foreign Commerce unanimously, and is cosponsored by all Members of the Subcommittee.

In the last few months the present administration has proposed and begun terminating long and well established programs for training medical researchers at the NIH, the NIMH, and throughout the rest of this country. As many of you know, this action has been violently opposed by practically every person and school concerned with medical research in this country. The bill before us today is intended to provide new authority to the Department of HEW for continuing these programs.

Several changes in the programs have been incorporated into the bill. First, a requirement has been added for 2 years of service in either medical research, teaching, or practice for each year of training given by the program; second, the training in the bill has been limited to a 3-year period for training in doing medical research; third, specific authorizations of appropriations for this program have been added for the first time. These amount to $207,947,000 for fiscal year 1974, and again for fiscal year 1975; fourth, a requirement for a study of programs to train medical researchers has been added; and fifth, a requirement has been added that the Secretary of Health, Education, and Welfare shall not support any unethical medical research.

I am well aware that the present administration opposes this legislation, but we have had few subjects for which there has been such unanimous support as this one and I, therefore, recommend its passage, as an important and necessary step toward preserving our Nation's capacity to do medical research—a capacity unmatched by any other country in the world.

Mr. NELSEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 7724, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973, would provide authority to conduct research training programs through the National Institutes of Health and the National Institute of Mental Health.

It is difficult, with the information now available, to make an accurate estimation as to what our Nation's biomedical research needs will be in the next several years. We cannot, however, afford to gamble with the manpower supply levels for such a critical function in our society. The bill does contain a provision for an outside study of our research training and the methods best suited to meeting those needs. But until such time as we have the results of that and related work, we must do our best to assure the availability of an adequate number of qualified researchers.

An interesting feature of this bill is the requirement that individuals who receive support under the program must perform 2 years of approved research; teaching, or practice for each year of such assistance received. This is to help assure that some individuals will not take advantage of the Federal funding and then fail to return any benefit to the taxpayers. People who receive support will be obligated to participate in meaningful work related to their area of expertise.

It should also be noted that no individual may receive in excess of 3 years of assistance—at least not without a Secretarial waiver. This will help guard against the so-called career trainees while at the same time helping many students over the most economically difficult period of their training. The limitation will also have the benefit of minimizing the period of required service for individuals receiving support.

Mr. Speaker, though I agree with and support the provisions of this bill, I should like to raise a related matter of great concern to me. At present there seems to be no effective method for tracking funds made available for fellowships and traineeships in research. The money goes out to the medical institutions and from that point on there is little accountability. We do not know how much of it is actually used for educating the individual recipient, how much goes into the institution's general accounts.

It may not be wrong for us to subsidize medical schools and teaching hospitals—but we should know just how and to what degree we are doing this.

I hope that either through regulations or, if necessary, by legislation we can achieve a better accounting of the money being spent to educate and develop our researchers.

Thank you, Mr. Speaker—and I urge my colleagues to support this legislation.

I would like also to say that this bill is one of the measure that the administration, suggested be dropped. They are deeply concerned about the concern the medical schools' handling of the grant money. They do not feel this money should be used for the institutions' general funds.

However, the committee was of the opinion that it might be able to provide for better guidelines. We may be able to give HEW more authority to direct where the money goes and how it is used by the schools.

I think the compelling testimony that we received from medical schools would indicate that without these research and training grants some of our very basic research would go neglected and our health causes would be lost in the process. Therefore, we decided to go ahead with this bill, hopefully to come up with improvements when we review the entire package.

Mr. ROGERS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, following World War II this Nation embarked on a substantial effort through which medical research could, and, in fact, has evolved from a limited, private endeavor to a major national commitment commanding substantial support from the Federal Government. For the past 20 years a cornerstone of that effort has been the national program of biomedical research fellowships, traineeships, and training, whereby students and their parent institutions receive support for research and training in the biomedical sciences. As a direct result of this program, the United States now supports the finest biomedical research program in the history of the world. For reasons never made clear to members of the Subcommittee on Public Health and Environment, this year's budget request proposes the award of no new traineeships or fellowships this year. H.R. 7724 is designed to counteract that decision.

Mr. Speaker, the bill would provide line-item authorizations for traineeships and fellowships at the 1972 obligation level, instead of the broad, open ended authority presently found in the Public Health Service Act. It would also establish guidelines for such programs. Support to individual recipients would be limited to 3 years. Individuals so supported would be required to engage in 2 years research teaching or practice in the National Health Service Corps for each year of support received, or repay the amount received under the program. It would direct a new, independent study of the traineeship and fellowship program by the National Academy of Sciences, a nongovernmental unit.

I should point out, Mr. Speaker, that the authorization levels in this bill is not all new money. For fiscal year 1974, for example, the total budget request is approximately $136 million and the bill authorizes about $208 million—a difference of $72 million.

Mr. Speaker, during hearings on the proposed phaseout, the subcommittee received not one shred of evidence that would indicate that the proposed phaseout would be anything but disastrous to our nation's biomedical research effort. Administration testimony spoke in terms only of HEW being "prepared to consider any specific evidence that anyone can develop that the phaseout of this program will result in shortages of specific categories of research personnel." [Testimony of John S. Zapp, D.D.S., Deputy Assistant Secretary of Health, Education and Welfare for Legislation (Health) before House Subcommittee on Public Health and Environment, March 20, 1973.]

Nor only is this an interesting shifting of the burden of proof, Mr. Speaker, it is an inaccurate statement. The President's own Science Advisory Committee, in a recently released report has concluded that the problems of health care delivery are urgent, and require their own solutions, but a reduction in the biomedical research and research training effort would be a mortgaged solution with unacceptable consequences, namely, reductions in the rate of medical progress, in the quality of medical education, and ultimately in the health of the American people.

The support of biomedical research should be consistent. Erratic changes in the level of financial support of a scien-

tific enterprise destroy morale, vitiate planning, and waste human and capital resources. The report recommends that "a stable base be established for support of research training programs and fellowships at both predoctoral and postdoctoral levels, adequate to assure an uninterrupted flow of research and teaching manpower for both basic and clinical science. The level of support should be established on the basis of the most precise estimates possible of the present and future needs for both Ph. D.'s and M.D. scientists for research and teaching in colleges, universities, research institutes, government agencies, and industry. The activities supported by training grants involve a large amount of patient care, and further reduction of support will have effects on American medicine far beyond limiting the output of research scientists. Therefore, Federal support for research training programs and fellowships should be maintained at least at the fiscal year 1969 level with adjustments for inflation, until a thorough analytic study can be made of the direct and indirect, immediate and long term, consequences of alternation of the present levels and mechanisms of support for research training programs and fellowships."

That is far from all the evidence, Mr. Speaker. A recent report of the National Institutes of Health, in response to a request from the Office of Management and Budget, reaffirmed the necessity for the traineeships and fellowships. Two of the NIH recommendations adequately summarize this extremely thoughtful report:

First. That direct support of the training of candidate biomedical scientists for careers in research be reaffirmed as an appropriate and necessary role for the Federal Government.

Second. That the existing instuments of support—the graduate training grant and the research fellowship—continue to be the key elements in the NIH training program.

Mr. Speaker, no less a health spokesman than Benno Schmidt, Chairman of the President's National Cancer Panel has appealed directly to the President to reverse this decision. Moreover, some of the most forceful testimony on the decision was offered by three Nobel Laureates, James D. Watson, director of the Cold Spring Harbor Laboratory, Cold Spring, N.Y., Joshua Lederberg, of Stanford University; and Arthur Kornberg, also of Stanford. Dr. Watson called the decision "myopic reasoning"; Dr. Lederberg stated that "only disaster will follow" from the decision; and Dr. Kornberg concluded that:

I may sound dramatic to say it but today lights are going out in laboratories in many parts of America.

These are not men prone to exaggeration, Mr. Speaker. These are men who have devoted their lives to biomedical research, and who have been recognized by their peers as the best in their fields.

Mr. Speaker, as you know, with respect to the traineeship program it has been the procedure to award a portion of the moneys to the individual recipient and a portion to the institution. The committee expects that the Secretary of Health, Education, and Welfare would require in the award of such traineeships that accurate records be maintained with respect to how much money an institution receives under traineeships.

Mr. Speaker, this bill would reverse a decision that has enormous implications. There are many who feel that the decision would revert this country's biomedical research status to pre-World War II days, when the brightest research scientists in this country went to Europe to train, because many European countries supported biomedical research programs superior to those supported by the United States. This must not happen again, Mr. Speaker, through fiat of the Office of Management and Budget. A vote for this bill will do much to insure that it will not.

I urge adoption of the bill.

AMENDMENT OFFERED BY MR. RONCALLO OF NEW YORK

Mr. RONCALLO of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALLO of New York: Page 10, line 18, insert "(a)" after "Sec. 456."; strike out the close quotation marks in line 22; and after line 22 insert the following:

"(b) The Secretary may not conduct or support research in the United States or abroad on a human fetus which is outside the uterus of its mother and which has a beating heart."

Mr. RONCALLO of New York. Mr. Speaker, this amendment would do nothing more than spell out in precise terms the sense of the committee report, which states on page 12:

The Committee feels that present standards of ethical conduct make research on living fetuses unethical.

I commend the committee for making this determination and for including in its bill a section regarding limitations on research. Indeed this is the subject of H.R. 7850 which I presently have pending before the committee and which would ban the use of any appropriated funds by any agency for live fetus research. H.R. 6849, which I later reintroduced with 24 cosponsors would make such activities a Federal crime if the research itself or the institution in which it takes place is federally funded. This bill is before the Judiciary Committee.

The committee restriction in the reported bill would ban research in violation of ethical standards adopted by NIH and NIMH. I applaud this as far as it goes, for who would want to see HEW use funds for research declared unethical by those institutes? My amendment would in no way change or replace the committee's language. Rather it adds an additional paragraph specifically restricting the use of funds for live fetus research. The committee says it understands that it is the current position of NIH not to fund these activities. However, when the NIH Deputy Director for Science, Dr. Robert Berliner, made such a statement to the press, the Scientific Director of NIH's National Institute for Child Health and Human Development was not so sure. Dr. Charles U. Lowe was quoted by the Washington Post as saying, "You know we are dealing with 14,000 grants," and "we are not insofar as we know" financing any such research.

"Insofar as we know," Mr. Speaker, "Insofar as we know"! If the top officials dealing with fetal research at NIH disagree or are not sure what their policy is, maybe it is about time Congress told them what it should be. Congress is accused, and I am sorry to say, justly so, of forever abdicating its responsibility for setting policy to the executive branch. Time and again we vote to let the President or his Cabinet officers decide things. Today we would let NIH decide if funds are to be spent on live fetus research. It is our responsibility to legislate and their duty to execute our policies.

If it is our policy not to allow HEW to conduct or support this type of research, let us say just that. Let us take back the reins right here where they belong, in Congress. My amendment takes back those reins.

This is not an antiabortion bill. We are not concerned here with how this live human fetus gets to the operating table. All we say is, if I cannot live, let me die in peace. Do not cut tissue samples while I still have a heartbeat; do not stick tubes in me; do not artificially prolong my life when the decision has already been made that I cannot survive just to watch what happens, only to shut off the machine when we are done and watch me die. No matter how we feel about the abortion issue, no matter when we believe life starts, we can all agree that this fetus, no longer connected to its mother's life support system, existing independently with a beating heart, is a human life, a human baby if you will, however fleeting its time on earth. It is a human life entitled to the same dignity as any other human life. If we can get upset about vivisection on dogs, can we not be just as concerned about vivisection on humans? What would be the next step, vivisection of our terminally ill or our handicapped?

Second, the amendment would not in any way restrict the use of experimental therapeutic procedures in an attempt to save the life of the fetus, to allow it to develop into a mature viable infant. A good case in point is an attempt by the Children's Hospital of Philadelphia to save the life of moribund newborn infants with respiratory distress syndrome using an experimental lung substitute machine. Improvement in early trials was only temporary, but encouraging results and valuable data were obtained. Is it not much better to gain knowledge this way, in an attempt to save the infant?

Lest you think "it can't happen here," it has happened here, right here in our Nation's Capital at George Washington Hospital where a British doctor continued his overseas research in this country. Although I am told this research was not federally funded, the next case might be. If the British, the Scandinavians or other Europeans want to do this on their own soil, I still think it is wrong, but we can make it as difficult as possible for anyone to do it here in the United States.

Mr. Speaker, HEW's fiscal year 1973 estimated obligations for basic and applied research in the life sciences total over 1¼ billion dollars. Now we want to give them more than 200 million dollars additional.

As a human being, I am revolted at the thought that we might have reached the era of "1984" where we lower ourselves to performing vivisection on our own kind. If my colleagues share my revulsion, I hope they will see fit to pass this amendment.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. RONCALLO of New York. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, I would like to compliment the gentleman from New York (Mr. RONCALLO), who is now in the well, on his amendment. I think it expresses the intent of the committee, but I think the language proposed by the gentleman from New York which reads, "The Secretary may not conduct or support research in the United States or abroad on a human fetus which is outside the womb of its mother and which is alive with a beating heart," is good language, and again I certainly wish to compliment the gentleman from New York for offering this amendment. We were made aware of this situation when we read in the Washington Post of a test being conducted and there were denials and statements that it would not be done in the future.

But certainly it is the prerogative of the gentleman to offer such language, and I certainly back the gentleman 100 percent in support of the right of the gentleman to offer this amendment.

Again, I compliment the gentleman from New York.

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

Mr. RONCALLO of New York. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Speaker, I thank the gentleman from New York for yielding to me. I commend you for the initiative in proposing the amendment to restrict medical research on aborted fetus specimens to that same ethical standard acceptable to all medical research. I understand that the intent and purpose of your amendment seeks to do no more. Certainly, that cannot be wrong.

Medical research has resulted in great benefits to all of us in the control of diseases and human affliction.

The issue of abortion, as we now know it, cannot be a license for the over enthusiastic experimentation of research by any person. If that exists as a fact—it must be stopped. If it is contemplated by the rationale of science—it cannot be permitted. I cannot condone the barbaric behavior of the 18th and 19th century and I will not passively concede to wrong in the alleged practices of "right."

The argument and reasoning that to limit experimental research on the life of a delivered, living fetus to that biomedical research equal to other human beings is to acknowledge wrong in all other substandard conduct of professional medical ethics is without merit. That line of argument is no more convincing than an antibank robbery statute should make legal all other crimes.

Mr. Speaker, I urge the committee to accept the amendment and abreast of that—the amendment should be adopted as an expression of this representative and legislative body of the people in a cause that is human, just, and right.

I thank the gentleman from New York (Mr. RONCALLO) for yielding. I urge the adoption of the amendment and I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

Mr. RONCALLO of New York. That is correct.

Mr. DENHOLM. Mr. Speaker, I commend the gentleman.

(Mr. DENHOLM asked and was given permission to revise and extend his remarks at this point in the RECORD.)

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

Mr. RONCALLO of New York. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. I want to compliment the gentleman for offering this amendment. I rise in support of the amendment.

Mr. Speaker, H.R. 7724 contains a proposal for amending the Public Health Service Act under a heading, "Limitations on Research." As reported by the Committee on Interstate and Foreign Commerce, section 456 would forbid the Secretary of Health, Education, and Welfare to conduct or support research which violates any ethical standard respecting research adopted by the National Institutes of Health, the National Institute of Mental Health, or their respective research institutes.

As much as I approve the intent of this language, I find it lacking in precision. It would permit the directors of these institutes to define "any ethical standard respecting research."

The committee, in its report, states that it intends by this phrase to prevent experimentation on live fetuses. I intend to say that, also. Hence, I support the amendment proposed by my colleague, the gentleman from New York (Mr. RONCALLO).

This amendment would add a paragraph which would clarify the intent.

Honest and sincere persons can have differences about when life begins, either at conception or at some later time. We should, however, be able to agree that a fetus which has been removed from a mother's womb and which has a heart beat is entitled to the equal protection of our laws.

I urge that this House make its language precise and its intent clear by means of the amendment by the gentleman from New York.

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

Mr. RONCALLO of New York. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Speaker, I also want to compliment the gentleman for bringing this amendment to the floor. I think it is an important amendment and certainly in keeping with the philosophy that we are hearing lately that the Congress should take some responsibility and stand up and draw some guidelines. I believe the argument that we should leave this to the whim of the people who draw the regulations—whoever they are—in NIH, would be a very weak argument in an area this sensitive.

I am fully in support of the gentleman's amendment.

Mr. RONCALLO of New York. Mr. Speaker, I thank the gentleman.

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

Mr. RONCALLO of New York. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I, too, thank the gentleman. I want to associate myself with the remarks of Mr. RONCALLO, in bringing this amendment to our attention. I think it is one of the most important we will have to consider in a long, long while.

Mr. Speaker, several minutes ago, Mr. RONCALLO spoke about research on living fetuses going on right here in Washington, D.C. The research in question is work being carried on by Dr. Geoffrey Chamberlain of Kings College Hospital in London. The research began in England but is being concluded here at the George Washington University Medical School.

This experimentation, through which none of the living fetuses connected to the artificial placenta survived more than 5 hours and 3 minutes, raises some important ethical and legal questions that merit serious deliberation now.

The human fetuses used in these experiments are alive, what are their rights? Since they are incapable of giving their consent to their use as experimental subjects, who can morally and legally give consent for them—their mothers, their fathers, both parents, the State, perhaps no one. What if the parents are minors?

One of the living human fetuses used by Dr. Chamberlain was taken from a 14-year-old girl. Is this type of human experimentation morally licit and legal? I do not think it is.

I strongly urge support of this amendment.

Mr. RONCALLO of New York. I thank the gentleman.

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

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

Mr. HEINZ. Mr. Speaker, I want to commend the gentleman for bringing this amendment to this body. I should like to say that in my opinion it is a very important step toward rejecting the utilitarian view of mankind that disregards the intrinsic values of human existence. Instead, the amendment acknowledges and protects the conviction that human life is unique and precious, and that it is to be celebrated, not derogated.

I urge the acceptance of the amendment.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. RONCALLO of New York. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Speaker, I, too, want to commend the gentleman for making explicit what congressional policy will be in this area. I do want to say that one greatly admires the doctors working in the Child Health Institute, and the other institutions at NIH. We want to make clear that the policy of doctors working there, as well as the technicians and policy people at NIH, is exactly in accordance with the gentleman's language.

I believe that of any place in the entire world, the NIH is the greatest source of hope and compassion, especially for children's diseases—leukemia, and many blood and immunology-related diseases. NIH frequently is the sole hope of many parents that their son's or daughter's crippling childhood disease will be cured. I know the gentleman will agree that NIH policy, as evidenced by the type and philosophy of medicine practiced out there, is not such that we should have to convince them this should be policy; there is agreement with such policy as it presently operates.

As a matter of fact, the whole policy position was clear in that area, and certainly we are not in favor of using the fetus as an experiment.

Mr. STAGGERS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I think the introduction of the amendment is appropriate. I am against it, but I think it conveys the wish of this Congress, of every individual here, I am sure, and across the Nation, who has any compassion in any way that we should not experiment with fetuses.

I would like to tell the House this: If we start putting in amendments, for example, like this, we would have to put many more in. We have said the NIH has already said they do not think this is ethical, and we have said our thinking is that it is not ethical. In reading the bill, it says:

> The Secretary may not conduct or support research in the United States or abroad which violates any ethical standard respecting research adopted by the National Institutes of Health, the National Institute of Mental Health, or their respective research institutes.

NIH is definitely against this research, and the sense of it, but if we start amending this, there are many other areas of research that they support and which we have not mentioned in the bill.

There has been unethical research time and again in these other areas: Human beings in whom the brain has been destroyed and the body kept alive, for example. The institutes have said this is not ethical. There were times when drugs have been given to people without permission. The National Institutes of Health have said this is not ethical. There are many more examples. I am against them and many persons in the Chamber are against it. The National Institutes of Health have said all these are unethical, so let us not start naming just one. If we do we will have to name them all before we are through. So let us not pick out one. I am against it and I know many Members of the House are against it. So let us not single out just one. Many of these other examples are not making headlines but the national institutes have said they are unethical and should not be done. We have said so in our legislation, and not just for one but for all of them.

Miss JORDAN. Mr. Speaker, will the gentleman yield?

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

Miss JORDAN. Mr. Speaker, I am interested in the proviso that human experiments have the protection of the force and effect of the law. As I read the paragraph of the bill the gentleman referred to, and then heard his reference to the National Institutes of Health, all we have is a determination of policy and policy is something that can change as the board of directors change. How can we be sure we will not have a repeat of the Tuskegee experiment on humans?

Mr. STAGGERS. We had that experiment and hundreds of others, and, as the gentlewoman knows, some have not been ethical, they should not be and shall not be continued. We have put that in this bill. We have said this to cover any and all of them. I do not think we ought to pick out just one type of research and say that it should not be done. We are trying to cover the whole field.

I agree with the gentlewoman that that was one of the most despicable experiments I know of. It is good that it was brought to light and stopped. We want it to be stopped on fetuses, and on those whose minds have been destroyed as well.

Miss JORDAN. So it is fully the gentleman's intent that this proviso would be applicable to the Tuskegee and any similar experiments, to prevent that happening, even though the language the gentleman cites has not the full force and effect of law.

Mr. STAGGERS. The Secretary is directed—it says "may not"—and this is the law, not to continue or support research of any kind which is unethical. It would be a violation of the statute.

Mr. MAZZOLI. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I hesitate to take the well today on an issue involving a committee on which I do not have the privilege of sitting, but I think this is a matter of great moment to every Member of the House and to all people who have a respect for human life.

I listened with great care to the distinguished chairman of the committee, the gentleman from West Virginia, who says that the report contains a clear statement of the congressional intent. He also says there is no intent on the part of the National Institutes of Health, the NIH, to change present policy which is to respect human life and not derogate it.

But if the chairman will bear with me a moment, I had great concern when I read two articles in April written by Mr. Victor Cohn in the Washington Post. I put these in the RECORD and wrote letters to NIH authorities asking for a clear and unequivocal statement from them as to whether it is NIH policy and position not to perform experiments on nor to finance performance of experiments on live human aborted fetuses.

Mr. Speaker, I have tried in two or three series of letters with NIH, which includes one from Dr. Sherman, the Acting Director of NIH,, to get straight, honest answers from them. But I do not think they are willing to let us know specifically what their position is.

The letter I just received yesterday from Dr. Sherman contains a list of individuals whose names I will insert in the RECORD by permission of the Chair, who comprise a committee which is studying the whole proposition of human biomedical experimentation and research which would include that done on prisoners, institutionalized persons, children, the developing fetus, and the aborted fetus.

I am satisfied that, at this time, NIH does not have an absolutely clear statement of policy on this issue. It could well be that this type of experimentation, which I conceive to be very disrespectful of life and absolutely appalling, might, in fact, be conducted with Federal funds.

It seems to me, Mr. Speaker, that if the amendment as proposed by the gentleman from New York (Mr. RONCALLO) does in fact bring to a halt now, today, immediately, this kind of possible experimentation, it seems to me his is a very good amendment.

The material referred to follows:

APRIL 27, 1973.

DR. ROBERT W. BERLINER,
Deputy Director for Science,
National Institutes of Health,
Bethesda, Md.

DEAR DR. BERLINER: I am writing to express, in the strongest terms possible, my alarm over the recent publicity suggesting that Federal funds may have been used in support of research involving live human fetuses.

Aside from my personal feelings that such a practice is disrespectful of human life and morally repugnant, my political perceptions tell me that such a use of public monies is wholly unacceptable to a vast majority of American taxpayers.

The statement published in the Washington Post on April 15, 1973, to the effect that no present or foreseeable circumstances would justify N.I.H. support for such research, does not completely satisfy me.

I would like to see an outright policy statement from N.I.H., totally banning any form of support for research—present or future—involving live fetuses.

Your careful consideration of this request will be greatly appreciated.

With best wishes and regards.

Sincerely,

ROMANO L. MAZZOLI,
Member of Congress.

APRIL 27, 1973.

DR. GERALD D. LAVECK,
Director, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, Md.

DEAR DR. LAVECK: I am writing to express, in the strongest terms possible, my alarm over the recent publicity suggesting that Federal funds may have been used in support of research involving live human fetuses.

Aside from my personal feelings that such a practice is disrespectful of human life and morally repugnant, my political perceptions tell me that such a use of public monies is wholly unacceptable to a vast majority of American taxpayers.

The statement published in the Washington Post on April 15, 1973, to the effect that no present or foreseeable circumstances would justify N.I.H. support for such research, does not completely satisfy me.

I would like to see an outright policy statement from N.I.H., totally banning any form of support for research—present or future—involving live fetuses.

Your careful consideration of this request will be greatly appreciated.

With best wishes and regards.

Sincerely,

ROMANO L. MAZZOLI,
Member of Congress.

NATIONAL INSTITUTES OF HEALTH,
Bethesda, Md., May 9, 1973.

Hon. ROMANO L. MAZZOLI,
House of Representatives
Washington, D.C.

DEAR MR. MAZZOLI: Dr. Robert Berliner, NIH Deputy Director for Science, and Dr. Gerald LaVeck, Director, National Institute of Child Health and Human Development have asked that I respond on their behalf to the letters addressed to them on April 27, 1973. Your communication expressed your deep concern over the possibility that NIH might be engaged in research involving live aborted human fetuses.

First, let me assure you that the NIH does not finance or conduct research on live aborted human fetuses.

In carrying out our basic mission to improve the health of the nation, the NIH conducts and supports a major portion of the biomedical research in this country. All research conducted or supported by NIH involving human subjects is performed under guidelines which require the protection of the rights and welfare of the subjects, the weighing of the risks of such activity against its benefits and assurance of informed consent from the subject. We agree to finance such procedures only when we are assured by a panel of experts that the particular study is necessary, and that it holds promise of substantial benefit to mankind. We require that the local expert panel know the circumstances under which the research is to be done. We also require that the judgment as to the appropriateness of the research be made by persons other than the scientist who plans it. Our final decision to support such research involves our judgment of its scientific merit and full consideration for the ethical issues it presents.

Since our present guidelines for research with human subjects were adopted in 1966, necessary and life-saving research activities have grown increasingly complex giving rise to new and unexpected ethical issues. For example, it was during this period that reports began to be received of research upon live human fetuses performed in certain European countries.

In December 1972, the NIH set up a committee to make a comprehensive review of existing guidelines and policies on the protection of human subjects taking into account any problems which might be foreseen from new areas of biomedical investigation which offer hope for improving health. As a part of this review, we are focusing special attention on the meaning of "informed consent" in subjects such as prisoners, institutionalized patients, children, the developing fetus and the aborted fetus.

The committee has made no recommendation as yet. You may be assured that before any revised or new policies are finally recommended or adopted on any of the many issues related to research with human subjects opportunity will be given for public comment. We are convinced that this approach to the problems of fetal research, as well as the many other sensitive current questions about the use of human subjects will lead to responsible, humane and defensible policy conclusions.

We deeply appreciate your interest and would be most happy to provide further information.

Sincerely yours,
JOHN F. SHERMAN, Ph. D.,
Acting Director.

MAY 23, 1973.

JOHN F. SHERMAN, Ph. D.
Acting Director, Department of Health, Education, and Welfare, Public Health Service, National Institutes of Health, Bethesda, Md.

DEAR DR. SHERMAN: This is in further reference to your letter of May 9, 1973.

I desire the names and addresses of the members of the committee which was set up by the N.I.H. last December to study guidelines and policies on research on human subjects to include research on human fetuses.

It is my intention to contact these individuals to express my views on this subject.

In further reference to this matter, I am enclosing copies of articles which appeared in the Washington Post of April 10 and April 13, 1973. In these articles, Dr. Kurt Hirschhorn states that American scientists are going abroad to conduct research on aborted human fetuses at N.I.H. expense.

Is this a true statement? If not, can you verify that it is false?

I await your early advice.

Sincerely,
ROMANO L. MAZZOLI,
Member of Congress.

NATIONAL INSTITUTES OF HEALTH,
Bethesda, Md., May 25, 1973.

Hon. ROMANO L. MAZZOLI,
House of Representatives,
Washington, D.C.

DEAR MR. MAZZOLI: In response to your request of May 23, 1973, I am providing herewith the roster of members of the interagency Study Group for Review of Policies on Protection of Human Subjects in Biomedical Research. This is the group which was mentioned in my May 9 letter to you as being engaged in a comprehensive review of existing guidelines and policies on the protection of human subjects in research. The group is focusing particular attention on the questions surrounding the use of subjects such as prisoners, institutionalized patients, children, the developing fetus and the aborted fetus.

To assist the Study Group a staff paper on the subject of fetal research is being developed by Dr. Charles U. Lowe, Scientific Director, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, Maryland 20014. Dr. Lowe's staff paper and recommendations will be presented to the Study Group about July first. After review in draft by the Study Group and before approval by the NIH Director all recommendations for new or amended guidelines will be made available for public comment, and of course your comments will be welcomed and given careful attention.

In your letter, inquiry was made as to the truth of certain published statements to the effect that American scientists are going abroad to conduct research on human fetuses at NIH expense.

During the week of April 10 we conducted a search of files on all current NIH grants and contracts and verified that there is no evidence that research involving the use of live aborted human fetuses is being conducted with NIH support. It is possible that individuals who are or have been grantees of NIH might have carried out such research though we are not aware of it. In any case NIH is not supporting and has not knowingly supported research with live aborted human fetuses.

If we can provide additional information, please let us know.

Sincerely yours,
JOHN F. SHERMAN, Ph. D.,
Acting Director.

STUDY GROUP FOR REVIEW OF POLICIES ON PROTECTION OF HUMAN SUBJECTS IN BIOMEDICAL RESEARCH

ROSTER

Dr. Ronald W. Lamont-Havers, Chairman, Deputy Director, National Institute of Arthritis, Metabolism, and Digestive Diseases, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Mr. Seymour Bress, Executive Secretary, Division of Research Grants, National Institutes of Health, Westwood Bldg., 5333 Westbard Avenue, Washington, D.C. 20016.

Dr. Thomas Chalmers, Director, Clinical Center, National Institutes of Health.

or

Dr. Roger Black, Associate Director, Clinical Center, National Institutes of Health 9000 Rockville Pike, Bethesda, Maryland 20014.

Dr. Carl Douglass, Deputy Director, Division Research Grants, National Institutes of Health, Westwood Bldg., 5333 Westbard Avenue, Washington, D.C. 20016.

Miss Mary McEniry, Assistant to the Director for Regulatory Affairs, Food and Drug Administration (BD–30), Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

Mr. Joel Mangel, Office of the General Counsel, Office of the Secretary, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

Dr. Murray Goldstein, Associate Director for Extramural Programs, National Institute of Neurological Diseases and Stroke, National Institute of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dr. Leon Jacobs, Associate Director for Collaborative Research, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dr. Carl Leventhal, Assistant to the Deputy Director for Science, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dr. Charles McCarthy, Office of Legislative Analysis, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dr. Richard B. Stephenson, Training Officer, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Mr. David Kefauver, Assistant Director for Extramural Programs, National Institute of Mental Health, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

Dr. Frances O. Kelsey, Scientific Investigations Staff, Food and Drug Administration, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

Dr. Franklin Neva, Chief, Laboratory of Parasitic Diseases, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

NEED FOR A TOTAL PROHIBITION AGAINST RESEARCH INVOLVING LIVE HUMAN FETUSES

Mr. MAZZOLI. Mr. Speaker, apparently in response to the glare of publicity, the National Institutes of Health has recently promulgated a policy statement indicating that it knows of no circumstances which would justify NIH support for research involving a live human fetus.

I would like to contend that this statement is wholly inadequate since it clearly leaves the door wide open for the future discovery of circumstances, which in NIH's opinion might justify such morally repugnant research.

It is my personal opinion—and also my reading of public sentiment—that there can be no circumstances which would justify the use of public moneys in support of practices so disrespectful of human life. Nor, do I feel that such research should even receive verbal support from a public agency.

Accordingly, Mr. Speaker, I want to call upon my colleagues in the Congress to join me in requesting that the National Institutes of Health adopt a policy of absolute prohibition against any form of support for research involving live human fetuses.

Additionally, I insert in the RECORD the

following two articles by Mr. Victor Cohn, which appeared in the Washington Post on April 10, 1973 and April 13, 1973, respectively:

NIH CONSIDERING ETHICS—LIVE-FETUS RESEARCH DEBATED

(By Victor Cohn)

The possibility of using newly-delivered human fetuses—products of abortions—for medical research before they die is being strenuously debated by federal health officials.

So is the question of whether or not federal funds ought to be used to support such research in a country where abortion is considered immoral by millions.

A proposal to permit such studies was recommended to the National Institutes of Health 13 months ago, it was disclosed yesterday by a doctors' newspaper, Ob.-Gyn. (Obstetrician-Gynecologist) News.

Officials at NIH, prime source of funds for American research laboratories, differed yesterday on whether the recommendation had at least temporarily become "NIH policy."

But they agreed that NIH is considering the ethics of the matter afresh in the light of last year's revelation of an Alabama syphilis study in which the human subjects were neither informed about their disease nor treated for it.

They also agreed that most scientists feel that it is both moral and important to health progress to use some intact, living fetuses—fetuses too young and too small to live for any amount of time—for medical study.

Most such scientists would apparently agree with the recommendations of still another NIH advisory body—made in September, 1971, but again not disclosed until yesterday—that a fetus used in research must meet at least two out of three criteria: (1) it be no older than 20 weeks: (2) no more than 500 grams (1.1 pounds) in weight; and (3) no longer than 25 centimeters (9.8 inches) from crown to heel.

Such tiny infants if delivered intact may often live for an hour or so with beating heart after abortion.

They cannot live longer without aid, primarily because their lungs are still unexpanded. But artificial aid—fresh blood and fresh oxygen—might keep them alive for three or four hours.

Scientists in Great Britain and several other countries are regularly doing studies in this way, medical sources said yesterday.

British scientists generally work under a set of strict though unofficial guidelines set last year by a government commission named to end what virtually everyone agreed was an abuse—obtaining months-old fetuses for research and keeping them alive for up to three or four days.

Before permitting research on fetuses said the British commission, a hospital ethics committee must satisfy itself "that the required information cannot be obtained in any other way."

This is often the case, one well-known genetics researcher, Dr. Kurt Kirschhorn of New York's Mount Sinai Hospital and Medical School, said in an interview yesterday. Indeed, he added, some U.S. scientists are going to Sweden or Japan or other countries to do such research and doing so with the help of their NIH funds.

Using the fetus, Hirschhorn said, it may be possible "to learn how differentiation occurs"—the way cells develop into different parts of the body. "We could learn more about inborn anomalies," or birth defects.

"I don't think it's unethical," he said. "It's not possible to make this fetus into a child, therefore we can consider it as nothing more than a piece of tissue. It is the same principle as taking a beating heart from someone and making use of it in another person."

Dr. Andrew Hellegers, professor of obstetrics at Georgetown University and director of the Kennedy Institute for the Study of Human Reproduction and Bioethics, argued with this view at one NIH advisory meeting. "It appears," he said, "that we want to make the chance for survival the reason for the experiment."

"Isn't that the British approach?" another member asked him.

"It was the German approach. 'If it is going to die, you might as well use it,' " Hellegers replied, referring to Nazi experiments on doomed concentration camp inmates during World War II.

Despite some views like his, an NIH Human Embryology and Development Study Section decided in September, 1971, that: "Planned scientific studies of the human fetus must be encouraged if the outlook for maternal and fetal patients is to be improved. Acceptable formats for the conduct of . . . carefully safeguarded, well controlled investigations must be found."

For example, this group warned, "under no circumstances" should attempts be made to keep a fetus alive indefinitely for research.

The study section's recommendations were greatly modified by the National Advisory Child Health and Human Development Council—the advisory group to NIH's National Institute of Child Health and Human Development—in March, 1972.

"It was my understanding that the advisory councils recommendations were accepted last year." Dr. Philip Corfman, acting director of the Child Health Institute, said yesterday. "But everyone knew they would require more work on specific guidelines."

However, Dr. Charles U. Lowe, the institute's scientific director—who was asked last year to head a group to help develop such guidelines—said: "The council statement was sent to the director of NIH, but it is not at the present time policy. It has no standing except as a council expression."

The Child Health Institute is supporting no research using live, intact fetuses, he said. Other sources said they know of no such projects supported by any NIH institute, though one added, "we'd have to survey some 12,000 projects to be sure."

Lowe said he personally agrees with the British commission's feeling that such research is proper and ethical if properly controlled.

"But I haven't decided in my own mind yet," he added, "whether we can go along with Great Britain, using federal dollars. First, we have an articulate Catholic minority which disagrees. Second, we have a substantial and articulate black minority" sensitive on issues of human life.

Hirschhorn for his part argued: "How do we know what drugs do to the fetus unless we find out?" A position is needed, he maintained, between those "who say we're not doing any harm to a fetus that's going to die anyway" and those who would require "highly complex forms" before a medical scientist can do anything.

STATEMENT ON RESEARCH

NOTE.—This statement backing the regulated use of human fetuses in medical research was approved in March, 1972, by the National Advisory Child Health and Human Development Council but not made public. The council is an advisory body to the National Institute of Child Health and Human Development, part of the National Institutes of Health.

Scientific studies of the human fetus are an integral and necessary part of research concerned with the health of women and children. Because of the unique problems involved and a growing competence and interest in this field ethically and scientifically acceptable guidelines for the conduct of such investigation must be developed.

In all cases, applicable state and/or national laws shall be binding.

Guidelines for human investigation used to protect the rights of minors and other helpless subjects are applicable.

The study protocol must be reviewed and approved by the appropriate institutional review committee to insure that the rights of the mother and fetus will be fully considered.

It is the duty of these committees to insure that the investigator shall not be involved in the decision to terminate a pregnancy, the product of which is intended for study within his own research grant or authority.

Continuing review by the institutional committee must be undertaken in approved projects.

Informed consent must be obtained from the appropriate party(ies).

NIH VOWS NOT TO FUND FETUS WORK

(By Victor Cohn)

The National Institutes of Health will not fund research on live aborted human fetuses anyplace in the world it promised yesterday in a policy statement that is likely to become government-wide practice soon and probably a guide for most American scientists.

NIH, from its headquarters in Bethesda, finances nearly half of all U.S. medical research, and the federal government finances nearly two-thirds of the country's $3.5 billion a year total.

NIH "does not now support" any such research, said Dr. Robert Berliner, deputy director for science, and "we know of no circumstances at present or in the foreseeable future which would justify NIH support."

Some scientists have said that at least a few research programs involving study of live aborted refuses in the short time before they die have been supported with NIH funds, some of them performed by U.S. scientists abroad.

Dr. Charles U. Lowe, scientific director of NIH's National Institute for Child Health and Human Development, qualified Berliner's statement slightly by commenting, "You know we're dealing with 14,000 grants," and "we are not insofar as we know" financing any such work.

Berliner's statement was read to nearly 200 Roman Catholic high school students gathered in an NIH auditorium for questions and protest. The students were organized by a group from the Stone Ridge Country Day School of the Sacred Heart led by Renee Meter, Theo Tuomey and Maria Shriver, 17, daughter of Sargeant Shriver.

The students got together after a Washington Post story Tuesday reported that federal health officials were debating the advisability of such studies and were considering issuing federal guidelines for anyone doing them.

"Why are they drawing up guidelines if they don't intend to use live fetuses?" one skeptical questioner asked Dr. Lowe, referring to federal advisory groups who have in fact supported the idea of some such research.

"Any organization develops policy through review," Lowe replied. The advisory groups were made up on non-federal, university scientists, and "they can say anything they want," Lowe said, but "policy is made by NIH."

Research involving the fetus has been going on in many countries with liberal abortion policies. Many medical scientists are eager to study fetal developments as a guide to prevention and treatment of many diseases and abnormalities.

Such research has focused on two main kinds of procedures: some studies during the minutes or hours while some fetuses still live or can be kept alive, and opera-

tions on fetuses to get cells or organs that can be kept alive in the laboratory.

It is only the first kind that NIH said yesterday that it would not support. Merely taking tissues for study "is about the same thing as taking kidneys or a heart for a heart transplant," said Dr. Berliner in an interview.

Lowe told the students that "I see no need at this point" for studies of the live fetus, though he admitted that many scientists in the Scandinavian nations, Britain and the United States feel differently.

As to reports that some U.S. scientists have done such research in trips abroad, some of them with NIH funds, Lowe said, "I can't agree" that this has happened. Also, he said, "I object strongly to professional scientists doing in other countries what ethics here would not permit."

In a series of statements preceding this week's meeting, officials of the United States Catholic Conference called for a constitutional amendment "protecting the life of the unborn," for a national commission of theologians, scientists, lawyers and citizens to monitor scientific advances and recommend ethical guidelines, and for congressional study and regulation of experiments on human beings.

John Cardinal Krol of Philadelphia, speaking for the conference's executive committee, expressed "shock" at the possibility of federal support of studies on live, aborted babies. "If there is a more unspeakable crime than abortion itself," he said "it is using victims of abortions as living human guinea pigs."

In other statements:

The Catholic Bishops' Ad Hoc Committee on Population and Pro-Life Affairs termed the matter "cause for moral outrage."

The Washington area's St. Luke's Guild of Catholic Physicians stated unequivocal opposition to experimental use of living fetuses "at any time and under any circumstances."

Maryland Right to Life, and anti-abortion group, pointed out that the Maryland General Assembly this year passed a joint resolution calling on Congress to propose a constitutional amendment to protect unborn human beings—intended to upset the recent Supreme Court decision on abortion.

[From the New York Times, May 6, 1973]

FETUSES—WHAT PRICE RESEARCH?

WASHINGTON.—A few years ago, medical scientists in Helsinki injected rubella vaccine into 35 pregnant women who were scheduled to have abortions. The doctors wanted to find out what effect the live virus in the vaccine would have on the fetuses.

The experimental question was important and could not really be answered by animal research. Rubella, also known as German measles, is a major cause of stillbirths and birth defects, and the vaccine was developed to prevent them, yet it was not clear whether the vaccine would be safe to use in a pregnant woman. The study strengthened the evidence that it would not be safe for the fetus.

So there was reason for the experiments, but was it ethical to do them? There was nothing in the research that was going to help the fetuses, nor could their "informed consent" be obtained.

A final report on the project was published last summer in the New England Journal of Medicine. The authors included not only the doctors in Finland but also American scientists of Case Western Reserve University and the National Institutes of Health.

Although the report caused no ethical stir at the time, it is doubtful that the American participation in the project would be possible now. The climate of opinion seems to have changed.

While this has happened totally independently of the rubella story, that project does exemplify the growing problem concerning research involving the fetus. The issues are complicated and are often laden with emotion. If a fetus is to be aborted and therefore cannot survive, is it not wasteful to throw it away without attempts at learning things that might help other babies survive or avoid crippling defects?

On the other hand, if it is human, does anyone have the right to do research on it without consent—and whose consent? The mother would ordinarily be the person to ask, but she has already asked for abortion. Can she be said to have the best interest of the fetus at heart?

One question often raised by laymen is whether or not experiments on the fetus could inflict pain. But the term "pain" is subjective. It has no meaning unless the subject is conscious and the fetus, presumably, is not. One of the ironies of the already tangled problems of fetal research is that anyone dissatisfied with that answer could only dispute it by doing research on the fetus.

The issues concerning fetal research have arisen in this country because of several factors, only one of which is the recent liberalization of abortion laws. In recent years scientists have gained increasing ability to maintain life artificially in the laboratory. There is continued scientific impetus and need to learn more concerning the details of human development and its problems. . . . The question was: is it justifiable to use aborted human fetuses in research aimed directly at developing artificial means of keeping an early premature baby alive until it is sufficiently developed to live on its own? Dr. Robert S. Morison, professor of science and society at Cornell, argued that, with proper safeguards, it is permissible. He said that the research could be of great help to future babies, and that the experiments on the aborted fetus did not alter its prospects for life because the decision to abort had already decided that. He noted that a special problem would arise if the research progressed far enough to offer the prospects of survival to the aborted fetus under study—a fetus by definition no longer wanted by the mother.

Sumner B. Twiss Jr. of the Department of Religious Studies at Brown University said the research in question should not be done. He argued that it raised insoluble problems concerning "informed consent," serious moral problems involving disposal of the fetus at the end of the experiments and a real dilemma when the research neared the stage of being successful.

The example the two men discussed was not hypothetical, but was the subject of an actual research grant application in Britain, where a review committee decided in favor of the project.

Dr. André Hellegers, professor of obstetrics and gynecology at Georgetown University, believes that the United States Supreme Court, which has already ruled that women have rights to abortion, may ultimately have to rule on the question of whether a fetus, viable or not, has individual rights once it has been removed from the womb.

HAROLD M. SCHMECK, Jr.

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

Mr. MAZZOLI. I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I congratulate the gentleman from Kentucky on his statement, and wish to be associated with his remarks.

Mr. MAZZOLI. I thank the gentleman from Minnesota for his association.

Mr. Speaker, I would only conclude by saying that it seems to me that the least Congress can do today—a Congress which as has been earlier pointed out would not be shunted off onto the sidetrack on the great, major, profound life and death issues of this country and of this world, and which should reassert itself on these issues—is to say that we today feel, notwithstanding what may be clear though unwritten policy; notwithstanding what might be the unwritten rules and regulations of NIH regarding human experimentation; we say today that life is too precious to be experimented with. We say today that life in the form of a tiny human infant should not be played around with, we should not play God with people, and we should bring these reprehensible practices to a halt today.

Mr. Speaker, I am honored to join my distinguished colleague from New York today in opposing experimentation on living fetuses, and compliment him on focusing attention on this despicable practice.

This is a practice which seems to have grow in acceptability in medical research circles, due to lack of knowledge on the part of the public and lack of adequate restrictions by the Government.

I think it is time the Federal Government goes on record as opposing this practice, signaling Congress intent to respect the dignity of life. Regardless of the circumstances surrounding the past or future status of the fetuses upon which experiments are being performed, I think we have to morally put a stop to this practice and any similar encroachments upon the misuse of living humans. To allow such practices to continue and possibly expand into other areas strikes me as nothing short of a 20th century form of barbarism.

As we expand our knowledge about the human organism and expand our capabilities for living longer, transplanting materials from one organism to another, and performing mental and physical operations which can substantially alter the character of an individual, we are going to have to be on special guard to make sure that the dignity of human life is not violated. Experimentation is fine, and advances in science and medicine are to be welcomed, but not at the cost of undermining the very thing which we are seeking to improve through science—the value of a human life.

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

Mr. MAZZOLI. I yield to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I wish to compliment the gentleman from Kentucky on his statement, and associate myself with his remarks.

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

Mr. MAZZOLI. I yield to my colleague from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I wish to state that my distinguished colleague from the Third District of Kentucky has done his homework. I appreciate very much his bringing this subject to the attention of the House.

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

Mr. MAZZOLI. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I wish to compliment the gentleman from Kentucky on his remarks and associate myself with those remarks. I wish to commend him for taking the well and bringing the attention of this House to this issue.

Mr. Speaker, I also would like to rise in support of the amendment proposed by my friend and colleague the gentleman from New York (Mr. RONCALLO).

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

Mr. MAZZOLI. I yield to the gentleman from Ohio (Mr. GUYER).

Mr. GUYER. Mr. Speaker, I too wish to go on record as being 100 percent in favor of this amendment.

I think it is time to stand up and be counted, and I want to be identified.

Mr. Speaker, I rise to support the Roncallo amendment and am proud to say that this measure may well be the first breakthrough in this Congress for the most important "Right to Life" principle.

I heartily concur with my colleague from New York, that a human life, however tiny, and however brief its candle of light may be permitted to glow, is entitled to its God-given place on Earth, and the dignity of an entity in life as in death.

The horrendous reports of doctors performing experiments on human, live fetuses both abroad and in this country, such as the incident of a British doctor taking a human fetus from a 14-year-old girl, and subjecting it to callous tests and experiments, is both morally and humanly illicit.

The highest court in our land, which in one verdict announces that a proven murderer cannot be given capital punishment for his crime, and then in another verdict announces that the taking of a human life by abortion, is legal—poses a problem as to the rights of all of us human beings. What are the rights of these tiny lives? They are incapable of giving consent to their being used as experimental subjects. Who can morally and legally give consent for them—their parents, the state, or who?

I congratulate my colleagues today for standing up and being counted in support of an amendment which will make crystal clear that no funds appropriated under this measure, nor any similar act or authority by the Secretary of Health, Education, and Welfare may be used at the expense of live human fetuses. They may in many cases have not had protectors, but today the U.S. Congress is saying they will have.

As this amendment and the bill it embraces, which surely will assist our researchers to explore the hidden mysteries of cancer, heart disease, dental and mental health, and related areas of unconquered life-takers, is passed into statute, all of us can have the good warm feeling of accomplishment today.

This little floor drama, which burst into near acclamation, may just be the voice and the rising curtain to herald the opening of the door on the related legislative measures, some of which are locked up in committee and subcommittee. By such breakthrough, may be the vehicle that proclaims from the Nation's Capital that life in America is still precious; that all human beings, young and old, have divine legacies and God-given dignity which shall be esteemed both by precept and example by all of us.

Mr. ROGERS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I think it would be well for the House to know the background of this issue. Of course it would be extremely difficult to vote against this amendment and run the risk of the vote being misinterpreted.

It is the current policy; it is the established policy; it is the acting policy of any research supported now by the NIH that there shall be no research on a live fetus. Now, the committee heard, however, that in Sweden such an experiment was conducted and that it was mistakenly supported by a grant from NIH. When NIH found out, they stopped it.

But to make it absolutely clear that it is the policy of the Congress that this type of research shall not be done, we put into the language of the bill that no research supported by any funds from NIH shall be carried on in an unethical manner. The bill, therefore, handles the situation.

Mr. Speaker, right now a committee in the other body has already started hearings on this whole problem of ethics in biomedical research. The Senate hearings are not just on research on the fetus, but on all of these ethical problems such as research on prisoners, improper drug use, and on research being conducted on patients without their full knowledge of their risk.

A whole range of problems is involved. That is the way the problem should be handled, rather than picking out a situation here or there and not covering those other situations.

By simply picking out one we run the risk of an interpretation that would say, "We approve of other situations which are just as unethical." The committee language clearly says, "No, we do not approve any of them."

I believe that is the position the House wants to take.

Our subcommittee will go into this entire range of problems later in hearings. We anticipate action by the other body. I do not believe the House at this time wants to say, "We are going to single this one problem out."

The language says there shall be no support for any unethical research. That is the position I believe each individual Member would want to take, a total prohibition, including a prohibition against the use of fetuses.

I would urge that the committee be supported on the language. The committee will go into the specific problem in a proper forum.

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

Mr. ROGERS. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the distinguished gentleman from Florida for yielding.

Does the gentleman have any way in which he can assure the House—perhaps by inserting a statement in the RECORD which says so—that the clear and unequivocal position of NIH is not to consider as ethical research on fetuses?

Mr. ROGERS. Yes, we do have that, and we will put it in the RECORD. We have a letter from HEW. We will get that statement.

I will do that for the gentleman.

Mr. MAZZOLI. I would only say further along that line that if, for instance, the House were to vote today to disapprove experiments on live fetuses——

Mr. ROGERS. We have done that in the bill.

Mr. MAZZOLI. If the House were to vote in favor of the amendment offered by the gentleman from New York (Mr. RONCALLO) I do not believe the House would be on record as saying that everything else, the Tuskegee experiment or anything else, is approved.

Mr. ROGERS. If we do it by law we will.

Mr. MAZZOLI. How?

Mr. ROGERS. Because we run the risk of singling out one problem and be subject to an interpretation of denying what the committee has done in broad policy.

Mr. MAZZOLI. I would think the House would be saying only that this experimentation on the human fetus is so reprehensible as to be illegal, and that any other experiment may later be said to be the same.

Mr. ROGERS. It is already illegal under the provisions of this bill. That is what I am trying to get across to the gentleman. This bill covers that problem, as well as the Tuskegee problem, as well as the improper research on prisoners, as well as the improper research on persons who have not been advised of their rights.

I believe we should not simply single this out at this time, because it might negate the broad general approach of the committee.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. HOGAN. Mr. Speaker, I rise in support of the amendment.

Mr. Speaker, with all due respect for the chairman of the subcommittee and the chairman of the full committee, I do not believe these are times for half measures. I believe it is important for the House of Representatives to go on record today indicating that we do have respect for human life.

There are some significant differences between the case alluded to by the chairman of the subcommittee in relation to the medical experiments on prisoners. One big difference is that when a prisoner dies, a death certificate must be filled out indicating the cause of his death. No one can deny that taking the life of a live fetus, as the result of an abortion, is the taking of the life of a human being, but there is no requirement that a death certificate be issued regarding the death of that child.

It is important that we go on record today in support of human life. We have reached a point—because of the Supreme Court's decision on January 22 which says that life no longer has any

value, that we have created a new constitutional right of privacy which permits abortion. It means, in effect, that the day before an actual birth that the child can be destroyed.

Mr. Speaker, I ask my colleagues: What is the difference between a child of minus 1 day age and a child of plus 1 day age? Is there really any biological differences in a human being at that point in time?

I submit that there is not. And yet the Supreme Court recognizes the right to life of the latter, but not the former.

I commend the gentleman from New York (Mr. RONCALLO) for his amendment, and I urge all of my colleagues to go on record today indicating that we in this body do, in fact, respect human life, we must state clearly that we oppose research on live fetuses.

Mr. Speaker, the chairman of the subcommittee says that he has assurances that this research is not going to take place. The facts are that in countries where wholesale abortion has been acceptable, experimentation on live fetuses has gone forward in an unregulated and accepted way.

The very fact that NIH would conduct studies to determine whether or not they should fund experimentation on live fetuses leads us to the conclusion that they very definitely are considering it. No other conclusion is possible.

So, Mr. Speaker, we should make our position eminently clear today. We ought, at this point to clarify the record on our position that we cherish human life.

We have all had experiences with bureaucrats in the executive branch. If there is ever a loophole for them to proceed with the implementation of their own ideas, they use that loophole. If Congress leaves them a loophole, NIH will go through it to do whatever they want to do. This is not the time to leave loopholes. We must specifically prohibit research on live fetuses regardless of assurances which have been given to the committee.

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

Mr. HOGAN. I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I am sure the gentleman does not want to leave the impression that by any action we take here today we will stop this type of operation all over the world.

Now, what we have said in the bill and what those who are against this type of research have said is that no Federal funds can support any such research. I have already said that they have assured us that it is not their policy, that this is not done in the United States; they thought that it might be done outside the United States, but the bill says it shall not be done here.

Mr. HOGAN. Mr. Speaker, I would like to respond to the gentleman's remarks.

I did not say that this bill is going to affect what is going on in other countries. What I am saying is that when a country adopts a position to allow wholesale abortion, when it is decided that unborn life has no value and is expendable, research on live fetuses is the inevitable result.

What we need to do today is to go on record as the House of Representatives saying that we abhor the very concept of research on live fetuses.

Mr. ROGERS. Mr. Speaker, that is what the committee bill does.

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

Mr. HOGAN. I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I would like to read for the benefit of the gentleman from Maryland (Mr. HOGAN) one sentence from a letter which I received yesterday from Dr. John F. Sherman of the NIH. I had posed the specific question to him: "Does the NIH finance this kind of experimentation?"

His sentence, in reply to my question, on page 2 of his letter, is as follows:

> It is possible that individuals who are or have been grantees of NIH might have carried out such research though we are not aware of it.

They are grantees, though they are not aware of it. They would not specifically say that this has not occurred and, accordingly, it seems to me that the gentleman from New York (Mr. RONCALLO) has a worthy amendment, and I commend the gentleman from Maryland for supporting it.

Mr. HOGAN. Mr. Speaker, I thank the gentleman.

When it was reported last month that the National Institutes of Health was considering financing experimentation on human fetuses alive after abortions, I was shocked but not surprised.

The Supreme Court crossed the Rubicon in its January 22 decision when they declared that an unborn baby is of no value, that it is a "nonperson." Since we have now established in law that the fetus has no rights and no value, it seems academic whether we experiment on it or not.

But we cannot let this happen. Ultimately we must restore the right to life to the unborn child. Today we have the opportunity to take a step in that direction.

At this point, we have no definitive statement by the National Institutes of Health on the subject of experimentation on live fetuses. It has been reported that NIH has a policy against live fetus research, but there is nothing to prevent them from changing their minds whenever they please.

It is the responsibility of Congress to demonstrate clearly that it will not fund research of this sort. If we fail to expressly prohibit this research, we will be contributing to the disregard for life expressed by the Supreme Court. Let us prove that America is not morally bankrupt. Let us prove, that we still cherish and value human life.

The Interstate and Foreign Commerce Committee has recognized the need for a policy to be set, but they have not gone far enough. In their report on this bill they state that "present ethical standards conduct make research in human fetuses unethical," however, they fail to squarely face the issue and adopt a clear policy of experimentation prohibition. The bill restricts research "which violates any ethical standard respecting research adopted by the National Institutes of Health, the National Institute of Mental Health, or their respective institutes." Who decides what is ethical and what is not. Many in the medical profession feel it is ethical to destroy unborn children. I do not and most Americans do not.

If Congress does not overwhelmingly support this amendment we will fail the American people. We have the opportunity to establish a national policy, to set a moral example by approving this amendment. I urge my colleagues to support this amendment and take the first step toward restoring the value of a human life.

Mr. MALLARY. Mr. Speaker, I regret that I must oppose the amendment offered by the Member from New York (Mr. RONCALLO) which he obviously introduced in good faith and which seeks to perform a very commendable purpose.

I am certainly not in favor of prejudicial experimentation on any human being whether it be a human fetus inside its mother's womb, an aborted fetus, or any human being at any stage in its career or at any age. It is my understanding that section 456 of the bill clearly prohibits any research in the United States or abroad which violates any ethical standard respecting research adopted by the National Institutes of Health or the National Institute of Mental Health and their respective Institutes. Clearly, as has been pointed out by the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) it would not be possible under this bill to conduct the kind of objectionable research on human fetuses that is contemplated in this amendment.

I am very much concerned, however, that in its commendable intent the amendment goes much farther than the author intends and is sufficiently imprecise in its language so that it might constitute a serious problem for the Secretary of Health, Education, and Welfare or for the courts.

In the first place, the amendment prohibits research on a fetus which is outside the mother's uterus and has a beating heart. It is my understanding that a fetus is, by definition, an unborn person and therefore, a fetus, by definition, could not be outside the mother's uterus. I believe that this contradiction implicit in the amendment might create serious questions in the minds of anyone who later attempted to construe the meaning of this amendment.

My second objection to the amendment stems from its total prohibition on research on any such fetus if, in fact, it can be at some time determined exactly what it is under the terms of the amendment. I am sure that the amendment is directed at prohibiting any kind of research which might be damaging or in any way prejudicial to the survival, health, or comfort of such a fetus. I would contend that research could be conducted quite properly on life saving drugs or devices that might be aimed at preserving or enhancing the lives of

such fetuses rather than being damaging to them. It would seem to me that this amendment, if it passes, could prevent the very kind of research that would be, in the long run, most beneficial in saving the lives of those same unprotected young humans that we are professing to benefit by this amendment.

Mr. Speaker, it is with regret that I feel that I must oppose this well-intentioned amendment with the full conviction that the bill, as presented by the committee, provides very satisfactory protections in this area.

The SPEAKER pro tempore (Mr. CAREY of New York). The question is on the amendment offered by the gentleman from New York (Mr. RONCALLO).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ERLENBORN. 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 pro tempore. 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 354, nays 9, not voting 69, as follows:

[Roll No. 170]

YEAS—354

Abdnor	Clay	Giaimo
Addabbo	Cleveland	Gibbons
Alexander	Cochran	Gilman
Anderson, Calif.	Cohen	Ginn
	Collier	Gonzalez
Anderson, Ill.	Collins	Goodling
Andrews, N.C.	Conable	Grasso
Andrews, N. Dak.	Conlan	Gray
	Conte	Green, Oreg.
Archer	Conyers	Green, Pa.
Arends	Corman	Griffiths
Armstrong	Cotter	Gross
Ashley	Culver	Grover
Aspin	Daniel, Dan	Gude
Bafalis	Daniel, Robert W., Jr.	Gunter
Baker		Guyer
Barrett	Daniels, Dominick V.	Haley
Bell		Hamilton
Bennett	Danielson	Hammer-schmidt
Bergland	Davis, S.C.	
Bevill	Davis, Wis.	Hanley
Biester	Delaney	Hanna
Bingham	Denholm	Hanrahan
Boggs	Dennis	Hansen, Idaho
Boland	Dent	Hansen, Wash.
Bolling	Derwinski	Harrington
Bowen	Devine	Harsha
Brademas	Donohue	Hastings
Brasco	Dorn	Hawkins
Breaux	Downing	Hays
Breckinridge	Drinan	Hechler, W. Va.
Brinkley	Dulski	Heinz
Brooks	Duncan	Helstoski
Broomfield	du Pont	Henderson
Brotzman	Edwards, Ala.	Hicks
Brown, Calif.	Edwards, Calif.	Hillis
Brown, Mich.	Eilberg	Hinshaw
Brown, Ohio	Erlenborn	Hogan
Broyhill, N.C.	Eshleman	Holifield
Broyhill, Va.	Evans, Colo.	Holt
Buchanan	Fascell	Horton
Burgener	Findley	Hosmer
Burke, Fla.	Fish	Howard
Burke, Mass.	Flood	Huber
Burleson, Tex.	Flowers	Hudnut
Burlison, Mo.	Foley	Hungate
Butler	Ford, Gerald R.	Hutchinson
Byron	Ford, William D.	Jarman
Carey, N.Y.		Johnson, Calif.
Casey, Tex.	Forsythe	Johnson, Colo.
Cederberg	Fountain	Johnson, Pa.
Chappell	Frelinghuysen	Jones, Ala.
Chisholm	Frenzel	Jones, Okla.
Clancy	Frey	Jones, Tenn.
Clark	Froehlich	Jordan
Clausen, Don H.	Fulton	Karth
	Gaydos	Kastenmeier
Clawson, Del	Gettys	Kazen
Kemp	O'Brien	Steiger, Wis.
King	O'Hara	Snyder
Kluczynski	Passman	Staggers
Koch	Patman	Stanton, J. William
Kuykendall	Patten	
Kyros	Pepper	Stanton, James V.
Landgrebe	Perkins	
Latta	Pettis	Steed
Lehman	Peyser	Steele
Lent	Pickle	Steiger, Ariz.
Litton	Pike	Stephens
Long, La.	Poage	Stubblefield
Long, Md.	Podell	Stuckey
Lott	Preyer	Studds
Lujan	Price, Tex.	Symington
McClory	Pritchard	Symms
McCloskey	Quie	Talcott
McCollister	Quillen	Taylor, Mo.
McDade	Railsback	Taylor, N.C.
McEwen	Rangel	Teague, Calif.
McFall	Rees	Thomson, Wis.
McKay	Reid	Thone
McKinney	Reuss	Thornton
McSpadden	Rhodes	Tiernan
Macdonald	Riegle	Towell, Nev.
Madigan	Rinaldo	Treen
Mahon	Roberts	Ullman
Mailliard	Robinson, Va.	Van Deerlin
Mann	Robison, N.Y.	Vander Jagt
Maraziti	Rodino	Vanik
Martin, N.C.	Roe	Veysey
Mathias, Calif.	Rogers	Vigorito
Mathis, Ga.	Roncallo, Wyo.	Waggonner
Matsunaga	Roncallo, N.Y.	Waldie
Mayne	Rooney, Pa.	Walsh
Mazzoli	Rose	Wampler
Meeds	Rosenthal	Ware
Melcher	Rostenkowski	Whalen
Metcalfe	Roush	Whitehurst
Mezvinsky	Rousselot	Wiggins
Michel	Roybal	Whitten
Miller	Runnels	Widnall
Mills, Ark.	Ruppe	Williams
Minish	Ruth	Wilson, Bob
Mink	Ryan	Wilson, Charles H., Calif.
Mitchell, Md.	St Germain	
Mitchell, N.Y.	Sarasin	Wolff
Mizell	Sarbanes	Wright
Moakley	Satterfield	Wyatt
Montgomery	Saylor	Wydler
Moorhead, Calif.	Scherle	Wylie
	Schneebeli	Wyman
Moorhead, Pa.	Sebelius	Yates
Morgan	Seiberling	Yatron
Mosher	Shipley	Young, Alaska
Moss	Shoup	Young, Fla.
Murphy, Ill.	Shriver	Young, Ga.
Myers	Shuster	Young, Ill.
Natcher	Sikes	Young, S.C.
Nedzi	Sisk	Young, Tex.
Nelsen	Skubitz	Zablocki
Nichols	Slack	Zion
Nix	Smith, Iowa	Zwach
Obey	Smith, N.Y.	

NAYS—9

Abzug	Dellums	Mallary
Burton	Eckhardt	Schroeder
Dellenback	Holtzman	Stark

NOT VOTING—69

Adams	Fisher	Owens
Annunzio	Flynt	Parris
Ashbrook	Fraser	Powell, Ohio
Badillo	Fuqua	Price, Ill.
Beard	Goldwater	Randall
Biaggi	Gubser	Rarick
Blackburn	Harvey	Regula
Blatnik	Hébert	Rooney, N.Y.
Bray	Heckler, Mass.	Roy
Burke, Calif.	Hunt	Sandman
Camp	Ichord	Spence
Carney, Ohio	Jones, N.C.	Steelman
Carter	Keating	Stokes
Chamberlain	Ketchum	Stratton
Coughlin	Landrum	Sullivan
Crane	Leggett	Teague, Tex.
Cronin	McCormack	Thompson, N.J.
Davis, Ga.	Madden	Udall
de la Garza	Martin, Nebr.	White
Dickinson	Milford	Wilson, Charles, Tex.
Diggs	Minshall, Ohio	
Dingell	Mollohan	Winn
Esch	Murphy, N.Y.	
Evins, Tenn.	O'Neill	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Teague of Texas.

Mr. Rooney of New York with Mr. Minshall of Ohio.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Price of Illinois with Mr. Martin of Nebraska.

Mr. Fuqua with Mr. Ashbrook.

Mrs. Burke of California with Mr. Gubser.

Mr. de la Garza with Mr. Bray.

Mrs. Sullivan with Mrs. Heckler of Massachusetts.

Mr. O'Neill with Mr. Cronin.

Mr. Murphy of New York with Mr. Roy.

Mr. Mollohan with Mr. Chamberlain.

Mr. Adams with Mr. Sandman.

Mr. Davis of Georgia with Mr. Blackburn.

Mr. Carney of Ohio with Mr. Spence.

Mr. Diggs with Mr. Udall.

Mr. Charles Wilson of Texas with Mr. Powell of Ohio.

Mr. Dingell with Mr. Stratton.

Mr. Leggett with Mr. Goldwater.

Mr. Fraser with Mr. Rarick.

Mr. Evins of Tennessee with Mr. Beard.

Mr. Biaggi with Mr. Steelman.

Mr. Flynt with Mr. Dickinson.

Mr. Badillo with Mr. Winn.

Mr. McCormack with Mr. Coughlin.

Mr. Blatnik with Mr. Ichord.

Mr. Fisher with Mr. Harvey.

Mr. Hébert with Mr. White.

Mr. Madden with Mr. Crane.

Mr. Stokes with Mr. Regula.

Mr. Jones of North Carolina with Mr. Keating.

Mr. Landrum with Mr. Carter.

Mr. Owens with Mr. Camp.

Mr. Randall with Mr. Esch.

Mr. Milford with Mr. Parris.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CHAMBERLAIN. Mr. Speaker, I regret that I was not recorded on this vote. I was in the Chamber before this vote was announced, but I was not recognized. Had I had the opportunity. I would have voted "yea."

Mr. STAGGERS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I am sorry that this amendment passed.

I voted for it because I did not want some demagogue to say I voted for experimentation on fetuses. But I do not want the people of this land saying I am for experimentation not covered by the amendment, on people such as those at Tuskegee, that should have been included here. I said what was in the bill was entirely adequate, but the House would not accept that. They brought up an emotional issue and of course I voted for it because how could anybody vote otherwise? Further, I wish to compliment those with the courage to vote no. "No" was the right vote on this amendment, albeit a dangerous one, and those members are to be complimented.

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

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

Mr. ECKHARDT. Mr. Speaker, I want to join heartily in the reasoning of the chairman. I voted "No" and I voted "No" for the same reason he has stated that he voted "Yes."

Mr. FINDLEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I take this time to ask a couple of questions of the committee. I notice on page 15 of the committee report a statement by the Secretary of HEW in which this sentence appears:

The cornerstone of the administration's higher education assistance efforts has been to make assistance available to *all* needy students through the basic opportunity grant program and the guaranteed student loan program administered by the Office of Education.

My first question is: Are students who seek to be involved in biomedical research eligible for the basic opportunity grants?

Mr. STAGGERS. The answer to that is "No."

Mr. FINDLEY. They are disqualified for the basic opportunity grants?

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

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

Mr. O'HARA. Mr. Speaker, the basic opportunity grants, because of the rather inadequate level of funding provided in the supplemental bill in an amendment to the law that was made here in the House just a couple of weeks ago, are limited in the coming academic year to full-time entering students, students who are attending an institution of higher education for the first time, and those would be freshmen in effect. So no one who is not a full-time, first-time student this fall would be eligible for a basic opportunity grant.

Mr. FINDLEY. That is based only on the level of funding, am I correct? If funding is more adequate this coming fiscal year, is it fair to assume that students under this program would be eligible for the BOG's?

Mr. O'HARA. Mr. Speaker, under existing law, even when the 1973 "first-time, full-time" limit lapses, and even if the level of funding reaches a higher point than I would anticipate in the immediate future, the authorization for basic grants is limited to undergraduates.

Mr. FINDLEY. Would students in this type of training be eligible for the student loan?

Mr. O'HARA. Yes, they would.

Mr. FINDLEY. I thank the gentleman.

Mr. ROY. Mr. Speaker, H.R. 7724 concerns biomedical research fellowships and traineeships.

There is a great need for this legislation. Over the past 42 years, this country has developed the greatest biomedical research program in the world. That program is dependent on the individuals available to do research. Without the people, there will not—cannot—be a program. And unless this legislation is approved, the supply of such people will be in severe jeopardy.

The first legislation authorizing the U.S. Public Health Service to support the training of biomedical researchers was passed in 1930. Since that time, at least 11 different pieces of legislation have broadened, modified, and supported that authority. During that time, the number of biomedical researchers—and the amount of high quality research done in this country—has increased greatly. Today, the United States has become the world's acknowledged leader in medical research.

But in its proposed budget for fiscal year 1974, this administration proposed the phasing out of all training and fellowship grants in the biomedical area. This phase-out would be conducted gradually over the next 5 years by making no new commitments and allowing existing commitments to expire.

This administration's justification for this action was based on a series of non sequiturs, half truths, and complete fantasies. It is clear that the real reason for elimination of this program was that of reducing the Federal budget. While we are all supportive of limitations on Federal expenditures, such limitations should not threaten programs essential to the future welfare of the people of this country.

In "The Training Programs of the Institutes of the National Institutes of Health," a volume recently published by the National Institutes of Health, the authors recommend:

Direct support of the training of candidate biomedical scientists for careers in research be reaffirmed as an appropriate and necessary role for the federal government.

Additionally, the President's Science Advisory Committee Report, "Scientific and Educational Basis for Improving Health," states:

We recommend that a stable base be established for the support of both research training programs and fellowships at both predoctoral and post-doctoral levels, adequate to insure an uninterrupted flow of research and teaching manpower, both basic and clinical science.

Additional testimony presented to the Committee by distinguished scientists, researchers, and physicians from across the country supports the conclusions of these panels. Federal support of biomedical training is necessary.

The legislation which we consider here today, H.R. 7724, provides new, modified authority for the Secretary of Health, Education, and Welfare to conduct programs of training and fellowships for biomedical researchers through the National Institutes of Health and the National Institute of Mental Health.

The funds authorized by the bill over 2 fiscal years is $415 million—an adequate amount to continue programs which the administration wants to eliminate.

Mr. Speaker, we are all interested in saving money, in reducing the Federal budget, and in reducing taxes. But such considerations must be balanced against those of the real needs of the people and of an appropriate role for Government. One of the appropriate roles for the Federal Government, I am convinced, is that of supporting the training of our future biomedical researchers. Without Federal support, these people will not be trained in adequate numbers. Yet without these people, there can be no biomedical research. Without biomedical research, cancer, heart disease, and other crippling and killing diseases cannot be eliminated. For this reason, I urge adoption of this measure.

Mr. HUDNUT. Mr. Speaker, as a member of the Subcommittee on Public Health and Environment and as a cosponsor of H.R. 7724, I rise to urge the House to approve this legislation.

Training grants and fellowships have been a well established and fundamental part of our Nation's medical research effort for three decades and during this time, the United States has become the acknowledged world's leader in medical research. Our need for health care personnel, particularly research manpower, is greater today than ever before.

In some circles, there has been concern that research training funding should be decreased because the market for the product, the trainee, is leveling off or diminishing. The hearings of our Subcommittee on Public Health and Environment show that this is not true. For example, the cancer program estimates a doubling in their scientific manpower requirements for 1972 to 1978; the heart program might require an additional 20- to 30-percent increase in manpower; and the administration's own biomedical research budget requests a continued increase though at a lesser rate than previously. Normal attrition must be replaced.

Moreover, the best projections suggest a further doubling of medical student output to 25,000 students per year by 1982 which will require marked increases in faculty. It should also be emphasized that 82 percent of medical school faculties in the United States were supported in their training by NIH training grants and fellowships in the past. Any decrease in production of academic health manpower now could lead to a shortage of academic personnel up to 10 years in the future.

The Indiana University Medical Center is located in my congressional district and during a recent visit to the campus I noted a plaque in front of the main building with a quote of Disraeli who said:

Health is the foundation upon which all of our happiness as a State depends.

Nothing could be more true than this statement.

The Nation's medical schools have been asked to increase the number of physicians to meet America's health care needs. Highly trained new faculty are needed to staff the new and developing medical schools in order to carry out this objective. In addition, there is a continued need for a constant supply of highly trained and competent biomedical researchers to meet the Nation's research requirements. With increased congressional interest in and recognition of the need to combat the gamut of diseases which afflict mankind, and with increased administration initiatives in such fields as cancer and heart research mentioned above, more biomedical scientists will be needed to carry out the intensified research that will be necessary to come to grips with these dread diseases.

Equally important is the need to provide new researchers for new areas of research. The training grant and fellowship programs are the only adequate mechanisms for training investigators to enter into or to develop new research fields. Thus, maintaining the present status quo will require increases in the biomedical manpower pool. We cannot possibly hope to increase our research efforts without also increasing our research resources.

While I am well aware of the need to limit our expenditures, I feel we should continue our research-fellowship pro-

grams on a reasonable basis as provided in H.R. 7724. This bill limits the authorization to 2 years with a total expenditure of $415.6 million. This exceeds the administration's budget in this area by only $141 million.

Medical care in the United States involves an annual expenditure of $80 billion, 7 percent of our gross national product. Either the $416 million authorization or the $141 million increase over the administration budget represented by this legislation would be a very small proportionate investment in the success of our research enterprise, and thus in the health of our people.

The economic benefits of health research investment by any calculation have returned to society multiples of the original investment in jobs, taxes, and decreased hospital days, not to mention the value of less "pain and suffering." I feel that we have presented a good bill in H.R. 7724 and that it merits favorable consideration.

Mr. ESCH. Mr. Speaker, I rise today in support of H.R. 7724, the National Health Research Fellowship and Traineeship Act of 1973. This act will extend health training and fellowship programs which the administration had stipulated to be phased out over the next few years.

I cannot overstate the critical importance of passing this legislation. The fact is that without these programs for training and research in cancer, heart disease, mental health, and other broad areas of biomedical research, our efforts to find answers to the causes of these serious diseases will be seriously, if not permanently, impaired.

Mr. Speaker, Federal support for biomedical research and fellowship grants have been going on since 1930. These grants have been instrumental in the discovery and eventual treatment of a wide range of health problems in this country. Today, these programs produce over 5,000 scientists a year, and by 1983 the projected annual need will be nearly 8,000. As is well known, the costs for training far outstrips the ability of those who wish to enter the biosciences to pay. The facts are that from 70 to 75 percent who are now engaged in training would be able to continue without Federal support.

Mr. Speaker, I believe that this is the time to expand and improve our efforts in the biomedical research and I urge my colleagues to join with me in supporting this important legislation.

Mr. DONOHUE. Mr. Speaker, I urge and hope that this pending bill, H.R. 7724 the National Biomedical Research and Training Act, is overwhelmingly approved by this House today.

The testimony and record show that the Interstate and Foreign Commerce Committee reported this bill by unanimous vote because of their united conviction that the proposed termination of these training programs would very severely disrupt an obviously successful history of research.

The evidence also reveals that recent studies by the Health, Education, and Welfare Department, as well as those of the President's own Science Advisory Committee supported the continuation of these programs and it is further worthy of note, in our legislative determination, that approval of this measure was advocated by all the witnesses who appeared before the congressional committee, other than those that appeared there on behalf of the administration.

Mr. Speaker, without any reasonable doubt our biomedical research and training programs have unquestionably demonstrated their value in the national interest and we should be mindful that no viable alternative to these programs has been proposed by the administration. In the light of this failure of the administration, all the authoritative testimony in favor, and the imperative necessity to continue biomedical research in the public interest, I hope that the House will speedy adopt this measure.

Ms. HOLTZMAN. Mr. Speaker, I am concerned about the so-called Roncallo amendment offered today.

This is a badly drafted, badly thought out amendment. Its major effect would be simply to discourage and prevent research to save the lives of infants born prematurely. It would have no effect on the policy presently pursued by the National Institutes of Health.

Because this amendment as drafted could prevent life-saving research for premature infants I intend to oppose it.

Mr. CRONIN. Mr. Speaker, I rise in strong support of the amendment offered by the gentleman from New York (Mr. RONCALLO) to prohibit the use of HEW funds for research on a live fetus. The experimentation on human fetuses has been subject to widespread abuses, and I urge that this amendment be overwhelmingly adopted.

Mr. CARTER. Mr. Speaker, I wish to indicate that I fully support the bills H.R. 7724, National Biomedical Research Fellowship, Traineeship, and Training Act of 1973; H.R. 7806, Health Programs Extension Act of 1973; and H.R. 6458, Emergency Medical Services Act of 1973.

It is clear that we cannot negotiate with disease. There are no conference tables of any size or shape that will permit our sitting down and discussing with the microscopic killers and cripplers of our people the possibility of an end to hostilities. We can be certain that disease will never sign a treaty of peace. It is for us, therefore, to choose the path of waging an even more massive war against the maladies of mankind, and to strengthen the supply lines to our programs for proper health care and for the prevention of disease.

A war of this magnitude will entail virtually endless battles, but we must not avoid the responsibility that we have to meet the continuing challenge of good health and good health facilities for all Americans.

My colleagues and I who serve on the Public Health and Environment Subcommittee have worked to develop measures that will help us continue to meet our responsibility in this area of concern. I submit that these measures are effective ones, and they deserve the support of this body.

Mr. DRINAN. Mr. Speaker, on previous occasions during this month of May I have spoken on the need to continue the biomedical research programs carried out under the auspices of the National Institutes of Health. I am pleased that today I have the opportunity to stand before this House to cast my vote in favor of H.R. 7724, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973.

As I noted in the statement I made earlier today on the Health Programs Extension Act of 1973, on May 5, 1973, I conducted congressional hearings on a variety of health programs in Newton, Mass. At these hearings I received testimony from many noted health professionals from the greater Boston area. At these hearings no single issue received as much attention as did the research training programs administered by each of the National Institutes of Health.

As part of its wide-ranging assault against health programs, the administration announced coincident with the release of the fiscal 1974 budget that NIH research training programs—fellowship and traineeship grants—were to be phased out. No funds were included in the 1974 budget for new commitments to research training grants, and only those grants made before January 29, 1973, with continuing commitments would receive any funds at all.

It is hard to understate the potential damage that these proposals would have upon medical education, biomedical research, and finally health care in general, if they are carried out. Last week the Association of American Medical Colleges released the results of a study it conducted to assess the potential impact of the administration's 1974 health budget. These results were shocking. According to this study, 78 medical schools will be forced to discharge about 1,400 faculty members unless financial support can be found from other sources.

One out of every 12 faculty members would lose their jobs, supporting staff would have to be cut back by 15 percent, medical school enrollments would have to be reduced, and research programs would be cut by as much as one-half.

These are the immediate results. The long-term results are even more distressing. Biomedical research, supported to a large measure by the Federal Government, has made great strides in the past decade in conquering the major debilitating diseases facing mankind.

This partnership of the Government, medical education institutions, and talented biomedical research personnel is to be terminated, under the administration's plans. Not only will ongoing research projects be curtailed, but also new projects will be limited. The result would be to shortchange our own future. Without the NIH biomedical research training grant programs, the progress of man's efforts to conquer disease and improve health will be stunted.

The effect of these cutbacks upon medical education will be equally severe. The extramural NIH fellowships and training grants provide an important source of income to medical schools, particularly in the form of faculty support. Without these funds, faculty will have to be reduced, and this cannot help but harm the quality of medical edu-

cation and reduce the enrollments in medical schools. The specter of fewer doctors, who are less well trained, is hardly encouraging.

And one must consider those doctors and future doctors who desire a career in biomedical research. The costs of postgraduate training are very high—$20,000 to $45,000—and thus beyond the reach of all but a select few. Medical institutions themselves cannot afford to subsidize the postgraduate education of future biomedical researchers and medical educators. The Federal Government alone has sufficient money, and without the assistance of the Government many talented doctors will find the door to biomedical research and medical education closed.

At the congressional hearings on health programs on May 5, 1973, to which I referred above, I received very convincing testimony on this subject from Dr. Kurt J. Isselbacher, Mallinockrodt Professor of Medicine at Harvard Medical School, and chairman of the executive committee of the department of medicine at Harvard Medical School.

Dr. Isselbacher noted the financial difficulties attendant upon individuals seeking careers in biomedical research:

> It should be pointed out that over 36% of graduate students have a major indebtedness and over 56% of medical students are in debt by the time they graduate. More than 50% of the individuals who are in the training and fellowship programs [of NIH] are in debt and 70–75% of this group indicated that they would not be able to continue their research training if this training had to be achieved on the basis of loans because of their already significant indebtedness.

One of the arguments that the administration has used in defending its position is that biomedical researchers can expect to receive lucrative salaries after the completion of their training, and that thus the Government should not be forced to pick up the tab of their training.

The administration also suggests that an excessive percentage of those individuals receiving NIH grants and fellowships go into private industry after the completion of their training, rather than pursuing careers in research and/or teaching.

In fact, as Dr. Isselbacher suggests, "more than 80 percent" of individuals trained in biomedical research choose careers in research or in medical education. The report of the House Interstate and Foreign Commerce Committee on the bill before us today supports Dr. Isselbacher's contention. The report states that the "vast majority of those trained remain in research and teaching for the bulk of their careers," and refers to one study, conducted in 1969, that showed that 90 percent of those completing arthritis training grants and fellowships were engaged in teaching and research.

Contrary to the administration's assertions, the financial rewards that follow biomedical research training are not high at all. Another medical professional, Prof. Robert W. Jeanloz of Harbard Medical School, spoke to this point during the congressional hearings earlier this month:

> After 4 years of College and 5 years of graduate work, these students will normally take 2 to 3 years of postgraduate work at salaries in the range of 7–8,000 dollars yearly, and then they will move to academic positions where some may reach the upper 20,000 dollar range, but many more will remain at around 20,000 dollars. We are far away from the 100,000 dollar salaries generally mentioned as a reason to suppress Training Grants. In the past 15 years, only one student [from Harvard Medical School] (less than 2%) has found a position in industry, all the others have gone into research and/or teaching positions.

Professor Jeanloz's position is also supported by the findings of the Interstate and Foreign Commerce Committee, which in the report on H.R. 7724 state the average annual income of scientists with doctorates in the field of bioscience to be $16,000. Surely it is unreasonable to ask a man or woman who can expect to make less than $20,000 per year to shoulder the $20,000-plus cost of their postdoctorial training, in addition to the indebtedness they have probably incurred before in completing their college and graduate education.

Another argument used by the administration in attempting to eliminate the research training programs is that there is no longer a need for more research and teaching personnel. Yet a study of NIH training, referred to in the committee report on the bill we are now considering, estimated the need for new scientists to be 6,800 in 1971, 7,100 in 1975, and 7,730 in 1983. Existing training programs do not meet these goals. Thus I agree with the statement of the committee report that "it seems clear that these programs should be continued if not expanded."

In the statement I made in this House earlier today, on the Health Programs Extension Act of 1973, I commented on the irresponsible attitude demonstrated by the administration in its proposals for health. Specifically, I noted that the proposals of the administration were wholly destructive. The same charge holds true in this case.

Despite the overwhelming evidence of the success and value of the NIH research training programs, the administration chose not to try to improve the programs, but to eliminate them entirely. Again I question whether this approach is the mark of a responsible and responsive administration.

And again I must commend the members of the Interstate and Foreign Commerce Committee for shouldering the responsibilities of good government where the administration left off. This bill, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973; is responsive not only to the legitimate needs of medical education and biomedical research but also to the demands of fiscal responsibility placed upon the Government. The bill authorizes a total of $415.6 million for NIH and NIMH biomedical research training programs over the next 2 years. It establishes a program whereby those who receive Government support for their research training and who subsequently go into private practice or pursue a career in industry shall repay the Government.

But this repayment clause, I believe, is sufficiently flexible as to not interfere with the vast majority of those individuals who receive NIH financial assistance and then follow careers in public health, biomedical research, or teaching.

In 1972 $186 million was expended by the National Institutes of Health in support of a total of 18,367 trainees and fellows. In addition, the National Institute of Mental Health spent $22 million for training and fellowships for research personnel. The $186 million spent by NIH represents only 0.2 percent of total health expenditures. Surely this is a very small price to pay for the many benefits received. The funds expended on biomedical research training through NIH and NIMH training and fellowship grants richly deserve to be termed investments in the future health and welfare of our Nation.

Mr. KYROS. Mr. Speaker, I rise in strong support of H.R. 7724, which was passed unanimously by the Public Health and Environment Subcommittee on which I serve, and by the full Committee on Interstate and Foreign Commerce.

Our bill would provide new, modified authority for the Secretary of Health, Education, and Welfare to continue the enormously successful, 30-year program of traineeships and fellowships for biomedical researchers through the National Institutes of Health, National Institutes of Mental Health, and at other public and nonprofit private institutions throughout the country.

It was unbelievable to me, Mr. Speaker, that the administration in its fiscal year 1974 budget proposed a complete phasing out of all training and fellowship programs over the next 5 years. In the words of Dr. Arthur Kornberg, director of Stanford University's department of biochemistry—

> This was perhaps the most calamatous decision a government of the United States could make for the future of medicine and the welfare of our country.

Dr. Kornberg's words should not be taken lightly. For over 40 years, the Government of this country has supported the training of biomedical researchers. During this time, the United States has become the acknowledged leader of the world in medical research, and our own National Institutes of Health has become the world's single finest center for biomedical research. While some modifications may be necessary in our fellowship and traineeship program—which is a fundamental part of our Nation's medical research effort—I submit that this is hardly the time to cut out the program entirely.

With a new commitment having recently been made to the American people by the President and by Congress to deal with the difficult problems of cancer, heart disease, birth defects, and so forth, we must continue to move forward. Research and training programs must be maintained on a continuing basis. If we allow the momentum we now have to dissipate, we will reduce our medical arts to the dismal state of medicine in the Soviet Union—a clear and tragic example of neglect and poor administration.

For these reasons, and for the future of medicine in the United States and the

future health and well-being of our citizens, I urge passage of H.R. 7724.

Mr. ZWACH. Mr. Speaker, I would first like to commend my distinguished colleague, Mr. RONCALLO of New York, for his amendment.

As a cosponsor of this human fetus research bill, I believe it is a step in the right direction. The Secretary of Health, Education, and Welfare would be restricted in any research on a human fetus which is outside the uterus of its mother and which has a beating heart.

Although most of the research on live fetuses is done in foreign countries, it has also been done right here in Washington.

We have already passed H.R. 7806 with the "conscience clause" intact. Now we have the opportunity to take a second step in the "life" direction.

On February 1, I introduced a "right to life" amendment calling for a constitutional amendment to insure that due process and equal protection are afforded to an individual from conception. It is my opinion that on January 22 the Supreme Court aborted the Constitution and the Declaration of Independence.

In 1776, our forefathers said:

We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

To take the life of an unborn is to deny life, liberty, and the pursuit of happiness to one who is unable to yet fight for his own well-being. Biologically, there is little difference between a day-old baby and one to be born tomorrow. We must extend a helping hand to all those that need help, not just those of a day or older.

Mr. STAGGERS. Mr. Speaker, I know of no further amendments.

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

The previous question was ordered.

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. ROGERS. 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 361, nays 5, not voting 66, as follows:

[Roll No. 171]

YEAS—361

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

NAYS—5

Findley	Hanrahan	Symms
Gross	Landgrebe	

NOT VOTING—66

Adams	Fisher	Patman
Annunzio	Flynt	Powell, Ohio
Arends	Fraser	Price, Ill.
Ashbrook	Fuqua	Randall
Badillo	Goldwater	Rarick
Beard	Gubser	Rhodes
Biaggi	Harvey	Rooney, N.Y.
Blackburn	Heckler, Mass.	Roy
Bray	Hunt	Sandman
Burke, Calif.	Ichord	Spence
Camp	Keating	Steelman
Carney, Ohio	Ketchum	Stokes
Carter	Landrum	Stratton
Coughlin	Leggett	Sullivan
Crane	McCormack	Teague, Tex.
Cronin	Martin, Nebr.	Udall
Davis, Ga.	Milford	White
de la Garza	Minshall, Ohio	Whitten
Dickinson	Mollohan	Wilson, Charles, Tex.
Diggs	Murphy, N.Y.	
Dingell	O'Neill	Winn
Esch	Owens	
Evins, Tenn.	Parris	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Arends.
Mr. Teague of Texas with Mr. Rhodes.
Mr. Rooney of New York with Mr. Bray.
Mr. Price of Illinois with Mr. Coughlin.
Mr. Fuqua with Mr. Camp.
Mrs. Burke of California with Mr. McCormack.
Mr. de la Garza with Mr. Blackburn.
Mr. O'Neill with Mr. Cronin.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Murphy of New York with Mr. Hunt.
Mr. Mollohan with Mr. Gubser.
Mr. Adams with Mr. Spence.
Mr. Davis of Georgia with Mr. Carter.
Mr. Carney of Ohio with Mr. Ashbrook.
Mr. Diggs with Mr. Esch.
Mr. Charles Wilson of Texas with Mr. Dickinson.
Mr. Dingell with Mr. Harvey.
Mr. Evins of Tennessee with Mr. Beard.
Mr. Fraser with Mr. Milford.
Mr. Leggett with Mr. Goldwater.
Mr. Randall with Mr. Steelman.
Mr. Roy with Mr. Minshall of Ohio.
Mr. Stokes with Mr. Powell of Ohio.
Mr. Stratton with Mr. Sandman.
Mr. Whitten with Mr. Crane.
Mr. White with Mr. Keating.
Mr. Fisher with Mr. Martin of Nebraska.
Mr. Flynt with Mr. Parris.
Mr. Landrum with Mr. Winn.
Mr. Ichord with Mr. Badillo.
Mr. Rarick with Mr. Biaggi.
Mr. Udall with Mr. Owens.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DELLUMS. Mr. Speaker, on the previous rollcall I was detained. Had I been able to be present I would have voted "yea." I ask unanimous consent that this statement be printed in the RECORD right after the previous rollcall.

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

There was no objection.

EMERGENCY MEDICAL SERVICES ACT OF 1973

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. 6458) to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions.

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. 6458, with Mr. CHARLES H. WILSON of California 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 Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may require.

I rise in support of H.R. 6458, a bill to give to the Secretary of the Department of Health, Education, and Welfare new authority to support the development and expansion of emergency medical services.

This bill is designed to provide new authority for the support and expansion of emergency medical services and related research and training throughout this Nation.

The Subcommittee on Public Health and Environment held hearings on this legislation and related bills with similar purposes on June 13, 14, and 15, 1972, in the last Congress and March 15 of this year. The testimony received was entirely favorable to the objectives of the bill except for that of witnesses from the administration. They felt that new authority was unnecessary because it would duplicate existing authority. Following the hearings a clean bill was introduced and ordered reported to the House by the full commitee by a voice vote.

This legislation defines the characteristics of emergency medical service systems and provides the Secretary of Health, Education, and Welfare with authority to support these systems using grants and contracts for planning and feasibility studies; grants for the establishment and initial operation of the systems: and grants for their expansion and improvement. In addition, the Secretary is given authority to make grants for needed research and training in methods and techniques of emergency medical services.

This bill will authorize $145 million in appropriations over a 3-year period with all but $40 million to be expended in fiscal years 1974 and 1975.

In the last Congress legislation similar to H.R. 6458 passed the House with a two-thirds vote and the Senate, but a conference was not possible because of lack of time.

Mr. Chairman, our committee found in its hearings that one of the most visible and unnecessary parts of our country's health care crisis is the present deplorable way in which we care for medical emergencies. Every year 55,000 people die in automobile accidents. Every year 16,000 children die in accidents. Every year 275,000 people die from heart attacks before they reach the hospital. Our committee believes that as many as 35,000 of these deaths could be prevented by adequate, effective emergency medical services.

In addition untold injury and unnumbered dollars could be saved by these same services. Experts have estimated, for instance, that the cost of accidental death, disability, and property damage is $28 billion a year. This legislation would create the kinds of services which we are already capable of delivering and thus stop these unnecessary deaths, and I, therefore, urge its passage.

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

Mr. HUDNUT. Mr. Chairman, I rise in support of H.R. 6458—without H.R. 8220—the Emergency Medical Services Act of 1973. The ultimate goal of this legislation is to help remove the barriers that prevent the citizens of this Nation from having prompt access to effective, efficient, and acceptable emergency medical services when they need those services. One of the most visible and best understood of the many health care crises faced by the Nation today is the appalling and unnecessary loss of life and disability due to sudden catastrophic illness and/or accidents.

At the present time only limited Federal support for emergency medical services is available. We propose in H.R. 6458 to create new authority under the Public Health Service Act for assistance by the Secretary of Health, Education, and Welfare in the development of emergency medical services. Briefly, this bill would: First, define "emergency medical service systems"; second, authorize the making of grants and contracts for planning and feasibility studies related to the establishment of such systems; third, authorize grants for the establishment and initial operation of such systems; fourth, authorize grants to health professional schools for research and training in emergency medical services; fifth, authorize grants for the expansion and improvement of existing emergency medical services system; sixth, establish an Interagency Technical Committee on Emergency Medical Services, and seventh, require a report to the Congress 1 year after enactment on legal barriers to the effective delivery of medical care under emergency conditions with recommendations for overcoming these barriers.

The bill would authorize appropriations totaling $145 million over the 3-year period of fiscal years 1974–75 and 1976. Of this amount, $15 million would be for planning and feasibility grants and contracts; $95 million for establishment and initial operation grants; $15 million for research and training grants; and $20 million for expansion and improvement grants.

Grants for establishment and initial operation must be participated in equally by the grantee during the first year with at least 75 percent participation in the second year. Any systems funded under this mechanism must be self-supporting within 2 years. In other words, Federal funding would be expected to serve only as "seed money."

Many lives are lost or permanent disabilities occur each year as a result of the frequently inadequate state of emergency medical care resources and systems in the United States. In many cases hospital emergency rooms are improperly equipped or staffed, ambulance drivers have too little training to handle emergency cases, and communications between ambulances and hospitals are inadequate. There are various other shortcomings as well, such as the lack of transport facilities such as helicopters and other aircraft. Studies have demonstrated that 15 to 20 percent of accidental highway deaths could be prevented if prompt, effective emergency care were available at the scene of the accident, on the way to an emergency facility, and within that facility.

Furthermore, these studies indicate that some 60,000 lives could be saved per year by emergency medical services in times of heart attacks, automobile accidents, and so forth.

Experts in the field of emergency medical services are unanimous in their opinion that the present situation need not exist. We possess the technology and the expertise to provide efficient, effective, and acceptable emergency medical services for all citizens. Unlike cancer, where much more basic and applied research is needed before cures can be found, much death and disability arising from emergency situations could be prevented now if only existing capabilities were used. Therefore, I urge the approval of H.R. 6458—without the amendment H.R. 8220 which would include Public Health Service hospitals, and is in my opinion nongermane—so that we can get a program underway without any further delays.

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

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in support of this legislation which would provide increased emphasis in the area of emergency medical services.

Accidental deaths claimed 117,000 lives in the United States last year and were the fourth leading cause of death in the Nation, and between the ages of 1 and 38 years were the No. 1 cause of death. Yet it has been pointed out that between 15 and 20 percent of the 56,000 highway deaths each year could be prevented if we had a proper emergency medical service system. Even more appalling is the estimate by the Ambulance Association of America that as many as 25,000 Americans are permanently injured or disabled each year by untrained ambulance attendants and rescue workers.

In 1972, President Nixon signed the National Heart, Blood Vessel, Lung, and Blood Act of 1972 which has as one of

its goals reducing the tremendous mortality from heart attack, yet with a properly trained emergency medical service system in operation, we presently have the ability to prevent an estimated 30,000 prehospital coronary deaths each year. Overall we have the ability to each year save more lives through proper emergency care than are killed in all of the automobile accidents in the country.

Emergency medical services represent a missing link in this Nation's total health care delivery system. We have too long looked upon EMS as simply a horizontal taxi service, with proper medical treatment beginning only after transportation to the hospital has been accomplished. One of the goals of the legislation we are now considering is to bring an effective and unified system out of the chaos which characterizes our present nonsystem. This bill would provide for the establishment of systems which would be activated by a call for help, would provide proper treatment at the scene and during transportation in a properly equiped vehicle and would also include the activities which take place after the patient is taken into a hospital or receiving center.

The idea of a comprehensive system of emergency medical services is not an untried concept. There are several excellent examples of the value of such a coordinated system, among them Jacksonville, Fla., recognized by many as one of the finest systems in the country. At the same time, Federal involvement in the area of emergency medical services is not a recent occurrence either. During testimony by the Department of Health, Education, and Welfare in 1972 and again in March 1973, it was noted that nearly every Federal agency has one or more programs which touch on one or more areas of emergency medical services.

Yet even with this attention, the result has been a patchwork of fragmented and woefully incomplete ambulance services. I was shocked to find that only 5 percent of the ambulance drivers have completed even the minimum 80-hour training course recommended by the Department of Health, Education, and Welfare and the American College of Surgeons, and that as many as one-third of our ambulance drivers have had nothing more than a basic first aid course. These are shocking statistics and something must be done to correct them, but experience has shown that the present Federal efforts are inadequate and fragmented.

Mr. Chairman, the legislation before us today is very similar to a bill which passed the House near the end of the 92d Congress and legislation with similar purposes was passed by the Senate. However it was not possible to go to conference before the adjournment of the 92d Congress. This legislation would provide assistance in a number of ways. Grants and contracts for planning and feasibility studies would be provided for those communities in the initial stages of assembling emergency medical service systems.

Two-year grants for establishment and initial operation of systems would be provided for those areas ready to implement plans. These grants provide for 75-percent participation by the grantee in the second year and require funded systems to become self-sufficient within 2 years. A third category of aid would be available to those communities who wish to expand or improve existing systems. These grants would be limited to 50 percent of project costs. The bill also provides funding for training personnel to operate these systems, an area that has been badly neglected in the past.

An Interagency Technical Committee on Emergency Medical Service would be established by this legislation to coordinate all Federal efforts in the area of emergency medical services, but to insure that EMS is given the proper visibility within the Department of Health, Education, and Welfare, a separate identifiable administrative unit would be established to administer the activities authorized by this legislation.

Additionally the Secretary of Health, Education, and Welfare would be required to make a 12-month study of legal impediments to provision of adequate emergency medical services and to present recommendations to the Congress to meet these impediments.

Mr. Chairman, this is a very comprehensive piece of legislation with the potential for saving over 60,000 lives each year. It was reported unanimously by the Subcommittee on Public Health and the Environment. I urge my colleagues to reaffirm the position taken by the House during the 92d Congress and again pass the Emergency Medical Services Act of 1973.

Mr. MURPHY of New York. Mr. Chairman, I urge every Member to vote for the text of H.R. 8220, that will be offered to amend H.R. 6458, the Emergency Medical Services Act. This amendment will provide for the continued operation of the eight Public Health Service hospitals which are facing imminent extinction at the hands of the Department of Health, Education, and Welfare and the Office of Management and Budget. I have only recently chaired 4 days of intensive hearings into the proposed closing of the Public Health Service hospitals with the House Merchant Marine and Fisheries Committee. The overwhelming weight of the evidence presented by the witnesses—including those from the Department of Health, Education and Welfare—proved that the so-called administration "plan" to turn over the hospitals to community organizations would not provide equal care to the Public Health Service beneficiaries as required under Federal law, that in thousands of cases there would be little or no medical care at all for primary beneficiaries and that there would be absolutely no health care in most cases for secondary beneficiaries.

The administration claims that the reduction in the number of merchant mariners is one reason for the phase-out of the Public Health Service System, yet the Maritime Administration provided the committee with figures that show that by 1980, there would be 196,000 merchant seamen, 5,000 higher than the current level.

The administration claims that the "plan" has been supported by State agencies and local agencies as required by law. Yet, the administration's own justification of the "plan" contains numerous communications from these agencies alleging that: first, they had insufficient time to properly evaluate administration plans, or second, they outright rejected administration proposals for a given area.

There was not one locally in the six announced closing—Baltimore, Boston, Galveston, New Orleans, San Francisco, or Seattle—or the two proposed closings—Staten Island and Norfolk—where there were not substantial objections to or outright rejection of the administration proposals.

For example, I cite two of the comprehensive health planning agencies involved that have gone on record in opposition to the administration's plans. The Maryland Comprehensive Health Planning Agency, in a letter of February 23, 1973, to Assistant Surgeon General David Sencer, stated the following:

> The short response period permitted is entirely inadequate to decide such an important health care issue and precludes our undertaking an indepth review at this time . . .
>
> The closing of the PHS Hospital in Baltimore would deprive the State of a unique facility providing needed health care services for many Maryland citizens. It is not at all clear that the necessary resources are currently available to substitute for the loss of this key facility.
>
> Although the proposed (administration) plan offers a program for the continued care of primary PHS beneficiaries, it would appear that secondary beneficiaries would have to be cared for entirely in community institutions. The sizeable cancer research program conducted at the hospital would also be closed down leaving many terminal cancer patients with no comparable care available. A much heavier burden will be placed on the already overtaxed emergency rooms of neighboring institutions with the closing of the hospital.

The Puget Sound Health Planning Council, in a letter of February 22, 1973, to Dr. Sencer, stated its position that the Seattle Public Health Service Hospital remain open. The letter states in part:

> It is our position that we cannot support any changes in the operation of the Seattle PHS facility unless and until we have an opportunity to review detailed plans for alternative arrangements. We would have to assure ourselves that such proposed alternative arrangements protected the interests of those not served by the PHS facility and provided satisfactorily for clinical training programs conducted at the hospital by the University of Washington and Seattle University. . .
>
> As the recognized 314(b) comprehensive health planning agency for this area we feel a serious responsibility to prevent modifications in health care delivery programs which would work to the detriment of those served. We are also concerned that the programs of the University of Washington medical schools which rely heavily on the Seattle PHS facility not be disrupted. As you know, this is the only medical school serving a widespread area of the northwest.

The question at the heart of our hearings was, "Will the alternate plan, or what is really a patchwork of hastily derived arrangements offered by the ad-

ministration, provide the same quality comprehensive health care that is now being delivered by the Public Health Service System?" The answers provided the Merchant Marine and Fisheries Committee by virtually everyone added up to an emphatic "No."

U.S. Senators who know the situation said "No."

Members of the House who have fought this travesty said "No." The maritime unions said "No."

The communities themselves said "No."

And, despite the fact that members of the Department of Health, Education, and Welfare feared for the loss of their jobs by stepping forward, they came to me by the dozens and said "No"—the closing of the Public Health Service is a blunder—morally, ethically, legally, and medically. They charged that the proposed closings would be—could only be—detrimental to the beneficiaries.

For my own experience, I can point to New York City's hospital on Staten Island. Under previous plans to phase out the facility, the Department of Health, Education, and Welfare used a formula provided by the Health Insurance Plan of Greater New York, to take over the operation of the hospital. That plan which was defective and rejected by everyone concerned, ran out in late February 1973, then, just 5 weeks ago, in its headlong rush to meet the closing deadline, the Department of Health, Education, and Welfare again asked the health insurance plan to come up with a "new" plan. This the officials at health insurance plan did. It is very simple. Health insurance plan would act as a broker—a referral agent if you will—to farm out the beneficiaries to its vast network of contract facilities all over New York City. At least that was the plan that was covertly given to me by concerned professionals at the Department of Health, Education, and Welfare. I asked the author of the health insurance plan for a copy of the document and was informed that the Department of Health, Education, and Welfare let him know that he was "not to give it to Congressman Murphy."

If the plan was a good one, if it would indeed, provide quality care at the same level as in the past, why the hesitancy to provide me and, in turn the Merchant Marine and Fisheries committee with a copy of it.

Some of the answers were provided to me by the comprehensive Health Planning Agency of New York City which, under the law, is supposed to comment on the HIP proposal.

In statements to the Merchant Marine staff they charged that: If the patients at Staten Island are turned over to HIP, the Government would be getting substandard care for the beneficiaries;

The care would cost more, yet the government would be getting less for its money on a dollar-for-dollar basis;

The bulk of the patients are in the $6,000 to $8,000 income range and could not afford to travel the long distances to other parts of New York City to HIP facilities;

The only hospital operated by HIP, is in Queens and is chronically overcrowded—it has only 218 beds, and its occupancy rate is at the 100 percent level;

Staten Island is the fastest growing area of New York City with the greatest need for health services, yet HIP has no dental care, no amputee care, and no rehabilitative services.

The Department of Health, Education, and Welfare cites a national hospital bed vacancy rate of 20 percent. Yet, this formula doesn't apply to Staten Island where general care hospitals have a 90-percent occupancy rate, and a 103-percent rate for medical-surgical beds. This fact alone prompted the Comprehensive Health Planning Agency to tell the Assistant Surgeon General in February of 1973, that:

> Not a day should be lost on the continuity of this (the Staten Island) facility.

Further, the Director of the Comprehensive Health Planning Agency said that:

> The hospitals on Staten Island are operating at capacity and with a large population growth projected for Staten Island, there will be even greater demand for both in-patient and ambulatory services.

In short, there really was no plan for Staten Island. There was a hasty-stop, gap measure to farm out the beneficiaries to a system that in terms of service quality is not in the same league. Critics of the HEW plan—mainly from within HEW—pointed out to me that situations similar to the above surround every hospital doomed by the OMB budget ax.

In Baltimore, HEW experts told me the cancer research center, if forced to move, will most likely lose a significant number of patients presently in research studies unless it relocates in the immediate area. The cost of moving and providing the necessary support services for this unit are not included in the costs of the proposed system.

In Boston, HEW experts told me community programs not mentioned in the plan and in danger of being discontinued included a methadone maintenance program for 100 enrollees, a large family planning clinic and the provision of medical consultation by members of the PHS hospital staff to Kennedy Memorial Hospital, greater Boston chapter of the Leukemia Society of America, Roxbury/Boston University Comprehensive Community Health Center, and Boston University Medical Center.

In Galveston, HEW experts told me Dr. Truman Blocker, vice president for health affairs of the University of Texas medical branch has repeatedly stated the university's needs for teaching beds at the PHS hospital. The availability of these beds was one reason for increasing the medical school enrollment.

The 314(a) agency—State agency—comments support the plan. However, the 314(b) agency—local agency—was not requested to submit their comments. I am convinced this was because this agency indicated in 1972 that the public health service hospital serves a vital function on Galveston Island and should not be closed?

In New Orleans, HEW experts told me hospitals have indicated an adequate number of available beds to treat primary beneficiaries. However, the hospitals do not have the necessary personnel to staff these units. Secondary beneficiaries constitute 50 percent of the in-patient load at the New Orleans Hospital. However, no effort has been made to identify the community beds available for these beneficiaries and after closure of the public health service hospitals, the primary and secondary beneficiaries will actually be competing for available beds in the community.

Further, in New Orleans, family health clinics have, to date, been unable to obtain the necessary in-patient facilities for their program and have requested that 80 to 100 beds be set aside at the PHS hospital for these community patients.

The occupational therapy and pediatric departments at the hospital have developed the only screening program in New Orleans for children with dyslexia and other learning disabilities.

The patients in the assistance program for unwed mothers through the catholic charities will have great difficulty obtaining this care at other institutions and are generally not eligible for care at charity hospital.

These are just some of the items that have not been resolved in HEW's plan."

In San Francisco, HEW experts told me the impact of terminating all training affiliations was completely ignored in the plan. There are 31 outside affiliations for teaching, consultation and the provision of direct patient care by members of the PHS hospital staff at 10 medical and dental schools, colleges, community health centers and hospitals.

The Bay Area comprehensive health planning council in San Francisco, in 1971, recommended that the PHS hospital not only remain under Federal jurisdiction but expand its community health program to assist in meeting community needs. Especially in regard to the urban Indian people in the Bay Area.

In Seattle, the HEW experts told me Congressman JOEL PRITCHARD wanted to know who was going to pay for the services presently provided by the PHS hospital to the Seattle Indian health board and the Seattle free clinics. He wanted to know if there were other resources in the community able to furnish services to patients that are unable to finance their health care through other means. The letter from the 314(a) agency indicates that the community hospitals are not able to assume this responsibility.

The University of Washington has provided evidence of the negative impact the closures will have in terms of the cessation of inpatient care and the termination of stipends to interns and residents.

Yet, the unique relationship that exists between the University of Washington and the PHS hospital was not mentioned in the plan.

Finally, in view of the alleged pressure put on the Puget Sound Health Planning Council by HEW to go along with its proposal, the council wrote, that its position is that the "Seattle PHS hospital remain open and that it continues as

part of the National Public Health Service."

These are only some of the highlights of the flood of information that came to the Merchant Marine Committee during the hearings. The overriding issue here is, does the HEW proposal meet the statutory requirement that the PHS beneficiaries be assured of continued equivalent care.

The preponderance of the evidence, I am convinced, proves that the proposal does not meet this standard. In the words of a major health care system executive who is standing by to take over the PHS beneficiaries, "we are second-best next to PHS."

I feel it is unacceptable that the PHS beneficiaries should get "second-best" treatment—and I am convinced Members will agree with that position.

Having shown that the "plan" did not meet the standards established by the Congress, the second major question is, "What will happen to the 'plan' once its 90-day run past Congress is terminated?"

The House Report on Public Law 92–585, which mandated the 90-day notice to Congress states:

> It is anticipated that this 90 day period of notice will in future, unlike the past, provide the Congress with an adequate period during which to review any proposed closure or transfer, and, if necessary, *to take whatever action is felt to be appropriate upon the proposal.*

I was encouraged that Dr. Charles C. Edwards, Assistant Secretary for Health, Department of Health, Education, and Welfare, after 3 hours of testimony agreed that under the law passed by Congress in 1972 (Public Law 92–585), it is the Congress that has the option of accepting or rejecting the administration "plan."

When I asked Dr. Edwards if it was the administration's intent to proceed with the hospital closings even though the Congress might rule otherwise, Dr. Edwards replied:

> Absolutely not. . . . our responsibility is to carry out the law and if the law says we are not going to close down, we obviously will not close them.

And that is what Members should do today. They should lay down the law to Dr. Edwards and to the Department of Health, Education, and Welfare. Tell them that this body will not tolerate the dismantling of this needed health care delivery system.

In summation, I can assure Members today, based on the Merchant Marine Committee hearings, that the administration plan is so inadequate, so full of holes, and so callous in its regard for the beneficiaries of, and the communities served by the Public Health Service System, that it must be rejected by the Congress.

The plan, as submitted by the Department of Health, Education, and Welfare, plainly is designed to dismantle and terminate the entire Public Health Service Hospital System within the United States. As such, I believe that the proposed administrative action runs afoul of the stated congressional intent to preserve and revitalize the Public Health Service Hospital System, and represents a usurpation by the executive branch of the legislative role reserved for Congress alone in this area.

Moreover, the plan is ill-conceived, shortsighted and utterly fails to comply with the requirements of Public Law 92–585, which provides that any plan submitted by the Department of Health, Education, and Welfare for the closing or transfer of control of a hospital or other health care delivery facility of the Public Health Service contain assurances that persons entitled to treatment and care at such facilities, as well as those persons for whom care and treatment is authorized, will continue to be provided equivalent care and treatment.

Additionally, to the extent that the Department of Health, Education, and Welfare is required to obtain and submit to Congress in conjunction with its plan, the comments made by each State or areawide health planning agency in which the affected facility is located, after affording each such agency a reasonable opportunity to review the proposed action, the Department of Health, Education, and Welfare has failed to observe the congressional mandate.

I submit that the Congress should reject the proposal as submitted by the Department of Health, Education, and Welfare and adopt the legislation before us insuring that the Public Health Service Hospital System be retained.

The proposed amendment will settle once and for all the status of the Public Health Service System. It will guarantee the continued operation of the System until such time as the Congress shall by law otherwise provide.

I urge Members to vote for the adoption of H.R. 8220.

Mr. ROBISON of New York. Mr. Chairman, the state of this Nation's emergency medical services is too often characterized by voluminous depictions of prolonged human suffering. These stories are sad, shocking, and even gruesome, and it was because of such a painful education that the gentleman from West Virginia (Mr. MOLLOHAN) and I first introduced the Emergency Medical Services Act. Perhaps my friends in the medical profession were not surprised, but I was startled to find that accidental death is the leading cause of death for those between 1 and 37 years of age, and to note in the American College of Surgeons report for 1968 that accidents caused more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 cases of permanent disability, at a medical cost of $18 billion. It is no wonder that one medical expert stated:

> The permanence of trauma and accidental injury as the single most crucial health problem in the U.S. now seems firmly established.

And directly to the point of the legislation before us today, the statement continues:

> . . . . to treat that problem we have virtually the same emergency medical system that we had fifty years ago.

We must also add to this emergency medical system the huge caseload created by all other medical emergencies. For example, the Surgeon General has estimated that 35,000 heart disease victims die because they are not given proper emergency care. This number can be immediately reduced through any improvement in emergency medical care. It is not hard to conclude, then, that in this area alone there is huge potential for the saving of life. The same can be said for traffic accidents, which now claim 55,000 victims a year, and for those emergencies related to the diseases of old age: We have within our grasp the capability for providing life-saving treatment, if we have sufficient desire and interest to do so.

In all of these fields, the problem is compounded in rural areas. In fact, the crisis in emergency medical care services is overwhelmingly a rural problem. According to the National Academy of Sciences-National Research Council, 70 percent of motor vehicle deaths occur in rural areas and communities under 2,500 population. A 1967 study found that in California the mortality rate from auto accidents was 17 per 100,000 in urban areas, 46.8 per 100,000 in rural areas, and 85.5 per 100,000 in the mountain counties. Naturally, these deaths are not all attributable to a failure in emergency medical response—an accident on an isolated road might go undetected for hours, for example—yet the remarkable contrast pointed out by these figures indicates where the problem most directly lies.

What I have mentioned to this point is an argument for expanded service. I wish this were the only problem before us. Unhappily, there is another tragic aspect which demands equal attention. The American Ambulance Association has estimated that 25,000 persons are injured or disabled every year by untrained ambulance attendants and rescue workers. The reasons for this statistic are clear enough. A quick survey of State statutes which regulate ambulance services shows that in the few States where such statutes exists, the subject of attendant training does not appear.

Most of the facts and statistics which I cite have been compiled by medical professionals throughout the country who are now raising a loud and concerted voice for assistance. Through their efforts the problem is well defined, and the need is compellingly clear. And I would like to think that through this bill, Mr. Chairman, a plan of action is close at hand.

The Emergency Medical Services Act of 1973 is not another health program which channels Federal funds to a select group or a small segment of the citizenry. Simply by reading the bill's opening definition, my colleagues can determine that the measure proposes to be a catalyst for bringing together local, State, and Federal planning and coordination of emergency medical systems. At the local level, the bill provides planning and funding assistance and moves local ambulance services and emergency room facilities to cooperate in regional and State systems and to improve training and facilities. When natural disaster or large accidents strike, this bill would have every arm of the regional and State emergency medical systems

cooperate to provide the quickest and most competent response.

At the State level, the planning requirements and inducements in the legislation would move State officials to rationalize the statewide emergency medical services system so that it can efficiently respond to serious need in any part of the State. And at the Federal level, the Interagency Technical Committee established in the bill would pull together the more than 25 Federal agencies which are now associated in some manner with emergency health care, so that Federal activities are given central direction, and Federal policy is applied consistently.

Finally, Mr. Chairman, I should also point out that full consideration has been given to the many volunteer ambulance corps throughout the country which have long served their communities for the best of motives. No provision in this measure is intended to inhibit the work of the volunteer corps in any way. Rather, there is new and expanded authorization for the Federal Government to assist these volunteer organizations, should they choose to make use of that assistance.

What we begin today with this legislation, Mr. Chairman, may very well affect the safety and health of many of us and our families in the near future. This is not another health program, this is a responsibility to our constituents which we have avoided far too long.

Mr. ROY. Mr. Chairman, H.R. 6458 concerns emergency medical services. There is a great need for this legislation. There is no greater cause of unnecessary disability and death in the United States today than that which occurs because individuals receive improper, or inadequate, emergency medical services.

Traffic accidents last year killed 55,000 Americans. And 63,000 Americans died in nonhighway accidents. Prehospital heart attacks were reported numbering 275,000.

Accidents are the fourth most common cause of death. Currently, accidents kill more persons in the most productive age group—1 to 37—than any other single cause. Approximately 15 million children sustain significant accidental injuries each year, with about 16,000 of these dying.

But many of these deaths are unnecessary. Qualified observers estimate that proper emergency services could prevent 11,000 deaths from highway accidents, 5,000 deaths from other accidental causes, and up to 27,000 deaths from heart attacks. In all, it is estimated that proper emergency care would save approximately 60,000 lives annually.

But proper emergency care is not available for most Americans. While more than 90 percent of acute care hospitals maintain an emergency room, only 10 percent of these are equipped to handle all medical and surgical emergencies, and only 17 percent have 24-hour physician staffing. Recent surveys have demonstrated that only 5 percent of the Nation's ambulance personnel have completed a minimum 80-hour instruction course. Another survey has shown that only 7 percent of the nation's ambulances are capable of communicating directly with hospitals. And only 37 percent of these ambulances meet even the minimal standards set long ago by the American College of Surgeons.

In this instance, Mr. Chairman, I am convinced that a new national initiative in this area is imperative. We must save these 60,000 lives a year. We must improve our emergency medical services.

The legislation which we are considering today does that. The major thrust of the legislation is to define an emergency medical system in terms of its necessary elements: questions of sponsorship, personnel, communications, transportation, facilities, records, universal accessibility, internal linkages, public education programs, and quality review are all considered in some detail in the bill. The bill requires the emergency medical systems to meet standards in each area set forth by the Secretary.

Funds are provided for the initiation of such systems. Grants are provided for 2 years and must be at least equally shared by the grantee during the first year with at least 75 percent participation by the grantee in the second year. All systems funded under this mechanism must be self-supporting within 2 years. The amount of $145 million are authorized over a 3-year period. This is not an excessive amount. And the funds are well targeted. Of the funds authorized under the bill, $110 of the $145 million authorized are for the support of the development of such emergency medical systems. Additionally, $20 million is provided for the expansion and improvement of existing emergency medical system; $15 million is authorized for research and training grants in this area.

There is no greater cause of unnecessary death and disability in the United States today than that caused by the lack of proper emergency medical services. The legislation which is presented here today identifies the need, and moves directly, at a reasonable price, to meet that need.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in strong support of H.R. 6458, a bill to amend the Public Health Service Act to authorize assistance for planning, development, and initial operation, research and training projects for systems for the effective provision of health care services under emergency conditions.

Mr. Chairman, very briefly this legislation authorizes the making of grants and contracts for planning and feasibility studies related to the establishment of emergency medical service systems. It also would authorize the making of grants for the establishment of such systems, and also authorizes grants to health professional schools for research and training in emergency medical services. Also included in this useful piece of legislation are grants for improvement of emergency medical systems already in use.

H.R. 6458 also creates an Interagency Technical Committee on Emergency Medical Services and requires a report to the Congress on legal barriers to the delivery of medical care under emergency conditions with recommendations as to how these barriers may be removed.

Mr. Chairman, too many Americans have had their lives shortened because emergency care was not available. The American Heart Association has pointed out that 27,500 prehospital coronary deaths each year could have been prevented if proper care were administered on the way to the hospital. It has been estimated that 60,000 deaths each year could be prevented in all if emergency treatment were improved and made effective.

Mr. Chairman, this bill must pass. I urge all Members to join with me today in approving this badly needed legislation.

Mr. DONOHUE. Mr. Chairman, I earnestly urge and hope that this bill H.R. 6458, the Emergency Medical Services Act, will be promptly and resoundingly approved by this House.

In substance this measure authorizes a new program of Federal assistance for the development of more efficient emergency medical services, provides for the more effective delivery of such emergency health care and establishes grants to medical schools and other medical institutions for further research and training for the overall improvement and more responsible administration of our whole emergency medical care system. Also a major bill provision requires that a study of the legal barriers to the availability of emergency medical care be conducted by our Health, Education, and Welfare Department and submitted to the Congress for additional legislative review, within 1 year.

Mr. Chairman, authoritative testimony and statistics demonstrate that accidents kill more persons in this country in the productive age group of 1 to 37 than any other single factor and accidents are the fourth most common cause of all the deaths that occur in the Nation. Other authoritative testimony emphatically indicates that efficient emergency care could save at least 60,000 lives a year that are now lost because of accidents and sudden illness and these same experts unhappily reveal that the present emergency care system in this country is near to if not actually in chaos.

Mr. Chairman, a very great majority of medical experts in this country are on record in favor of this measure; its cost, in relation to the human tragedies it could prevent and economic production it would preserve, is prudent by any standard and the wholesome objectives of this measure are unquestionably in the national interest. I therefore hope that the House will overwhelmingly approve it.

Mr. KYROS. Mr. Chairman, as a member of the Public Health and Environment Subcommittee, I rise in strong support of H.R. 6458, the Emergency Medical Services Act of 1973, which would provide needed improve-

ments in the administration and delivery of our Nation's emergency medical services.

The need for this legislation is clear: Each year, 60,000 lives are lost, because of the inadequacy of our Nation's emergency medical services. Four years ago, a report of the American College of Surgeons stated that accidents account for almost 100,000 deaths every year, in addition to 10 million cases of temporary disability, 40,000 cases of permanent disability, and a cost to the public of $18 billion. And that report stressed that to treat this massive national problem we have virtually the same emergency medical system that we had 50 years ago.

Two basic factors account for these almost unbelievable figures. The first is the national shortage, both in terms of manpower and equipment, of ambulance and hospital emergency services. Our ambulance workers are too often inadequately trained and forced to work in inadequately equipped vehicles. Similarly, our hospital emergency rooms too often rely on substandard equipment, and many do not even have a physician on duty 24 hours a day. The second factor is the shocking lack of coordination between local, State, and Federal agencies which administer emergency medical services. At the Federal level alone, some 25 agencies are involved.

H.R. 6458 would go a long way toward solving the problems in our antiquated emergency medical services system. Through a reasonable and economically prudent system of grants to individual communities, emergency medical systems can be started where there are currently none, and improved and expanded, where they now exist. At the same time, the bill emphasizes the need for improved training for personnel, better equipment, and increased research in this field.

I hope the House will take this opportunity to begin the modernization of our emergency medical services system, so that 60,000 lives a year might be saved rather than wasted. I urge passage of H.R. 6458.

Mr. STAGGERS. 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,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Act of 1973".

EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—EMERGENCY MEDICAL SERVICE SYSTEMS

"DEFINITION; AGREEMENTS

"SEC. 399e. (a) For purposes of this part, the term 'emergency medical service system' means a system for the arrangement of personnel, facilities, and equipment for the effective delivery of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations), which system (1) is administered by a public, or other nonprofit private entity, which has the authority and the resources to provide effective administration, and (2) to the maximum extent feasible—

"(A) includes an adequate number of health professions and allied health professions personnel who meet such training and experience requirements as the Secretary shall by regulation prescribe and provides such training and continuing education programs as the Secretary shall by regulation prescribe;

"(B) joins the personnel, facilities, and equipment of the system by central communications facilities so that requests for emergency health care services will be handled by a facility which (i) utilizes or, within such period as the Secretary prescribes, will utilize a universal emergency telephone number, and (ii) will have direct communication connections with the personnel, facilities, and equipment of the system;

"(C) includes an adequate number of vehicles and other transportation facilities (including such air and water craft as are necessary to meet the individual characteristics of the area to be served)—

"(i) which meet such standards relating to location, design, performance, and equipment, and

"(ii) the operators and other personnel for which meet such training and experience requirements,

as the Secretary shall by regulation prescribe;

"(D) includes an adequate number of hospitals, emergency rooms, and other facilities for the delivery of emergency health care services, which meet such standards relating to capacity, location, hours of operation, coordination with other health care facilities of the system, personnel, and equipment as the Secretary shall by regulation prescribe;

"(E) provides for a standardized patient record-keeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient from initial entry into the emergency medical service system through his discharge from it, and shall be consistent with ensuing patient records used in follow-up care and rehabilitation of the patient;

"(F) is designed to provide necessary emergency medical services to all patients requiring such services;

"(G) provides for transfer of patients to facilities and programs which offer such follow-up care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(H) provides programs of public education and information in the area served by the system, taking into account the needs of visitors to that area to know or be able to learn immediately the means of obtaining emergency medical services; and

"(I) provides for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided by the system.

"(b) The Secretary shall prescribe the regulations required by subsection (a) after considering standards established by appropriate national professional or technical organizations.

"(c) The Secretary of each military department (or his designee) is authorized to enter into agreements with emergency medical service systems under which agreements equipment and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide in emergency conditions transportation services (including helicopter service) and other services. If the Coast Guard is not operating as a service of the Navy, the Secretary of Transportation (or his designee) may enter into such agreements with emergency medical service systems for the provision of such services by Coast Guard equipment and personnel.

"GRANTS AND CONTRACTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 399f. (a) The Secretary may make grants to public and other nonprofit entities, and may enter into contracts with public and private entities and individuals, for (1) projects to study the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical service system for an area, and (2) projects to plan the establishment and operation of such a system for an area. The Secretary may not make more than one grant or enter into more than one contract under this section with respect to any area. Reports of the results of any study or planning assisted under this section shall be made at such intervals as the Secretary may prescribe and a final report of such results shall be made not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(b)(1)(A) No grant for planning may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe, and shall—

"(i) demonstrate to the satisfaction of the Secretary the need of the area for which the planning will be done for an emergency medical service system,

"(ii) contain assurances satisfactory to the Secretary that the applicant is qualified to plan for the area to be served by such a system,

"(iii) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (I) with the planning entity referred to in subparagraph (B)(i) or if there is no such planning entity, with the planning entity referred to in subparagraph (B) (ii), and (II) with the emergency medical service council or other entity in such area responsible for review and evaluation of the provision of emergency medical services in such area, and

"(iv) contain such other information as the Secretary shall by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section for planning unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area for which the planning for an emergency medical service system will be done, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(2) No grant for a feasibility study may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"GRANTS FOR ESTABLISHMENT AND INITIAL OPERATION

"SEC. 399g. (a) The Secretary may make grants to public and nonprofit private entities for the establishment and initial operation for an area of an emergency medical service system.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Special consideration shall be given to applications for grants for systems which will be part of a statewide emergency medical service system.

"(2)(A) An application for a grant under this section shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe and shall—

"(i) set forth the period of time required for the establishment of the emergency medical service system,

"(ii) demonstrate to the satisfaction of the Secretary that existing facilities and services will be utilized by the system to the maximum extent feasible,

"(iii) provide for the making of such reports as the Secretary may require, and

"(iv) contain such other information as the Secretary may by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area which will be served by the proposed emergency medical service system, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(c) The amount of any grant under this section for establishment of an emergency medical service system shall be determined by the Secretary. Grants under this section for the initial operation of such a system shall be available to a grantee over the two-year period beginning on the date the Secretary determines that the system is capable of operation and shall not exceed 50 per centum of the costs of the operation of the system (as determined under regulations of the Secretary) during the first year of such period, and 25 per centum of such costs during the second year of such period.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976. Funds appropriated for the fiscal year ending June 30, 1976, may be used only for grants to those entities which received a grant under this section for the preceding fiscal year.

"GRANTS FOR RESEARCH AND TRAINING

"SEC. 399h. (a) The Secretary may make grants (1) to schools of medicine, dentistry, and osteopathy for projects for research in the techniques and methods of medical emergency care and treatment, and (2) to such schools and to schools of nursing, training centers for allied health professions, and other educational institutions for training programs in the techniques and methods of medical emergency care and treatment, including the skills required to provide ambulance service.

"(b) No grant may be made under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"GRANTS FOR EXPANSION AND IMPROVEMENT

"SEC. 399i. (a) The Secretary may make grants to public and nonprofit private entities for projects for the acquisition of equipment and facilities for emergency medical service systems and for other projects to otherwise expand or improve such a system.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section for a project shall not exceed 50 per centum of the cost of that project, as determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. A project may receive grants under this section for a period of up to two years. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 399j. (a) The Secretary shall be responsible for coordinating the aspects and resources of all Federal programs and activities which relate to emergency medical services. In carrying out his responsibilities under the preceding sentence, the Secretary shall establish an Interagency Technical Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of such programs and activities and provide for the communication and exchange of information that is necessary to maintain the necessary coordination and effectiveness of such programs and activities.

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, and such other Federal agencies, and parts thereof, as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical service systems, and (2) five individuals from the general public who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"ADMINISTRATION

"SEC. 399k. The Secretary shall administer the program of grants and contracts authorized by this part through an identifiable administrative unit within the Department of Health, Education, and Welfare."

STUDY

SEC. 3. The Secretary of Health, Education, and Welfare shall (1) conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions, and (2) within twelve months of the date of the enactment of this Act, report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers.

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.

AMENDMENT OFFERED BY MR. HICKS

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

The Clerk read as follows:

Amendment offered by Mr. HICKS: In section 2 or page 4 strike lines 22 through 25 and on page 5 strike lines 1 through 8.

Mr. HICKS. Mr. Chairman, I offer this amendment, because the section to be deleted is redundant in light of recent action by the House.

On May 21, the House passed the bill H.R. 7139. That bill accomplished the same purpose as the section in question; namely, it granted the Department of Defense the authority to provide emergency medical helicopter services to civilians.

The Armed Services Committee considered H.R. 7139 in depth and amended that bill in such a way as to provide the greatest possible benefit at the least cost, both in terms of dollars and in terms of maintaining a strong national defense posture.

Inasmuch as the House has already expressed itself on this matter, the language of the bill presently under consideration is no longer required and should be deleted.

Mr. STAGGERS. Mr. Chairman, I would like to thank the gentleman from Washington for offering this amendment. I would state to the gentleman from Washington that we would accept the amendment he has offered on this side of the aisle.

Do I understand from the amendment offered by the gentleman from Washington that the gentleman feels they have done just exactly what we had done in our bill, authorize cooperation with the medical services around the country insofar as the use of helicopters by the

military in civilian accidents is concerned?

Mr. HICKS. The gentleman is correct.

Mr. STAGGERS. I am willing to accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HICKS).

The amendment was agreed to.

NADER'S STAND ON NUCLEAR POWER WILL DELAY FILLING OF ENERGY GAP

(By unanimous consent, Mr. HOSMER was allowed to speak out of order.)

Mr. HOSMER. Mr. Chairman, Mr. Ralph Nader today has announced a lawsuit that would cut down a substantial portion of the Nation's nuclear power generating capacity and undoubtedly if carried out this would prevent the installation on the line of new capacity. I think this should be understood in context.

Ralph Nader's publicity star is waning.

This lawsuit is a butterfly net to collect new recruits.

It is aimed at the timid, the gullible, and people with leftover hangups about atom bombs.

The fuss he kicks up now will delay the day when nuclear power will be available to fill the Nation's energy gap. He may get a free ride but someone will pay for it.

This is because there is almost a 10-year lead time for building power plants. Obstructionism today does not show up for years. That is why irresponsible people get away with activities which, in the end, are very costly to society.

They will not be around later to take the blame when energy shortages start to be reflected in mortality tables for the weakest members of our energy dependent society—the very young and the very old. Their survival bears a very direct relationship to the adequacy of power supplies and the absence of drastic shortages.

As between Ralph Nader, gadfly, and the Atomic Energy Commission's scientists and engineers, I will rely on the AEC for my advice on nuclear safety any day. I suggest that is the wise course for all citizens. In my book Nader is for publicity and the AEC is for the people and for the Nation which is in desperate need of new power sources.

AMENDMENT OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 14, insert after line 10 the following:

PUBLIC HEALTH SERVICE HOSPITALS

SEC. 4. The Secretary of Health, Education, and Welfare is directed to take such action as may be necessary to assure that all the hospitals of the Public Health Service shall, until such time as the Congress shall by law otherwise provide, continue in operation as hospitals of the Public Health Service and continue to provide inpatient and other health care services to all categories of individuals entitled, or authorized, to receive care and treatment at hospitals or other stations of the Public Health Service, in like manner as such services were provided to such categories of individuals at hospitals of the Public Health Service on January 1, 1973.

Mr. STAGGERS. Mr. Chairman, I rise in support of the amendment. I might say that in the Senate there was a similar amendment but the State of Virginia was omitted, the hospital at Norfolk. I do not believe this is fair and right, because we have as many people in that area who need treatment and help as we have in most other sections of the country. So what the amendment does is just include some of what was in the Senate bill, plus the hospital in Virginia, so that it would remain open.

I would like to say one other thing to the gentleman from Texas about his statement about the administration not wanting this emergency medical service legislation. In the President's 1972 state of the Union message, he directed the Department of Health, Education, and Welfare to develop new ways of giving emergency and medical service and providing care to accident victims. Also in his 1973 health message, he says it is very important that this be done. We are only trying to do what the President says is important to America. This is indicated in the emergency medical hearings. I can give the gentleman the page or he can look at it in the book.

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

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

Mr. GROSS. Mr. Chairman, what makes them so unhealthy in Norfolk, Va.?

Mr. STAGGERS. Mr. Chairman, I do not know whether they are any more unhealthy in Norfolk, Va., than anyplace else. However, there are many ex-servicemen stationed there.

Mr. GROSS. Is this dealing with the military or naval people?

Mr. STAGGERS. It deals with those who have maritime experience—those who have retired—many others. The Coast Guard is included.

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

Mr. STAGGERS. I yield to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, it deals with servicemen and also service families. Also, there are many Civil service people using the hospital.

Mr. MEEDS. Mr. Chairman, will the gentleman yield.

Mr. STAGGERS. I yield to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I wish to speak for Mr. STAGGERS' amendment. Its purpose is to keep open the Public Health Service Hospitals in Seattle, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Boston until such time as Congress authorizes their closure. The Department of Health, Education, and Welfare has announced that it will close six of these, including the Seattle hospital, this summer, in a plan submitted to Congress on March 28.

I find this plan unacceptable on a number of grounds. HEW has claimed that primary beneficiaries will be better served under a contract system, and that the Federal Government will save money. I disagree with both these statements. Certainly, every beneficiary I have heard from, and that is a considerable number, disagrees. I do not want to go into the question of savings, because others are better equipped to discuss that.

What I am particularly concerned with is the human element, that services now provided by these hospitals will no longer be available to people who need them.

In addition to inpatient care, these hospitals provide training for more than 1,600 in the health professions. In Seattle one-fourth—or 200—of the University of Washington's medical students are in training at the PHS hospital, along with 300 others studying for a variety of health careers. Elimination of this training source could well force the university to cut back on health science enrollments.

Community health programs now incorporated into the PHS hospitals concern me as much as anything about the administration's proposal to close these hospitals. In Seattle, for example, the PHS hospital provides X-ray, lab tests, and other necessary support services for a network of 17 community clinics staffed free of charge by doctors so as to provide free care to medical indigents. HEW states the community will pick up this burden. There is no assurance of this, nor has any evidence been provided.

Now, as to the primary beneficiaries and their continued care. In Seattle in 1972 these included 1,100 merchant seamen, 2,000 retired military personnel and their dependents, and 550 Indians. I might add this is the only Indian clinic anywhere near the area.

HEW states they will contract for this care. However, not a single contract has been negotiated, and questions have been raised as to the capacity of military facilities in the Seattle area to handle the added burden represented by the military personnel now served.

To sum up, I believe that these hospitals should be kept open until Congress is convinced that services now provided can and will be covered as well or better through other means. I do not believe that HEW has demonstrated that the primary beneficiaries will be cared for as well or as cheaply; there is no provision for alternative training opportunities for health care personnel; and, most of all, the communities now served by these hospitals through medical support services for free clinics will be the losers.

Mr. NELSEN. Mr. Chairman, I move to strike the last word, and speak in opposition to the amendment.

Mr. Chairman, for a number of years, going back through previous administrations, Democrat and Repulican, there have been attempts made to change the original purposes of the Public Health Service hospitals.

In recent years, most of these hospitals have become increasingly involved in community activities. It has been the feeling of this administration, and previous administrations, that under these circumstances, they should be transferred to the community in which they now serve.

Mr. Chairman, I feel that to say, mandatorily and by law, that no accommodation can be made, is a mistake.

It is only a short time ago that the Bureau of Prisons wanted to convert the Fort Worth Public Health Service Hospital into a treatment center for drug addicts. Strong opposition occurred in the House to doing that. However, in the Conference with the Senate—and I was there—we did make that one transfer, and I think it is serving a good purpose.

I must say in support of the position that the gentleman from West Virginia (Mr. STAGGERS) our chairman, has taken that the hospitals are doing a good job in various communities. I feel, however, that to tie the hands of the department so that no negotiations are possible would be a misake at this time.

Therefore, I oppose the amendment.

Mr. BROOKS. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from West Virginia to require this Government to meet its legal obligations to our merchant marine and those beneficiaries who are entitled to care in our Public Health Service hospitals.

The administration has consistently ignored the will of the Congress and the law of the land in this matter. This amendment is an attempt to place on record that the Congress, as the elected representatives of the people—and lawmakers, intends for the President, as the Executive, to carry out the law as it is enacted as is provided under the Constitution.

While I do not expect the administration to have a sudden change of heart and carry out its responsibilities, I do think it is vital that we continue to insist that it does so.

This matter is of more than academic interest to me as in my district, the Public Health Service hospital in Galveston, Tex., provides care for more than 125,000 people. It meets many additional community needs which I will not enumerate; however, of particular interest to me is the affiliation between the University of Texas Medical Branch and the Public Health Service hospital. The hospital provides clinical experience for 96 medical students in various disciplines. It also trains dental, nursing, and physical therapy students.

I have been informed by the medical branch officials that if the hospital is closed, they will have to cut back possibly as much as one-third of their student body. If the Federal Government curtails the number of young Americans who can become doctors by this drastic closing of a going hospital, certainly more expensive measures will be necessary to provide medical care to the American people.

Mr. Chairman, the hospital and the clinics are vital parts of our community. The whole State of Texas and, truly, the whole Nation has an interest in the future of these institutions for they offer future medical services through their trainees as well as the treatment and care they are providing daily. At a time when medical care and services must be expanded, we cannot afford to lose our Public Health Service hospitals. Therefore, I urge passage of this amendment, and the Emergency Medical Services Act of 1973.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROUSH

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

The Clerk read as follows:

Amendment offered by Mr. ROUSH: Page 2, beginning in line 23, strike out "a universal emergency telephone number" and insert in lieu thereof "the universal emergency telephone number 911".

Mr. ROUSH. Mr. Chairman, I rise today to offer an amendment to H.R. 6458. On page 2, beginning in line 23, strike out "a universal emergency telephone number" and insert in lieu thereof "the universal emergency telephone number 911." I would like to explain the reason for this suggested change.

I have spoken many times about the need for a single, nationwide, emergency telephone number, which a number of communities in the United States now enjoy, in the number "911" made available by A.T. & T. and the independent telephone companies beginning in 1968. I have introduced legislation that would financially assist communities, through LEAA or the FCC or both, to make the renovations, improvements necessary to make adoption of 911 possible and meaningful.

I have not supported the idea of requiring the adoption of 911. However, since the bill before us and the accompanying report require some kind of a universal emergency telephone number as a part of the emergency medical services. I am loath to see us complicate matters by even temporarily encouraging cities to adopt some other emergency number. I so indicated in testimony before the subcommittee.

The committee report accompanying this bill, while "impressed" with 911 evidently hesitated to adopt that as the emergency number because of the supposed length of time needed to establish such a system and the large costs thought to be involved.

I do not believe that either are serious impediments and I do believe that the harm done by multiplying emergency numbers would perhaps be fatal to the cause I have sponsored of securing nationwide adoption of a single, emergency number, so that wherever you happened to be, whatever emergency occurred you would have the knowledge of an easily remembered emergency number.

I would call attention first to the fact that the bill before us is so worded that communities establishing coordinated emergency medical services have as much time to work in a universal emergency telephone number as the Secretary prescribes. The legislation requires that an emergency medical services system "to the maximum extent feasible" "utilizes or, within such period as the Secretary prescribes, will utilize a universal emergency telephone number." I would change that to read "the universal emergency telephone number 911" leaving the time within which this is to be achieved to the Secretary, as it is now. So I do not see that this should be an undue burden. It need not be, given this language of the legislation.

Second, I would like to consider what is the alternative to "911" if we are to have an emergency telephone number? The committee report suggestion of an alternative, such as an 800 telephone exchange is not acceptable to A.T. & T., the principal telephone company involved. A.T. & T. fears, as do I, that the adoption of alternatives to 911 will totally destroy the uniformity now achieved in over 300 communities representing 22,000,000 Americans.

In fact, A.T. & T. in their statement to the subcommittee on the original House bill noted the following:

It is of great concern to the System [Bell] that so much emphasis, money—and success—attendant to the progress of 911 as the universal emergency reporting number stand to be blunted should this legislation be the mainspring for diversion away from one universal three digit emergency telephone number to perhaps a second and different such number. Hopefully this Committee will not, through this legislation, encourage or appear to encourage an alternative course for summoning aid, but rather will underscore its intention to adhere to the full use of 911 for such purposes. To utilize a different three digit number would require an unnecessary reduplication of central office modifications at a cost of approximately $50–$75 million, plus the time required to make such modifications.

Describing their reasons for opposing an 800 exchange or another seven-digit number for reporting medical emergencies A.T. & T. concluded with this recommendation with which I concur:

The recommendation of the Bell System to the Committee . . . is simply that the language of whatever legislation that might be forthcoming calling for utilization of a universal emergency reporting number, and any regulations promulgated thereunder, be drawn so as to encourage or require the use of 911 as the reporting number.

And they add the following:

In the interim, if any, between the time an emergency number is needed in a community for reporting medical emergencies and 911 capabilities are available to that community, the Bell System operating telephone companies offer the use of its operators, or "0," for reporting medical as well as any other emergency. In fact, dialing "0" for Operator to report emergencies is and will continue to be a backup facility even after a 911 system is installed.

Thus it would seem that in the legislation before us the Secretary could allow an interim period based on any community's financial and technical capabilities, during which 911 would not be required, with 911 as the ultimate universal emergency number to be implemented.

I would like to add an additional reason for supporting the concept of 911 as the single, nationwide emergency telephone number. In March of this year, the Office of Telecommunications Policy in the White House issued a national policy statement encouraging nationwide adoption of the 911 emergency number because of the rapid response this number makes possible to emergencies.

Dr. Whitehead, Director of that Office, at a special news conference announced the creation of a Federal Information Center in the Department of Commerce, which is to disseminate information on 911 and offer assistance to communities that are interested. I also understand that various agencies under the executive branch are moving to implement this order within their own operations as quickly as possible.

I would hope that this Congress would not impede, but rather encourage nationwide adoption of 911 by amending this legislation as I have suggested.

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

Mr. ROUSH. I am glad to yield to the distinguished chairman of the committee.

Mr. STAGGERS. I should like to ask a couple of questions.

Has the gentleman conferred with the telephone company, to see if this is possible?

Mr. ROUSH. Yes, Mr. Chairman. I have conferred with the telephone company. As a matter of fact, the telephone company is advocating that we not use the suggestion which is included in the language of the report itself.

I included this in my formal remarks. I should like to read what they have inserted in the RECORD. They say:

It is of great concern to the System—

Referring to the Bell System—

that so much emphasis, money—and success—attendant to the progress of 911 as the universal emergency reporting number stand to be blunted should this legislation be the mainspring for diversion away from one universal three-digit emergency telephone number to perhaps a second and different such number.

In other words, Mr. Chairman, the Bell System itself is advocating 911 as the universal number. Second, they feel that if emergency services should turn to another number that effort will blunt their effort to make a single uniform telephone number prevail in this country.

Mr. STAGGERS. We have a lot more than the Bell Telephone Co. There are many independents across America. Has the gentleman talked to these different organizations to find out what their situations are?

Mr. ROUSH. Mr. Chairman, I do not have the figures before me, but many of the independent telephone companies are also now turning to 911 as the emergency telephone number.

Quite a few of these more than 300 communities now using 911 have independent telephone companies.

I can say that in my own area my contacts with General Telephone, an independent telephone company, lead me to believe that they approve of this. As soon as their technology is up to the place where it can accommodate 911 their intention would be to turn to 911.

I have also talked with other telephone companies. I find no real resistance, except some political differences within communities; jealousies, if you will.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to read the exact language of the bill, for the edification of Members of the House: "a facility which (i) utilizes or, within such period as the Secretary prescribes, will utilize a universal emergency telephone number, and (ii) will have direct communication connections with the personnel, facilities, and equipment of the system;".

I believe we have left this up to the Secretary, to do just exactly what the gentleman is advocating, but we have not given him a certain number.

I am not averse to giving this number, and I am not saying it is wrong. Sometimes we have to say what the number is. If we make it law, all the companies in America would try to join in.

The gentleman from New York, I know, has some thoughts on this subject, and I would like to give him a chance to express himself.

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

Mr. STAGGERS. I yield to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Chairman, I appreciate very much the gentleman's yielding to me.

I agree with the intent of the amendment. My only comment is this: Many independent, small telephone companies do not, as the gentleman suggests, have the technology at this point in time to proceed with emergency telephone numbers. They are utilizing a particular 4-digit number in small communities, but forcing them to go to 911 where that technology does not exist, it seems to me, would force them to abandon their existing emergency numbers. I do not believe that is the intent of the amendment of the gentleman from Indiana (Mr. ROUSH). I am convinced that in many rural areas of the country, however, that would be the outcome.

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

Mr. STAGGERS. I yield to the gentleman from Indiana (Mr. ROUSH).

Mr. ROUSH. Mr. Chairman, my amendment does nothing more than the language of this bill does, insofar as causing a community to change. What I do with my amendment is to insert 911 as the number, and as I indicated in my opening remarks, this particular provision is modified by the language which precedes, for example, on page 2, in line 11, "to the maximum extent feasible" this shall be done.

Mr. Chairman, it does not make it mandatory that any community turn to 911; it is merely saying that if they are to go to an emergency number—and I would say that they are going to go to an emergency number—they should go to 911, but it is not mandatory. I am merely trying to nudge this concept along of a uniform nationwide emergency telephone number. I do not see that this in any way affects exactly what the committee was intending to do with the language which is presently in the bill.

Mr. HASTINGS. Mr. Chairman, will the gentleman from West Virginia (Mr. STAGGERS) yield further?

Mr. STAGGERS. I would be very happy to yield to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Chairman, I appreciate again the explanation, but I would say again that there are many small telephone companies in the country which, in fact, even if they want to go to any emergency number, are not necessarily capable of going to 911. That is my only objection.

Mr. Chairman, I thank the gentleman for yielding.

Mr. STAGGERS. Mr. Chairman, if I have enough time left, I would like to make this statement:

I agree with the gentleman from New York (Mr. HASTINGS) and I also agree with the gentleman from Indiana (Mr. ROUSH). I believe the time has come in America when we do need to have a nationwide emergency telephone number. We are a traveling public, a public on wheels, today, and we do need an emergency number to call in any community. We should be able to have a number to dial so that we will in an emergency get somebody to answer our questions.

Mr. Chairman, I would say to the gentleman from New York (Mr. HASTINGS) that I believe there is sufficient protection in the bill for those who cannot install the number, and I would point out that we have said that the Secretary can prescribe any length of time that is needed for these communities to do this.

So, Mr. Chairman, so far as I am concerned, I do not see any real reason for not accepting the gentleman's amendment. I believe the time is coming when we ought to have a number which is known across America to call in an emergency situation and expect to get some aid in such situations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROUSH).

The amendment was agreed to.

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

Mr. Chairman, as I understand it there were 12 major health programs in the preceding bill that called for an authorization of some $2 billion for the next fiscal year. I would ask the gentleman rom West Virginia (Mr. STAGGERS) if that is approximately correct?

Mr. STAGGERS. Mr. Chairman, the figure is $1.2 billion.

Mr. GROSS. For the 12 major health programs?

Mr. STAGGERS. Yes, sir.

Mr. GROSS. All right.

The figure is $1.2 billion. Now, the title of the pending bill reads as follows: "To amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions."

Are we expected to believe that with 12 major health programs to be financed with $1.2 billion in the next fiscal year that we should spend another $125 million for the purposes set forth in this bill? How do you justify that?

Mr. STAGGERS. I just read a few moments ago in the President's two messages that he expected to give directions to HEW for special emergency care in accidents. He reiterated it twice as a way to get care to those who have had accidents. This is carrying out his words.

The agencies testified before the committee that 60,000 lives would be saved each year, and that is approximately 200 lives per day, if we trained certain personnel in this manner.

Mr. GROSS. As far as planning, development, research, and training projects are concerned, could they not be carried out in-house by one or more of these 12 major programs?

Mr. STAGGERS. No, sir. Not the way they want it done. It could be done piecemeal, that is true.

Mr. GROSS. Do you mean that in all of these 12 programs not one of the 12 could carry out the activities of planning, development, research, and training? Is that what the gentleman means to say?

Mr. STAGGERS. I will say to the gentleman we not only have 12 programs, but we have 20 or 25 or 30, because we have gotten into the health field and we know it is one of the most important things we do in America. As I said awhile ago, many diseases have been eradicated in America, but there are others that still need to be. This is a special project we want to take care of and it was so testified to before the committee.

Mr. GROSS. Let me ask the gentleman the $164 question. Where will he get the $125 million?

Mr. STAGGERS. That is a good question.

Mr. GROSS. I am glad to have some kind of an answer even though the gentleman took a deep breath before he answered.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON of California, 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. 6458) to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions, pursuant to House Resolution 415, 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.

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

Mr. GERALD R. FORD. 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 261, nays 96, not voting 75, as follows:

[Roll No. 172]

YEAS—261

Abdnor	Gilman	Passman
Abzug	Ginn	Patman
Addabbo	Gonzalez	Patten
Alexander	Grasso	Pepper
Anderson, Calif.	Green, Pa.	Perkins
	Griffiths	Pettis
Anderson, Ill.	Gude	Peyser
Andrews, N.C.	Gunter	Pike
Andrews, N. Dak.	Guyer	Poage
	Haley	Podell
Archer	Hamilton	Preyer
Ashley	Hammer-schmidt	Pritchard
Aspin		Quillen
Baker	Hanley	Railsback
Barrett	Hanna	Rangel
Bergland	Hanrahan	Rees
Bevill	Hansen, Wash.	Regula
Biester	Harrington	Reid
Bingham	Harsha	Reuss
Blatnik	Hays	Riegle
Boggs	Hébert	Rinaldo
Boland	Hechler, W. Va.	Roberts
Bolling	Helstoski	Robison, N.Y.
Bowen	Henderson	Rodino
Brademas	Hicks	Roe
Brasco	Hillis	Rogers
Breaux	Holifield	Roncalio, Wyo.
Breckinridge	Holt	Rooney, Pa.
Brinkley	Holtzman	Rose
Brooks	Horton	Rosenthal
Broomfield	Howard	Rostenkowski
Brotzman	Hungate	Roush
Brown, Calif.	Jarman	Roy
Buchanan	Johnson, Calif.	Roybal
Burke, Mass.	Johnson, Colo.	Runnels
Burlison, Mo.	Jones, Ala.	Ryan
Burton	Jones, N.C.	St Germain
Butler	Jones, Okla.	Sarasin
Byron	Jones, Tenn.	Sarbanes
Carey, N.Y.	Jordan	Satterfield
Casey, Tex.	Karth	Schroeder
Chappell	Kastenmeier	Seiberling
Chisholm	Kazen	Shipley
Clancy	King	Sikes
Clark	Kluczynski	Sisk
Clausen, Don H.	Koch	Staggers
	Kyros	Stanton, J. William
Clay	Lehman	
Cleveland	Lent	Stanton, James V.
Cohen	Litton	
Conte	Long, La.	Stark
Conyers	Long, Md.	Steed
Corman	Lott	Steele
Cotter	McDade	Stephens
Culver	McFall	Stubblefield
Daniel, Dan	McKay	Stuckey
Daniel, Robert W., Jr.	McKinney	Studds
	McSpadden	Symington
Daniels, Dominick V.	Macdonald	Thone
	Madden	Thornton
Danielson	Mailliard	Tiernan
Davis, S.C.	Maraziti	Towell, Nev.
Delaney	Martin, N.C.	Ullman
Dellenback	Mathias, Calif.	Van Deerlin
Denholm	Mathis, Ga.	Vander Jagt
Dent	Matsunaga	Vanik
Donohue	Mazzoli	Vigorito
Downing	Meeds	Waggonner
Drinan	Melcher	Waldie
Dulski	Metcalfe	Wampler
Duncan	Mezvinsky	Whalen
du Pont	Mills, Ark.	Whitehurst
Eckhardt	Minish	Whitten
Edwards, Ala.	Mink	Widnall
Edwards, Calif.	Mitchell, Md.	Williams
Eilberg	Mizell	Wilson, Bob
Erlenborn	Moakley	Wilson, Charles H., Calif.
Evans, Colo.	Moorhead, Calif.	
Fascell		
Fish	Moorhead, Pa.	Wolff
Flood	Morgan	Wright
Flowers	Mosher	Wyatt
Ford, William D.	Moss	Wylie
	Murphy, Ill.	Yates
Forsythe	Natcher	Yatron
Frey	Nedzi	Young, Alaska
Fulton	Nichols	Young, Fla.
Gaydos	Nix	Young, Ga.
Gettys	Obey	Young, Ill.
Giaimo	O'Brien	Young, Tex.
Gibbons	O'Hara	Zablocki

NAYS—96

Arends	Gross	Price, Tex.
Armstrong	Grover	Quie
Bafalis	Hansen, Idaho	Robinson, Va.
Bell	Hastings	Roncallo, N.Y
Bennett	Heinz	Rousselot
Brown, Mich.	Hinshaw	Ruppe
Brown, Ohio	Hogan	Ruth
Broyhill, N.C.	Hosmer	Scherle
Broyhill, Va.	Huber	Schneebeli
Burgener	Hudnut	Sebelius
Burke, Fla.	Hutchinson	Shoup
Burleson, Tex.	Johnson, Pa.	Shriver
Cederberg	Kemp	Shuster
Chamberlain	Kuykendall	Skubitz
Clawson, Del	Landgrebe	Smith, N.Y.
Cochran	Latta	Snyder
Collier	Lujan	Steiger, Wis.
Collins	McClory	Symms
Conable	McCollister	Talcott
Conlan	McEwen	Taylor, Mo.
Davis, Wis.	Madigan	Taylor, N.C.
Dennis	Mahon	Teague, Calif.
Derwinski	Mallary	Thomson, Wis.
Devine	Mann	Treen
Eshleman	Mayne	Veysey
Findley	Michel	Walsh
Ford, Gerald R.	Miller	Ware
Fountain	Mitchell, N.Y.	Wiggins
Frelinghuysen	Montgomery	Wydler
Frenzel	Myers	Wyman
Froehlich	Nelsen	Zion
Goodling	Pickle	Zwach

NOT VOTING—75

Adams	Foley	Powell, Ohio
Annunzio	Fraser	Price, Ill.
Ashbrook	Fuqua	Randall
Badillo	Goldwater	Rarick
Beard	Gray	Rhodes
Biaggi	Green, Oreg.	Rooney, N.Y.
Blackburn	Gubser	Sandman
Bray	Harvey	Saylor
Burke, Calif.	Hawkins	Slack
Camp	Heckler, Mass.	Smith, Iowa
Carney, Ohio	Hunt	Spence
Carter	Ichord	Steelman
Coughlin	Keating	Steiger, Ariz.
Crane	Ketchum	Stokes
Cronin	Landrum	Stratton
Davis, Ga.	Leggett	Sullivan
de la Garza	McCloskey	Teague, Tex.
Dellums	McCormack	Thompson, N.J.
Dickinson	Martin, Nebr.	Udall
Diggs	Milford	White
Dingell	Minshall, Ohio	Wilson, Charles, Tex.
Dorn	Mollohan	
Esch	Murphy, N.Y.	Winn
Evins, Tenn.	O'Neill	Young, S.C.
Fisher	Owens	
Flynt	Parris	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Smith of Iowa.

Mr. Rooney of New York with Mr. Steiger of Arizona.

Mr. Price of Illinois with Mr. Martin of Nebraska.

Mr. Hawkins with Mr. McCloskey.

Mr. Adams with Mr. Harvey.

Mrs. Burke of California with Mr. Gubser

Mr. Davis of Georgia with Mr. Spence.

Mrs. Sullivan with Mr. Camp.

Mr. Teague of Texas with Mr. Bray.

Mr. O'Neill with Mr. Cronin.

Mr. Murphy of New York with Mr. Sandman.

Mr. Dingell with Mr. Powell of Ohio.

Mr. Evins of Tennessee with Mr. Beard.

Mrs. Green of Oregon with Mrs. Heckler of Massachusetts.

Mr. Fuqua with Mr. Keating.

Mr. Mollohan with Mr. Carter.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Stratton with Mr. Coughlin.

Mr. Slack with Mr. Landrum.

Mr. Leggett with Mr. Goldwater.

Mr. McCormack with Mr. Crane.

Mr. de la Garza with Mr. Rhodes.

Mr. Diggs with Mr. Badillo.

Mr. Dorn with Mr. Parris.

Mr. Fisher with Mr. Dickinson.

Mr. Flynt with Mr. Blackburn.

Mr. Stokes with Mr. Biaggi.

Mr. Carney of Ohio with Mr. Ashbrook.
Mr. Dellums with Mr. Udall.
Mr. Gray with Mr. Minshall of Ohio.
Mr. Fraser with Mr. Esch.
Mr. Foley with Mr. Saylor.
Mr. Milford with Mr. Steelman.
Mr. Ichord with Mr. Winn.
Mr. Randall with Mr. Young of South Carolina.
Mr. Owens with Mr. Rarick.
Mr. White with Mr. Udall.

The result of the vote was announced as above recorded.

Motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, pursuant to the provisions of House Resolution 415, I call up from the Speaker's table the Senate bill (S. 504) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

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 S. 504 and to insert in lieu thereof the provisions of H.R. 6458, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Act of 1973".

EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—EMERGENCY MEDICAL SERVICE SYSTEMS

"DEFINITION; AGREEMENTS

"SEC. 399e. (a) For purposes of this part, the term 'emergency medical service system' means a system for the arrangement of personnel, facilities, and equipment for the effective delivery of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations), which system (1) is administered by a public, or other nonprofit private entity, which has the authority and the resources to provide effective administration, and (2) to the maximum extent feasible—

"(A) includes an adequate number of health professions and allied health professions personnel who meet such training and experience requirements as the Secretary shall by regulation prescribe and provides such training and continuing education programs as the Secretary shall by regulation prescribe;

"(B) joins the personnel, facilities, and equipment of the system by central communications facilities so that requests for emergency health care services will be handled by a facility which (i) utilizes or, within such period as the Secretary prescribes, will utilize the universal emergency telephone number 911, and (ii) will have direct communication connections with the personnel, facilities, and equipment of the system;

"(C) includes an adequate number of vehicles and other transportation facilities (including such air and water craft as are necessary to meet the individual characteristics of the area to be served)—

"(i) which meet such standards relating to location, design, performance, and equipment, and

"(ii) the operators and other personnel for which meet such training and experience requirements,

as the Secretary shall by regulation prescribe;

"(D) includes an adequate number of hospitals, emergency rooms, and other facilities for the delivery of emergency health care services, which meet such standards relating to capacity, location, hours of operation, coordination with other health care facilities of the system, personnel, and equipment as the Secretary shall by regulation prescribe;

"(E) provides for a standardized patient record-keeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient from initial entry into the emergency medical service system through his discharge from it, and shall be consistent with ensuing patient records used in follow-up care and rehabilitation of the patient;

"(F) is designed to provide necessary emergency medical services to all patients requiring such services;

"(G) provides for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(H) provides programs of public education and information in the area served by the system, taking into account the needs of visitors to that area to know or be able to learn immediately the means of obtaining emergency medical services; and

"(I) provides for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided by the system.

"(b) The Secretary shall prescribe the regulations required by subsection (a) after considering standards established by appropriate national professional or technical organizations.

"GRANTS AND CONTRACTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 399f. (a) The Secretary may make grants to public and other nonprofit entities, and may enter into contracts with public and private entities and individuals, for (1) projects to study the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical service system for an area, and (2) projects to plan the establishment and operation of such a system for an area. The Secretary may not make more than one grant or enter into more than one contract under this section with respect to any area. Reports of the results of any study or planning assisted under this section shall be made at such intervals as the Secretary may prescribe and a final report of such results shall be made not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(b)(1)(A) No grant for planning may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe, and shall—

"(i) demonstrate to the satisfaction of the Secretary the need of the area for which the planning will be done for an emergency medical service system,

"(ii) contain assurances satisfactory to the Secretary that the applicant is qualified to plan for the area to be served by such a system,

"(iii) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (I) with the planning entity referred to in subparagraph (B)(i) or if there is no such planning entity, with the planning entity referred to in subparagraph (B)(ii), and (II) with the emergency medical service council or other entity in such area responsible for review and evaluation of the provisions of emergency medical services in such area, and

"(iv) contain such other information as the Secretary shall by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section for planning unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area for which the planning for an emergency medical service system will be done, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(2) No grant for a feasibility study may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"GRANTS FOR ESTABLISHMENT AND INITIAL OPERATION

"SEC. 399g. (a) The Secretary may make grants to public and nonprofit private entities for the establishment and initial operation for an area of an emergency medical service system.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Special consideration shall be given to applications for grants for systems which will be part of a statewide emergency medical service system.

"(2)(A) An application for a grant under this section shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe and shall—

"(i) set forth the period of time required for the establishment of the emergency medical service system,

"(ii) demonstrate to the satisfaction of the Secretary that existing facilities and services will be utilized by the system to the maximum extent feasible,

"(iii) provide for the making of such reports as the Secretary may require, and

"(iv) contain such other information as the Secretary may by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area which will be served by the proposed emergency medical service system, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan

approved under section 314(a) covering that area,
has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(c) The amount of any grant under this section for establishment of an emergency medical service system shall be determined by the Secretary. Grants under this section for the initial operation of such a system shall be available to a grantee over the two-year period beginning on the date the Secretary determines that the system is capable of operation and shall not exceed 50 per centum of the costs of the operation of the system (as determined under regulations of the Secretary) during the first year of such period, and 25 per centum of such costs during the second year of such period.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976. Funds appropriated for the fiscal year ending June 30, 1976, may be used only for grants to those entities which received a grant under this section for the preceding fiscal year.

"GRANTS FOR RESEARCH AND TRAINING

"SEC. 399h. (a) The Secretary may make grants (1) to schools of medicine, dentistry, and osteopathy for projects for research in the techniques and methods of medical emergency care and treatment, and (2) to such schools and to schools of nursing, training centers for allied health professions, and other educational institutions for training programs in the techniques and methods of medical emergency care and treatment, including the skills required to provide ambulance service.

"(b) No grant may be made under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"GRANTS FOR EXPANSION AND IMPROVEMENT

"SEC. 399i. (a) The Secretary may make grants to public and nonprofit private entities for projects for the acquisition of equipment and facilities for emergency medical service systems and for other projects to otherwise expand or improve such a system.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section for a project shall not exceed 50 per centum of the cost of that project, as determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. A project may receive grants under this section for a period of up to two years. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 399j. (a) The Secretary shall be responsible for coordinating the aspects and resources of all Federal programs and activities which relate to emergency medical services. In carrying out his responsibilities under the preceding sentence, the Secretary shall establish an Interagency Technical Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of such programs and activities and provide for the communication and exchange of information that is necessary to maintain the necessary coordination and effectiveness of such programs and activities.

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, and such other Federal agencies, and parts thereof, as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical service systems, and (2) five individuals from the general public who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"ADMINISTRATION

"SEC. 399k. The Secretary shall administer the program of grants and contracts authorized by this part through an identifiable administrative unit within the Department of Health, Education, and Welfare."

STUDY

SEC. 3. The Secretary of Health, Education, and Welfare shall (1) conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions, and (2) within twelve months of the date of the enactment of this Act, report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers.

PUBLIC HEALTH SERVICE HOSPITALS

SEC. 4. The Secretary of Health, Education, and Welfare is directed to take such action as may be necessary to assure that all the hospitals of the Public Health Service shall, until such time as the Congress shall by law otherwise provide, continue in operation as hospitals of the Public Health Service and continue to provide inpatient and other health care services to all categories of individuals entitled, or authorized, to receive care and treatment at hospitals or other stations of the Public Health Service, in like manner as such services were provided to such categories of individuals at hospitals of the Public Health Service on January 1, 1973.

Amend the title so as to read: "An Act to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions."

The motion was agreed to.

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

A similar House bill (H.R. 6458) 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 revise and extend their remarks on the three bills just passed.

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

There was no objection.

AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the bill (H.R. 7357), to amend section 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 7357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(1)(1) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out from clause (ii) "shall not be adopted after such death by other than a stepparent, grandparent, aunt, uncle, brother, or sister;";

(2) by striking out from such clause (ii) "age eighteen" and inserting in lieu thereof "age twenty-two or before the close of the eighty-fourth month following the month in which his most recent entitlement to an annuity under section 5(c) of this Act terminated because he ceased to be under such a disability";

(3) by striking from the third sentence thereof "202(d) (3) or (4)" and inserting in lieu thereof "202(d) (3), (4), or (9)";

(4) by adding immediately after the seventh sentence thereof the following new sentence: "A child whose entitlement to an annuity under section 5(c) of this Act was terminated because he ceased to be disabled as provided in clause (ii) of this paragraph and who becomes again disabled as provided in such clause (ii), may become reentitled to an annuity on the basis of such disability upon his application for such reentitlement."; and

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

"(a child who attains age twenty-two at a time when he is a full-time student (as defined in subparagraph (A) of paragraph 7 of section 202(d) of the Social Security Act and without the application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year col-

lege or university shall be deemed (for purposes of determining whether his entitlement to an annuity under this section has terminated under subsection (j) and for purposes of determining his initial entitlement to such an annuity) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time, whichever first occurs."

SEC. 2. Section 226(e) of the Social Security Act is amended—

(1) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "(as such terms are defined in section 214 of this Act)" in 2(A) thereof;

(2) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(B) thereof;

(3) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "fully or currently insured" in 2(C) thereof; and

(4) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(D) thereof.

SEC. 3. (a) The provisions of this Act shall be effective as of the date the corresponding provisions of Public Law 92–603 are effective.

(b) Any child (1) whose entitlement to an annuity under section 5(c) of the Railroad Retirement Act was terminated by reason of his adoption prior to the enactment of this Act, and (2) who, except for such adoption, would be entitled to an annuity under such section for a month after the month in which this Act is enacted, may, upon filing application for an annuity under the Railroad Retirment Act after the date of enactment of this Act, become reentitled to such annuity; except that no child shall, by reason of the enactment of this Act, become reentitled to such annuity for any month prior to the effective date of the relevant amendments made by this Act to section 5(1)(1)(ii) of the Railroad Retirement Act.

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 7357. This bill is designed to simplify administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act; to liberalize the eligibility conditions for children's benefits under the Railroad Retirement Act to conform with the liberalizations provided in such benefits under the Social Security Act by Public Law 92–603; and to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for persons under the Social Security Act.

The Committee on Interstate and Foreign Commerce passed this bill by unanimous vote. It has the complete approval of the Railroad Retirement Board, the unions representing the employees, and the railroad management. The Office of Management and Budget does not object.

Under the bill, these changes in the law would result:

First. A child's survivor benefit will continue after his adoption by anyone—instead of a close relative;

Second. A survivor benefit will be paid to a child for a disability which began before age 22, instead of before age 18;

Third. A child who is a full-time student when he attains age 22 will in some cases continue to receive benefits until the first month after the quarter or semester in which he is enrolled;

Fourth. A dependent grandchild will be treated as a child of his grandparent.

In addition, a wife under age 62—if her husband has attained age 65 and has been awarded an annuity—will be eligible for an annuity if she has in her care a child who became disabled between the ages of 18 and 22, and a widow under age 60 will be eligible for an annuity if she has in her care a child who became disabled between the ages of 18 and 22.

The bill also affects one amendment to the Social Security Act. I might add that Chairman MILLS and the Ways and Means Committee has consented to our committee's consideration of this amendment, which is in the jurisdiction of his committee. An exchange of letters on this subject is included in the report.

The bill would amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children. As a result of the enactment of section 2991 of Public Law 92–603, an individual insured under the Social Security Act, his spouse, or dependent children who need treatment for kidney disease are covered under medicare, beginning July 1, 1973, in the same way as beneficiaries age 65 and over or disabled beneficiaries under age 65. The present provision, through an oversight, did not include railroad employees, their spouses, or dependent children unless they happen to also be covered under social security.

Mr. Speaker, all of these amendments except for the oversight we correct in the amendment to the Social Security Act, were proposed last year. These provisions were deleted from the bill subsequently enacted as Public Law 92–460 last year because they were contingent upon passage of H.R. 1, and at the time, it was believed H.R. 1 would not be enacted in 1972. H.R. 1, however, was enacted on October 30, 1972, as Public Law 92–603.

The costs resulting from these amendments together with the costs and savings from the technical amendments enacted in Public Law 92–460 and additional financial interchange gains because of the enactment of Public Law 92–603 balance out so that no financial burden would result in the passage of this bill.

I believe this bill merits the fullest support of this body.

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

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

Mr. SHOUP. I commend the chairman of the committee for being very specific in outlining the portions of this bill which certainly do establish the fact that there are technical amendments which are needed to equalize the benefits between social security and railroad retirement.

The members of the subcommittee on this side fully endorse this bill and I ask for its passage.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 23, strike out "213" and insert in lieu thereof "214".

The committee amendment was agreed to.

Mr. CRONIN. Mr. Speaker, over the past few weeks I have received a tremendous amount of mail from my constituents strongly urging my support of H.R. 7357, the Railroad Retirement Act Technical Amendment. Though only a technical amendment, it is vitally important to railroad retirees. I would like to state my support of this measure and urge my colleagues to do likewise when it is brought to the floor.

Mr. DONOHUE. Mr. Speaker, I earnestly hope that this pending bill H.R. 7357, to amend the Railroad Retirement Act, will be overwhelmingly approved without extended delay.

In substance, and as a matter of equity, this bill is designed to extend, to railroad employees, their spouses and dependent children, kidney disease medicare coverage in the same manner as provided social security beneficiaries.

The bill also amends the basic Railroad Retirement Act to bring it into line with recent survivor annuity liberalizations in the Social Security Act; child's benefits would be continued after adoption by anyone, rather than by close relatives only; benefits would be paid out to children for disabilities acquired before age 22 rather than age 18; certain students could receive benefits after age 22 and a dependent grandchild would be treated as the child of the grandparent. In addition, certain spouses and children who do not themselves qualify for benefits would be included in computing annuities.

Mr. Speaker, very happily, no additional costs to the taxpayers are estimated to result from the enactment of this bill and there is no question that its overall objectives are in the national interest. Mr. Speaker, on its merits, this measure deserves the unanimous approval of this House and I hope it promptly receives that approval.

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

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the amendments to the Railroad Retirement Act (H.R. 7357), just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week, if any, and the schedule for next week.

Mr. McFALL. Mr. Speaker, if the gentleman will yield, there is no further business this week, and I will be glad to present the program for next week.

Mr. GERALD R. FORD. I am glad to yield to the distinguished gentleman from California.

Mr. McFALL. On Monday the call of the Consent Calendar is scheduled, and one suspension: House Resolution 398, positions on U.S. Capitol Police force.

The Private Calendar will be called on Tuesday, and three bills are listed under suspensions, as follows:

H.R. 8070, Rehabilitation Act of 1973;

H.R. 1820, Conveyance of Real Property by Arkansas to United States; and

H.R. 3620, Establish Great Dismal Swamp National Wildlife Refuge.

As soon as consideration of those suspensions is completed, we would expect to begin consideration of H.R. 7935, the Fair Labor Standards Amendments of 1973, under an open rule, with 3 hours of debate, and to finish, if possible, the general debate, but not go into consideration of the bill under the 5-minute rule.

Consideration of the bill would continue on Wednesday.

For Thursday and the balance of the week there are scheduled:

H. Res. 382, Disapproving Reorganization Plan No. 2;

H.R. 7645, Department of State Authorization Act of 1973;

H.R. 5464, saline water program authorization, fiscal year 1974;

H.R. 7670, maritime authorization, Department of Commerce, fiscal year 1974; and

H.R. 7446, establish the American Revolution Bicentennial Administration.

The latter four bills are subject to rules being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, JUNE 4, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

LEGISLATIVE PROGRAM FOR JUNE 1973

Mr. GERALD R. FORD. Mr. Speaker, I should like to ask the gentleman from California a further question.

Mr. McFALL. I shall be glad to answer the gentleman's question.

Mr. GERALD R. FORD. Has the revised Friday program for the month of June been announced yet?

Mr. McFALL. I believe the gentleman is referring to the proposal by the joint leadership for an accelerated program in the month of June.

Mr. Speaker, I would say to the distinguished minority leader that on the majority side we are sending out a "Whip Advisories," which describes the proposal for June under consideration by the House, and I would like to read for the benefit of the gentleman the first several paragraphs of the Whip Advisories:

House Committee Chairmen met this week with Speaker Carl Albert and agreed to a heavy work schedule during the month of June and no legislative business during the Fourth of July week.

The Democratic Deputy and Zone Whips endorsed the plan and Minority Leader Gerald Ford concurred.

The program is to schedule legislative business daily, if available, including Fridays, in June. No legislative business will then be scheduled from the close of business Friday, June 29, until Monday morning, July 9.

Now, the part that the distinguished minority leader, I am sure, is waiting for me to read is the following sentence:

The Speaker and Minority Leader emphasized that all necessary business will be concluded prior to adjournment on the 29th.

Then we go on to list a number of appropriation bills that will hopefully be ready for House consideration in the month of June. There are nine of them listed.

Then we have a list of legislation which the committee chairmen now feel they will be able to report during the month of June.

Mr. GERALD R. FORD. Mr. Speaker, I would like to ask one further question, if I might.

As I had noticed by looking at that list, there are 9 appropriation bills and, if I recollect, 15 or 20 other legislative proposals. It seems to me that this is a good constructive legislative program for June.

Mr. Speaker, I am glad the gentleman from California (Mr. McFALL) has read the one sentence that I think is significant. At least, as far as I am concerned, Members should understand that if there is any legislation necessary for consummation or conclusion on Friday, June 29, we will meet on Friday, June 29, to take care of that business; is that correct?

Mr. McFALL. Mr. Speaker, that is my understanding. The gentleman is correct. Both the Speaker and the minority leader have asked that this be emphasized.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from California (Mr. McFALL).

The SPEAKER. The Chair would like to add to the statement the following: That in return for meeting every Friday that is necessary, we are taking the entire week of July 4, including Thursday and Friday, instead of coming back at Thursday noon, as announced earlier in the year.

Mr. McFALL. I thank the distinguished Speaker.

Our plan is to recess at the close of business, June 29, and reconvene on Monday, July 9.

AGREEMENT BETWEEN DEPUTY DIRECTOR OF OMB AND REPRESENTATIVES OF ORGANIZED LABOR GROUPS

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

Mr. ADDABBO. Mr. Speaker, a week ago, I took to the floor to inform my colleagues of what I term the government-by-appointment tactics of the Nixon administration, using the Office of Management and Budget to subvert the wishes of the elected representatives of the people, the Congress.

Today, I would like to carry this matter one step further. I have in my possession a copy of an agreement signed May 29, by the Deputy Director of the Office of Management and Budget, Mr. Malek, and representatives of two organized labor groups.

In this astounding document, Mr. Malek commits the administration to a course designed to make section 2 of the Reorganization Plan No. 2 inoperative. And the administration agrees that if the collusive lobbying techniques do not work by July 1, the administration will "postpone implementation of the transfers mandated by the plan" until such time as the lobbying techniques are successful and the measure is repealed.

I am not particularly concerned with the positions of the administration or those held by the unions on a bill pending before Congress. What I am deeply concerned with, however, is that an agency of the Government would sign a formal document with two labor groups, and specifically agree to collusion to directly affect an action of the Congress, or to subvert the congressional decision.

At best, this reeks of all that is bad with government. How we can expect our citizens to have faith in the legislative process when these practices are carried on is more than I can comprehend.

But, once more, we are treated to the sight of the Office of Management and Budget going ar beyond the duties prescribed to it. Once more, OMB officials seek to subvert the will of the Congress, and to impose on the citizens of this Nation, government by appointment rather than by election. The Congress can no longer permit this bureaucratic challenge to its authority.

Mr. Speaker, the following is a copy of this agreement:

AGREEMENT REORGANIZATION PLAN NO. 2 OF 1973

The Administration Agrees:

I. To make Section 2 of the plan inoperative.

A. We will have introduced and will work with the AFL–CIO to secure passage of a separate bill prospectively repealing Section 2.

B. If this approach does not yield results by July 1, 1973, we will postpone implementation of the transfers mandated by the plan by having Customs contract immigration primary inspection to INS until such time as Section 2 is repealed by statute.

II. To avoid public discussion of "featherbedding" or labor being "against better drug enforcement" in conjunction with organized labor's position on Reorganization Plan No. 2 of 1973.

III. To honor OMB Director Ash's commitment of May 17, 1973, to Chairman Holifield with respect to strengthening the country's illegal alien control capability.

IV. To give careful study to those other problems and suggestions for more effective Customs and illegal alien control and for better labor/management relations in INS and the Customs Service which have been advanced by the labor representatives in the course of discussions to date.

V. To review seriously and sympathetically any other proposals for more effective illegal alien control.

VI. To continue to support H.R. 982 (Rodino bill) restricting employment of illegal aliens within the United States.

The AFL–CIO and AFGE Agree:

I. To cease all lobbying and other activities designed to defeat Reorganization Plan No. 2 in the Congress.

II. Accompanied by an Administration representative to visit personally before Thursday with the Speaker of the House, and key supporters of the Waldie Resolution in the House informing them that the AFL–CIO and AFGE have withdrawn their opposition to the reorganization plan. Similar steps will be taken in the Senate.

III. To inform member unions and affected membership immediately of the withdrawal of labor opposition to the plan.

IV. To assist actively and publicly in securing passage of legislation prospectively repealing Section 2 of the plan.

FRED V. MALEK,
Deputy Director–OMB.
CLYDE M. WEBBER,
President, American Federation of Government Employees.
KENNETH A. MEIKELJOHN,
Legislative Representative AFL–CIO.

APPRAISAL OF THE LATE J. EDGAR HOOVER AS DIRECTOR OF THE FBI BY JOSEPH KRAFT

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

Mr. BURLESON of Texas. Mr. Speaker, the following article by Joseph Kraft in this mornings Washington Post is commended to your attention. What he says is, of course, an opinion but apparently his conclusions are rather solidly based on publicly known facts.

His appraisal of the late J. Edgar Hoover as Director of the FBI is, in my judgment, accurate. No man is indispensable but the situation today suggest Mr. Hoover was as much so as anyone in that position and to the best interest of this Nation.

Those of us who served in the FBI under Mr. Hoover, resent and refute, as has the Assistant Directors of the Bureau, the scurrilous and unjustified statement of the former FBI official referred to in Mr. Kraft's article. Whatever his motives, they are highly questionable.

My colleagues, I particularly call your attention to next to the last paragraph in the article by Mr. Kraft. It is a high tribute to Mr. Hoover and reminds me of the President's characterization of him in his eulogy on May 4, 1972. He referred to Mr. Hoover as one of the giants of American life and said:

He personified integrity; he personified honor; he personified principle; he personified courage; he personified discipline; he personified dedication; he personified loyalty; he personified patriotism.

These are the legacies Mr. Hoover left to the institution he built and to the Nation it serves.

Except for the few critics, those of us who knew Mr. Hoover, worked with and under, fully agree with these tributes to this great man.

THE FBI AND WATERGATE: WINNING ONE FOR HOOVER

(By Joseph Kraft)

The Federal Bureau of Investigation—more than the press, the courts, the Congress and all other government agencies combined—led the way in resisting and exposing what we now know as the Watergate conspiracy.

In the process, the bureau itself developed a true crisis of authority. So the FBI now affords a supreme object lesson as to the requirements for rebuilding government after Watergate.

The FBI, we now know, came into the Watergate picture back in 1970 when the White House first began calling on the various agencies of government to provide political information by wiretap and other dubious means. The one person inside government who refused was the director of the bureau, J. Edgar Hoover.

The FBI next came into the picture immediately after the Watergate burglary of June 17, 1972. By the second week of July, an FBI team under the supervision of Charles Nuzum had developed all the information necessary to bring the men who participated in the burglary to trial. The FBI agents were confident (rightly it turned out) that under pressure of sentencing the guilty men would break and spill the beans on the higher-ups.

But the trial was delayed until after the election—apparently on orders of the prosecutors at the Justice Department. FBI agents were deterred—in part by Mr. Hoover's successor, acting director L. Patrick Gray III—from thorough questioning of the higher-ups.

With their professional reputations on the line, FBI agents began airing their suspicions. The result was the first big set of Watergate stories before the election showing that the break-in was part of a larger campaign of sabotage involving President Nixon's closest personal and political advisers.

The FBI became more deeply embroiled after the elections when the President named Mr. Gray to be director of the bureau in his own right. That appointment offended both younger agents who believed he had queered the Watergate investigation and older officials with ambitions of their own.

The upshot was a new wave of leaks which centered around Mr. Gray and began to surface in his Senate confirmation hearings. Out of these leaks came the major evidence of the attempt to cover up Watergate and the resignation of Messrs. Haldeman and Ehrlichman from the White House staff. As part of the shakeup, Mr. Gray was replaced as acting FBI director by William Ruckelshaus, a former assistant attorney general who had made a name for himself as a tough and honorable official in the environmental field.

The record of the FBI on Watergate is so extraordinary, its determination to force out the truth in such staggering contrast with the rest of the executive branch, that it raises a question. How come? Why was the bureau so different from the CIA and the Justice Department and the staff of the National Security Council?

The answer is J. Edgar Hoover. He was, as I had occasion to write some years ago, the compleat bureaucrat. He made the FBI a supremely professional law-enforcement agency with elan, discipline and a profound sense of institutional loyalty. In the crunch, the institutional loyalty, the sense of fidelity to law enforcement, was proof against the demands of the White House. Despite the powerful pull of presidential loyalty, the bureau went out and won one for J. Edgar Hoover.

But the price paid has been very heavy. The bureau is now a hotbed of factionalism. It leaks like crazy to the press and the Congress. At least one former high FBI official, William Sullivan, was willing to play the White House game, and passed FBI documents over to the White House by back channels. More important still, in a total break with discipline, all assistant directors and all special agents in charge of FBI field offices have sent a telegram to the President insisting that he name an FBI man as the next director.

The way to save the bureau from this factional infighting is not in doubt. The necessary step is the appointment of a man who has the Hoover qualities—integrity, independence, institutional loyalty and a willingness to stand up to the high political authorities when they push him to cut corners.

It is only by bringing such men into his administration, at the FBI and other governmental agencies, that Mr. Nixon can redeem the government he and his friends have done so much to weaken at the base.

PROPOSED INCREASE IN FEDERAL GASOLINE TAX

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

Mr. LATTA. Mr. Speaker, along with millions of other Americans, I want to express my displeasure over the disclosure by Treasury Secretary George Shultz that the administration is studying a proposal to drastically increase the Federal excise tax on gasoline.

This is a negative approach that should be rejected out of hand. What is needed is more gasoline—not more taxes.

In the first place, we should be moving ahead now with an aggressive program to increase the supply of gasoline. Raising the excise tax would not produce a single gallon of needed fuel.

Second, any gasoline tax increase—and certainly the one of from 5 to 10 cents per gallon reportedly being considered by the administration—would place an unfair burden on those who are least able to afford it; namely, the millions of lower-income men and women who must depend upon their automobiles in earning a living.

I would remind the administration's economic policymakers that President Nixon made a specific campaign commitment to hold the line on taxes. Higher gasoline taxes would violate that pledge.

Given the President's firm stand against new or higher taxes during his reelection campaign, I remain hopeful that the administration will reject the proposition of a boost in the gasoline tax. If I am disappointed in this hope, and if the administration does request such a tax hike from the Congress, I want to serve notice that I shall oppose it as vigorously as possible.

Rather than "studying" a regressive gasoline tax increase, the administration and the Congress—in cooperation with the energy-related companies in the private sector—should be moving at full speed to increase our total fuel supplies by implementing the recommendations in the President's energy message to Congress on April 18.

It is not my intention to downgrade the seriousness or the scope of our total energy problem, however, I do suggest we have had too much rhetoric on the subject and not enough action. That we have a growing energy problem is no longer debatable. But we have the resources, the ingenuity and the technological skills to solve it.

The current crunch in gasoline supply is only one aspect of the total problem, but it is one that demands priority attention immediately. Focusing only on gasoline for the moment, what should we be doing about it?

It seems to me the President answered this question in his energy message, both for the short term and for the longer range period through the end of the century. In my judgment there is a broad consensus on steps we should be taking. I suggest we take immediate action to achieve the following eight top priority objectvies:

First. Experience with new model cars indicates we must take another, more realistic look at auto emission standards. We would not have a gasoline shortage today if the new model cars were not using up to 20 percent more fuel.

Second. Of necessity we must increase our oil imports, principally from the Middle East, and the administration has already taken Executive action to make this possible.

Third. At the same time it is imperative that we find and develop more domestic supplies of oil and gas. Nobody in his right mind wants America to become overly dependent upon petroleum supplies from an area of the world so unstable and politically volatile as the Middle East.

Fourth. Congress should approve the President's request to extend the investment credit provisions of our existing tax laws to encourage exploratory drilling for new oil and gas fields. A more conducive tax climate and incentive for private capital to assume the enormous risks involved in oil exploration is clearly needed.

Fifth. The administration should do everything possible to expedite the program already announced to extend the amount of Continental Shelf acreage subject to leasing, because these are the most promising areas for early development.

Sixth, Congress should speedily enact the right-of-way bill that will enable construction to begin on the Trans-Alaska pipeline. The oil is here, and each day's delay in getting the pipeline started is costing a half million dollars.

Seventh, we must take whatever action is required, at all levels of government, to develop new deepwater terminals in suitable coastal locations to handle the new generation of supertankers.

Eighth, given the assurance of tax incentives and more stabilized supplies of crude oil, the petroleum industry must be permitted under realistic environmental standards to construct needed refinery facilities. The hard fact is that we now have no excess capacity, our refineries are running at maximum capacity.

Mr. Speaker, I have attempted to outline a plan of action which is realistic and capable of being accomplished. I do not suggest it will be easy, but I am saying it can be done.

Let me comment briefly on a few of the recommendations I have made.

If any one doubts the need and economic wisdom of additional tax incentive to spur domestic exploration, let him consider the fact that one off-shore drilling rig costs upwards of $10 million—and there is no guarantee of finding oil.

Or let him consider the fact, for example, that American companies have already expended vast sums to find what is probably the largest oil field in North America on the north slope of Alaska. Yet the delay in building the pipeline to get that oil to the consumer is costing more than $180 million a year—and the American consumer will ultimately have to foot that bill.

With respect to our strained refining capacity, we have been warned by the National Petroleum Council that we need to build five new refineries every year, each with a capacity of 150,000 barrels, for perhaps the next decade. Yet there is not a single new refinery under construction in the United States today.

Congress must face up to its responsibilities in helping to solve not only the immediate gasoline shortage but also the long-range total energy resources problem. We do not need any more rhetoric on the "energy crisis." We need constructive legislative action.

What needs to be done is abundantly clear. There is still time in this session for Congress to act. Let us get on with it.

SMALL BUSINESS IN AMERICA

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

Mr. PARRIS. Mr. Speaker, the small business community of this Nation is a major economic and social force, comprising more than 98 percent of American business. Small businesses at present employ more than 56 million Americans. When we speak of small business it is easy to visualize the corner drugstore and the neighborhood drycleaner. However, in actuality, everything from the local market with two employees to companies employing up to 500 persons can qualify under the Federal definition of a small business concern. As a result, there are currently more than 3 million operational small businesses in the United States.

Further, the role that small business plays in the success and viability of its counterpart, American big business, cannot be underestimated. For example, consider the development of the 747 jumbo jet by the Boeing Aircraft Corporation. More than 16,500 small suppliers contributed to what resulted in the successful production of that airplane.

In view of the enormous economic impact of small business upon this Nation, and the fact that the failure rate for small, independent firms is notoriously high, I am utterly at a loss to understand why the Federal Government sometimes seems to ignore and often fails to protect their interests when it enacts new laws, issues new regulations, or takes any action whatsoever which has a potential and oftentimes substantial damaging impact upon the small business community. Considerable hardship has been imposed upon our smaller firms with the promulgation of EPA and FDA regulations, recent military base closures, and the transfer of various Federal installations, to name a few. In addition, the enactment of the Occupational Safety and Health Act and the Wholesome Meat Act must also be considered in this light. We have often overlooked the side effects and financial impact that such measures or actions place upon small, independent firms. By approving legislation that requires plant facility changes or the purchase of new equipment, that affects the availability of a raw material necessary to the completion of an end product, or that detrimentally affects small business markets, we are establishing what can only be termed as retroactive guilt for those who must bear the burdens and the costs of these changes. I do not believe that forcing a small business to undertake substantial expansion, alteration, or substantial additional costs as a result of Federal action is an equitable procedure.

Recently, several communities in my district sustained considerable damage as a result of a tornado which destroyed homes, businesses, and schools. Accordingly, after appropriate investigations of the extent of damage and the affected sites, the Federal Government made available disaster assistance to Fairfax County through the Office of Emergency Preparedness. Without this assistance, much of what was destroyed or damaged could not have been replaced.

I believe that the impact of new Federal laws and regulations can be equally as devastating to the small business community as a natural disaster is to a local area. It is therefore reasonable to assume that small businesses adversely affected by the actions of the Federal Government are entitled to the same consideration from that Government as are those whose homes or businesses are destroyed by a tornado or hurricane. It is for this

reason that I am today introducing legislation which will provide for the availability of disaster relief to those small businesses or their employees specifically and uniquely detrimentally affected by the following Federal actions: new laws or amendments to existing law; new regulations; contract cancellations by the United States; or the closing of any Federal facility or installation. Eligibility for disaster relief would be jointly, and I might add appropriately, determined by the Director of the Office of Emergency Preparedness, the Secretary of Commerce, and the Administrator of the Small Business Administration.

The principle of this proposal is far from new. My colleagues will certainly recall that when the Congress gave its approval to the Trade Expansion Act of 1962, a provision was specifically included to allow relief for our domestic industry and labor who were adversely affected by the influx of foreign imports. This was also true when the Congress addressed its attention to the deplorable conditions which were developing in our urban areas, and accordingly developed comprehensive urban renewal programs. Relocation assistance allowances were made available to those families or businesses who were forced to move as a result of the implementation of these programs.

Mr. Speaker, in recent years we have taken great strides in asserting our dependence upon, and support for, the contributions of the small business community, as first evidenced by the creation of the Small Business Administration in 1953. The enactment of the legislation I am introducing today will be but another step in insuring that small businesses maintain their viability and productivity. I am extremely hopeful that this body will give expeditious consideration to my bill so that it can be enacted at the earliest possible date.

THE ENERGY CRISIS

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

Mr. EDWARDS of Alabama. Mr. Speaker, many words have been spoken and written lately about the energy crisis. But unfortunately, all this thunder has been accompanied by very little lightning. We are concerned about this problem at both ends of Pennsylvania Avenue, but concern will not fill our gas tanks or run our machinery and equipment or keep our businesses and homes functioning.

Time plays a very crucial factor in the energy problem. Because of the nature of energy development, there is a built-in lag between production and actual utilization of fuel. We cannot afford to add to that lag through indecision and lack of action.

Several steps are in order immediately. I have introduced legislation to create a Council on Energy Policy to piece together the fragmented governmental approach we have now. Our uncoordinated, duplicative, overlapping system produces untold delays and additional costs. Like a broken gas line, we spill significant amounts of our energy efforts as we stumble from agency to agency trying to find solutions. I urge that my legislation be enacted at once so that the Federal effort to solve this problem can take on new direction and purpose.

The energy industry must work to increase capacity production. Exploration and development of our available resources must proceed at once.

We must decide the Alaskan pipeline issue now, balancing environmental needs with the need for energy development. Research into new energy sources must proceed. Governmental policy must be reexamined to make certain that no unnecessary impediments are placed on energy development.

Every citizen has an obligation to take all possible steps to conserve energy by wise use of utilities and personal automobiles.

We must recognize that the day of energy abundance is over. Everyone—industry, Government, individual citizens—must pull together to solve this problem.

I am deeply concerned that in the rush to make use of our dwindling energy supply the small businessman, the independent oil man, and private citizens will be overlooked. These people are the backbone of our country, and we must do whatever is necessary to see that they get the fuel they need.

Mr. Speaker, America has faced serious problems before. We have solved them. I am confident that we will solve this one. But we need to get started today, not next week or next month. It only takes a short while to put a small operator out of business, so we must move and we must move now.

FAIR LABOR STANDARDS AMENDMENTS OF 1973

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

Mr. ERLENBORN. Mr. Speaker, as has just been announced, the amendments to the Fair Labor Standards Act of 1973 (H.R. 7935) will be considered by the House next week.

Just this day, I, together with the gentleman from Florida (Mr. FUQUA), the gentleman from Minnesota (Mr. QUIE), the gentleman from Louisiana (Mr. WAGGONER), and the gentleman from Illinois (Mr. ANDERSON) have introduced a bill which will be offered as a substitute to the committee bill when that bill is under consideration next week.

So that the Members may have an opportunity to see the text of this bill, Mr. Speaker, at this point I ask unanimous consent that the text of the bill we are introducing today, which will be offered as a substitute, be printed in the RECORD.

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

There was no objection.

The material referred to is as follows:

H.R. 8304

A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates prescribed by that Act, to expand employment opportunities for youths, and for other purposes

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

SHORT TITLE

SECTION. 1. This Act may be cited as the "Fair Labor Standards Amendments of 1973".

TITLE I—INCREASES IN MINIMUM WAGE RATES

INCREASE IN MINIMUM WAGE RATE FOR EMPLOYEES COVERED BEFORE 1966

SEC. 101. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) not less than $1.90 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $2.10 an hour during the second year from such date, and not less than $2.20 an hour thereafter, except as otherwise provided in this section;"

INCREASE IN MINIMUM WAGE RATE FOR NONAGRICULTURAL EMPLOYEES COVERED IN 1966

SEC. 102. Section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(b)) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973,

"(2) not less than $2.00 an hour during the second year from such date,

"(3) not less than $2.10 an hour during the third year from such date, and

"(4) not less than $2.20 an hour thereafter."

INCREASE IN MINIMUM WAGE RATE FOR AGRICULTURAL EMPLOYEES

SEC. 103. Section 6(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.70 an hour during the second year from such date, but not less than $1.85 an hour during the third year from such date, and not less than $2.00 an hour thereafter."

INCREASES IN MINIMUM WAGE RATES FOR EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 104. (a) Effective on the date of the enactment of the Fair Labor Standards Amendments of 1973, subsection (c) of section 6 of such Act is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2)(A) In the case of such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply (unless superseded by a wage order issued under paragraph (5) and except as otherwise provided by paragraph (7)):

"(i) Effective as prescribed in subparagraph (B), the employee's base rate, increased by 18.75 per centum.

"(ii) Effective one year after the applicable effective date of the increase prescribed by clause (i), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 12.5 per centum of the employee's base rate.

"(iii) Effective one year after the applicable effective date of the increase prescribed by clause (ii), not less than the highest rate

applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 6.25 per centum of the employee's base rate.

"(B) The effective date of the increase prescribed by subparagraph (A)(i) shall be the sixtieth day following the effective date of the Fair Labor Standards Amendments of 1973 or one year from the effective date of the most recent wage order applicable to the employee which the Secretary issued before the effective date of the Fair Labor Standards Amendments of 1973 pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(C) For purposes of this subjection, the term 'base rate' means the rate applicable to an employee under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1973 pursuant to the recommendations of a special industry committee appointed pursuant to section 5.

"(3)(A) In the case of any employee employed in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5 and to whom the rate or rates prescribed by subsection (a)(5) would otherwise apply, the following rates shall apply (unless superseded by a wage order issued under paragraph (5) and except as otherwise provided in subparagraph (B) or paragraph (7)):

"(i) Effective as prescribed in subparagraph (C), the employee's base rate, increased by 15.4 per centum.

"(ii) Effective one year after the applicable effective date of the increase prescribed by clause (i), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 15.4 per centum of the employee's base rate.

"(iii) Effective one year after the applicable effective date of the increase prescribed by clause (ii), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 11.5 per centum of the employee's base rate.

"(iv) Effective one year after the applicable effective date of the increase prescribed by clause (iii), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 11.5 per centum of the employee's base rate.

"(B) Notwithstanding subparagraph (A) of this paragraph, in the case of any employee employed in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5, to whom the rate or rates prescribed by subsection (a)(5) would otherwise apply, and whose hourly wage is increased above the wage rate prescribed by such wage order by a subsidy (or income supplement) paid, in whole or in part, by the government of Puerto Rico, the following rates shall apply (unless superseded by a wage order issued under paragraph (5) and except as otherwise provided in this subparagraph and in paragraph (7)):

"(i) Effective as prescribed in subparagraph (C), the employee's base rate, increased by (I) the amount by which the employee's hourly wage rate is increased above his base rate by the subsidy (or income supplement), and (II) 15.4 per centum of the sum of the employee's base rate and the amount referred to in subclause (I).

"(ii) Effective one year after the applicable effective date of the increase prescribed by clause (i), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 15.4 per centum of the sum of the employee's base rate and the amount referred to in subclause (I) of clause (i).

"(iii) Effective one year after the applicable effective date of the increase prescribed by clause (ii), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 11.5 per centum of the sum of the employee's base rate and the amount referred to in subclause (I) of clause (i).

"(iv) Effective one year after the applicable effective date of the increase prescribed by clause (iii), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 11.5 per centum of the sum of the employee's base rate and the amount referred to in subclause (I) of clause (i).

Notwithstanding clause (i), (ii), (iii), or (iv) of this subparagraph, the minimum wage rate for any employee described in this subparagraph shall not be increased under such clause (i), (ii), (iii), or (iv) to a rate which exceeds the minimum wage rate in effect under subsection (a)(5).

"(C) The effective date of the increase prescribed by subparagraphs (A)(i) and (B)(i) shall be the sixtieth day following the effective date of the Fair Labor Standards Amendments of 1973 or one year from the effective date of the most recent wage order applicable to the employee which the Secretary issued before the effective date of the Fair Labor Standards Amendments of 1973 pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(4)(A) In the case of any employee who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5 and to whom this section was made applicable by the amendments made to this Act by the Fair Labor Standards Amendments of 1966, the following rates shall apply (unless superseded by a wage order issued under paragraph (5) and except as otherwise provided by paragraph (7)):

"(i) Effective as prescribed in subparagraph (B), the employee's base rate, increased by 12.5 per centum.

"(ii) Effective one year after the applicable effective date of the increase prescribed by clause (i), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 12.5 per centum of the employee's base rate.

"(iii) Effective one year after the effective date of the increase prescribed by clause (ii), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 6.25 per centum of the employee's base rate.

"(iv) Effective one year after the effective date of the increase prescribed by clause (iii), not less than the highest rate applicable to the employee on the day before the effective date of the increase prescribed by this clause, increased by an amount equal to 6.25 per centum of the employee's base rate.

"(B) The effective date of the increase prescribed by subparagraph (A)(i) shall be the sixtieth day following the effective date of the Fair Labor Standards Amendments of 1973 or one year from the effective date of the most recent wage order applicable to the employee which the Secretary issued before the effective date of the Fair Labor Standards Amendments of 1973 pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(5)(A) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands for whom wage rate increases are prescribed by paragraph (2), (3), or (4) may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum wage rate or rates to be paid such employees in lieu of the rate or rates prescribed by paragraph (2), (3), or (4), whichever is applicable. Any such application shall be filed—

"(i) in the case of the first of such increases, not less than thirty days following the date of enactment of the Fair Labor Standards Amendments of 1973, and

"(ii) in the case of each succeeding increase, not more than one hundred and twenty days and not less than sixty days prior to the effective date of such increase.

"(B) The Secretary shall promptly consider any application duly filed under subparagraph (A) of this paragraph for appointment of a special industry committee and may appoint such a special industry committee if he has a reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with any applicable rate or rates prescribed by paragraph (2), (3), or (4) as the case may be, will substantially curtail employment in the industry with respect to which the application was filed. The Secretary's decision upon any such application shall be final. In appointing a special industry committee pursuant to this paragraph the Secretary shall, to the extent possible, appoint persons who were members of the special industry committee most recently convened under section 8 for such industry. Any wage order issued pursuant to the recommendations of a special industry committee appointed under this paragraph shall take effect on the applicable effective date provided in paragraph (2), (3), or (4), as the case may be. If a wage order has not been issued pursuant to the recommendation of a special industry committee appointed under this paragraph prior to the applicable effective date under paragraph (2), (3), or (4), the applicable percentage increase provided by paragraph (2), (3), or (4) shall take effect on the effective date prescribed therein, except with respect to the employees of an employer who filed an application for appointment under this paragraph of a special industry committee and who files with the Secretary an undertaking with a surety or sureties satisfactory to the Secretary for payment to his employees of an amount sufficient to compensate such employees for the difference between the wages they actually receive and the wages to which they are entitled under this subsection. The Secretary shall be empowered to enforce such undertaking any sums recovered by him shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sum not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts.

"(C) The provisions of section 5 and section 8, relating to special industry committees, shall be applicable to special industry committees appointed under this paragraph. The appointment of a special industry committee under this paragraph shall be in addition to and not in lieu of any special industry committee required to be convened pursuant to section 8(a), except that no special industry committee convened under that section shall hold any hearing within one year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary, by a special industry committee appointed under this paragraph, to be paid in lieu of the rate or rates prescribed by

paragraph (2), (3), or (4), as the case may be.

"(6) The minimum wage rate or rates prescribed by this subsection shall be in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of the applicable rate prescribed in subsection (a) or (b)) hereafter issued by the Secretary pursuant to the recommendation of a special industry committee appointed under section 5.

"(7) Notwithstanding any other provision of this subsection, the wage rate of any employee in Puerto Rico or the Virgin Islands which is subject to increase under paragraph (2), (3), or (4) of this subsection shall, on and after the effective date of the first wage increase under the paragraph which applies to the employee's wage rate, be not less than 60 per centum of the wage rate that (but for this subsection) would be applicable to such employee under subsection (a) or (b) of this section."

(b) The third sentence of section 10(a) of such Act (29 U.S.C. 210(a)) is amended by inserting "(including provision for the payment of an appropriate minimum wage rate)" after "modify".

EXCLUSION OF EMPLOYEES IN THE CANAL ZONE FROM INCREASE IN MINIMUM WAGE

SEC. 105. Section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)) is amended (1) by inserting "(1)" immediately after "(f)", and (2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), the increases in the minimum wage rates prescribed by the Fair Labor Standards Amendments of 1973 shall not apply to the minimum wage rates applicable under this Act to employees employed in the Canal Zone."

TITLE II—REVISION OF EXEMPTIONS

SEC. 201. Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding after subsection (j) the following new subsection:

"(k) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee (not otherwise exempted from such subsection by subsection (i) or section 13 (a)(1)) in a retail or service establishment if—

"(1) such employee is employed in a bona fide sales capacity in, or as manager of, such establishment;

"(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a)(1); and

"(3) for employment in such establishment in excess of forey-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment."

NEWSPAPER DELIVERY EMPLOYEES

SEC. 202. Section 13(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(d)) is amended by inserting after "newspapers" the following: "or shopping news (including shopping guides, handbills, or other types of advertising material)".

HOUSE-PARENTS FOR ORPHANS

SEC. 203. Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or" and by adding after that paragraph the following:

"(15) any employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children—

"(A) who are orphans or one of whose natural parents is deceased, and

"(B) who are enrolled in such institution and reside in residential facilities of the institution, while such children are in residence at such institution, if such employee and his spouse reside in such facilities, receive, without cost, board and lodging from such institution, and are together compensated, on a cash basis, at an annual rate of not less than $10,000."

TITLE III—EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER EIGHTEEN AND STUDENTS

SEC. 301. Section 14 of the Fair Labor Standard Act of 1938 (29 U.S.C. 214) is amended (1) by striking out subsections (b) and (c), (2) by redesignating subsection (d) as subsection (c), and (3) by adding after subsection (a) the following:

"(b)(1) Subject to paragraph (2) and to such standards and requirements as may be required by the Secretary under paragraph (4), any employer may, in compliance with applicable child labor laws, employ, at the special minimum wage rate prescribed in paragraph (3), any employee—

"(A) to whom the minimum wage rate required by section 6(a) or 6(b) would apply in such employment but for this subsection, and

"(B) who is under the age of eighteen or is a full-time student.

"(2) No employer may employ for a period in excess of one hundred and eight days any employee who is under the age of eighteen and is not a full-time student at the special minimum wage rate authorized by this subsection.

"(3) The special minimum wage rate authorized by this subsection is a wage rate which is not less than the higher of—

"(A) 80 per centum of the otherwise applicable minimum wage rate prescribed by section 6(a) or 6(b), or

"(B) $1.30 an hour in the case of employment in agriculture or $1.60 an hour in the case of other employment.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

"(5) For purposes of sections 16(b) and 16(c)—

"(A) any employer who employs any employee under this subsection at a wage rate which is less than the minimum wage rate prescribed by paragraph (3) shall be considered to have violated the provisions of section 6 in his employment of the employee, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of the otherwise applicable minimum wage rate under section 6; and

"(B) any employer who employs any employee under this subsection for a period in excess of the period authorized by paragraph (2) shall be considered to have violated the provisions of section 6 in his employment of the employee during the period in excess of the authorized period."

TITLE IV—CONFORMING AMENDMENTS; EFFECTIVE DATE; AND REGULATIONS

CONFORMING AMENDMENTS

SEC. 401. Section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208) is amended (1) by striking out "the minimum wage prescribed in paragraph (1) of section 6(a) in each such industry" in the first sentence of subsection (a) and inserting in lieu thereof "the minimum wage rate which would apply in each such industry under paragraph (1) or (5) of section 6(a) but for section 6(c)", (2) by striking out "the minimum wage rate prescribed in paragraph (1) of section 6(a)" in the last sentence of subsection (a) and inserting in lieu thereof "the otherwise applicable minimum wage rate in effect under paragraph (1) or (5) of section 6(a)", and (3) by striking out "prescribed in paragraph (1) of section 6(a)" in subsection (c) and inserting in lieu thereof "in effect under paragraph (1) or (5) of section 6(a) (as the case may be)".

EFFECTIVE DATE AND REGULATIONS

SEC. 402. (a) Except as provided in section 104(a), the effective date of this Act and the amendments made by this Act is the first day of the second full month which begins after the date of its enactment.

(b) Notwithstanding subsection (a), on and after the date of the enactment of this Act the Secretary of Labor is authorized to prescribe necessary rules, regulations, and orders with regard to the amendments made by this Act.

PROSPECTIVE CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

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

Mr. STEELMAN. Mr. Speaker, 2 weeks ago, this distinguished body voted their convictions and approved legislation calling for Senate confirmation of the Director and Deputy Director of the Office of Management and Budget, including the present incumbents, Roy Ash and Fred Malek.

This same legislation, also passed by the Senate, was vetoed by the President and returned to the House where, only last week, it was voted to sustain the President's veto.

I feel that there is an important principle involved here and one that must be faced now. The important institutional principle is that the Director and Deputy Director should be confirmed by the Senate because the nature of the institution has changed. I believe the current scope and influence of the Office of Management and Budget has elevated the position of Director to one with power far exceeding that of a Cabinet officer, and Cabinet officers are subject to confirmation.

It is clear to me that it is no longer the case that the Director or the Deputy Director is simply another staff member preparing policy options and recommendations in the same manner as other officials do for the President's consideration .

I am sure my colleagues will agree that the original concept of the Bureau of the Budget, now termed the Office of Management and Budget, has changed a great deal since its inception in 1921. It has gone from an advisory capacity, whose sole purpose was to advise and counsel the administration and the Congress, to an organization responsible for countless major policymaking decisions each day.

In light of this change, it is clear that the powers and responsibilities of the persons who head this organization have also changed. They negotiate with the various agencies for what their funding levels will be, decide the fate of congressionally authorized and appropriated programs, and generally dominate the

area of budgetary policy. Also, it should be understood that the Director and Deputy Director of the Office of Management and Budget are responsible for the hundreds of day-to-day decisions that are made at the staff level, never involving the President.

I can see no reason why not—in fact, I see an urgent need why—the persons in charge of the Office of Management and Budget should come under the same close scrutiny of the Senate as do Cabinet officers. Confirmation will not only allow an evaluation of the nominee's fitness for the job, but also his concept of the role the Office of Management and Budget should play among the branches of government.

It is toward this end that I and over 60 of my colleagues on both sides of the aisle are introducing legislation to provide for Senate confirmation of all future Directors and Deputy Directors of the Office of Management and Budget. We feel that this legislation will overcome the objections of many to subjecting the present incumbents to Senate confirmation.

There were those who previously made this issue into a confrontation between the Executive and Legislative branches of Government by insisting that the present incumbents be subject to confirmation. We have seen the result of the confrontation—a Presidential veto sustained by the House.

By the broad-based support on both sides of the aisle for this new legislation, I believe that it is the overwhelming consensus of the Congress that the positions of Director and Deputy Director of the Office of Management and Budget have such powers that appointees to these posts should receive the scrutiny of the Legislative branch. I hope that we can all work toward this goal.

WILLIAM BENTON

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 15 minutes.

Mr. BRADEMAS. Mr. Speaker, earlier this year, on March 18, 1973, a former U.S. Senator and one of the most distinguished citizens of our country, the Honorable William Benton of Connecticut died.

As one of the many Members of Congress who had the privilege of knowing Senator Benton, and in particular as one who knew firsthand of Senator Benton's deep commitment to education, I take this time to pay my respects to this extraordinary figure in modern American life.

I am sure that other colleagues will wish as well to comment on the many contributions which William Benton made as a leader in education, government and industry, among the several fields to which his remarkable energies and talents were most intensively and productively directed.

Mr. Speaker, William Benton won his first fame and his first fortune as an advertising genius, but from the age of 35 he dedicated the remainder of his life to education. Something of the impact he made upon that field, through the publications and productions of Encyclopedia Britannica and the Britannica Educational Corp., and through his own contributions of intellect, energy, and time, and money, and works of art, may be seen in the reactions of the world of education to his death.

Mr. Speaker, I insert extracts from some of those comments at this point in the RECORD:

FROM EDWARD H. LEVI, PRESIDENT OF THE UNIVERSITY OF CHICAGO, THE FOLLOWING STATEMENT ON THE DEATH MARCH 18 OF WILLIAM B. BENTON, LIFE TRUSTEE AND FORMER VICE-PRESIDENT OF THE UNIVERSITY

The world has known William Benton as a man of the most extraordinary ability, whose energy, creativity, and dedication led him into many careers of public service and public leadership, as United States Senator from Connecticut, Assistant Secretary of State, Ambassador on the Board of UNESCO, and publisher of the *Encyclopaedia Britannica*. For the past 37 years The University of Chicago has known William Benton as a most devoted friend and wise counselor. He became Vice-President of the University in 1937; he became a Trustee of the University in 1946.

His active role in the guidance of the University throughout this entire period and to the present was marked by a deep appreciation of the aims of education and a concern for basic values. Under his leadership, the University pioneered in educational radio. "The University of Chicago Round Table" became a national institution. He took the lead at an early time in helping to bridge the gap between the world of scholarship and the world of public affairs. It was from The University of Chicago that he helped to organize the Committee on Economic Development as an effort in this direction. The academic community owes an enormous debt of gratitude to him for his work in the international exchange of scholars and his championship of intellectual freedom. His interest in communications and the requirements of a learning society manifested themselves in numerous joint projects with the University and as publisher of the *Encyclopedia Britannica*.

William Benton brought to the University a special insight in public affairs, but always with an insistence upon the role of the University in quality education and in discovery. His interest in education led him to significant participation in many learned groups, as, for example, among educators in the Cleveland Conference. In recognition of his extraordinary leadership for the University, the Board of Trustees created in 1968 the William Benton Medal as the University's highest service award, to be given not more than once in any five-year period, and conferred the first such medal upon Senator Benton.

Those of us who were fortunate enough to know William Benton in The University of Chicago setting will always remember his quickness and openness of mind, his insatiable intellectual curiosity, his incredible activity and successful mastery and assumption of responsibility in many fields which never, however, distracted him from acts of continuing friendship and his devotion to this institution and its ideals.

FROM THE BOARD OF TRUSTEES OF THE INSTITUTE OF INTERNATIONAL EDUCATION

Resolved, that the Board of Trustees of the Institute of International Education notes with profound sorrow the untimely death of their good friend and colleague, William Benton. His commitment to international education, his loyal and devoted services as a trustee during the past twelve years, his sharp insights and comments and his personal sincerity made him a beloved and valued member of the IIE family. He will be deeply missed by all of us who have had the pleasure and privilege of knowing him.

FROM WALTER PERRY, VICE CHANCELLOR OF THE UNITED KINGDOM'S OPEN UNIVERSITY

It was with very real regret that I read of his death. I have many happy memories of his infectious enthusiasm about the Open University and his encouragement as we took our first steps towards the United States. All of us here are indebted to him for the Common Room we now use which is our main social focus, and we are very glad that he managed a visit to England to see it himself.

FROM THE REVEREND THEODORE M. HESBURGH, C.S.C., PRESIDENT, UNIVERSITY OF NOTRE DAME

All of us who knew Bill were constantly surprised by the vitality of his thought and the wide range of his intellectual and moral concern. I have cherished the many opportunities I had to visit with him during his life and was often inspired by his good works and marvelous writings. America needs people like Bill Benton and has been immeasurably enriched by his presence among us.

FROM PROF. ARTHUR SCHLESINGER, JR.

I was appalled to read the sad news in this morning's *Times*. Bill was one of the extraordinary men of our day—a man of unique energy, imagination, courage and generosity—and it is impossible to believe that such unquenchable vitality has been stilled. He has left monuments all around, but the gap in the minds of his family and friends will be hard to fill.

FROM JAMES A. ROBINSON, PRESIDENT, MACALESTER COLLEGE

Although I have only been at Macalester College a short time, I have been well aware of the lasting impression Mr. Benton made on this campus. The William Benton Endowed Scholarship established by him in 1957 has given financial assistance to twenty young men in pursuit of their educational goals. Some have already become successful as educators and attorneys as well as businessmen . . . all of those lives he touched through his remarkable career in the fields of business, education, publishing, communications and government.

FROM JAMES J. HENDERSON, CHAIRMAN OF THE BOARD OF TRUSTEES, THE HAMPTON INSTITUTE

The Board of Trustees and the Hampton Institute community have learned with deep regret of the death of Senator Benton . . . His many, many, plentiful contributions to the work of our Board and the lasting effects of his outstanding leadership will be long remembered with gratitude and respect.

FROM DR. JEROME H. HOLLAND, FORMER PRESIDENT, HAMPTON INSTITUTE AND U.S. AMBASSADOR TO SWEDEN

The passing of William Benton leaves a void in American life. He was a concerned citizen who pioneered in many educational, political and social welfare measures. My personal experiences with him as a trustee of Hampton Institute provided me with an insight into his commitment towards his fellow man. I join his many friends in expressing my sympathy to the members of his family.

Mr. Speaker, William Benton also gave unstintingly of his time and his seemingly endless energy to serve his country, for more than 25 years, in a variety of public positions. His service to UNESCO was conspicuous, from his leadership of

the American delegation to its founding conference all the way to his service on the executive board near the end of his life.

Mr. Speaker, I insert extracts from some of the comments on his death by political leaders of this country and the world at this point in the RECORD:

FROM SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

I was greatly saddened by Bill's death. He was one of our great Americans and contributors to the quality of our lives. I saw him only occasionally, but was always inspired by him as an example.

FROM ARTHUR J. GOLDBERG, FORMER SUPREME COURT JUSTICE AND FORMER AMBASSADOR TO THE UNITED NATIONS

Bill Benton was a great public servant and a warm and likeable human being. His service to his country, to his state and to the international community were manifold; not the least of these was his courageous stand against McCarthyism when others, both in private and public life, were unwilling to stand up and be counted.

Despite a busy and successful business career, he was a conscientious U.S. Ambassador to UNESCO and in this capacity served with distinction and fidelity. He was, as I have said, a successful businessman, but in all of his business activities, Bill Benton had a sense of the overriding public interest. Senator Benton had a unique capacity also for personal friendships. He enjoyed people and they, in turn, responded by enjoying and profiting from association with him.

Bill Benton is one of those rare persons who will be truly missed by all who knew him.

FROM RENÉ MAHEU, DIRECTOR-GENERAL OF UNESCO

The name of William Benton has been associated with UNESCO—the United Nations Educational, Scientific and Cultural Organization, from the earliest days of the Organization.

As a leading member of the United States delegation to the UNESCO Founding Conference in London in November, 1945, Benton played a vital role in shaping the structure and policy of the fledgling Organization as it emerged from that Conference. He was then Assistant Secretary of State for Information and it is largely due to his influence that one of the main tasks laid upon UNESCO from the outset was to further the international development and application of the information media with a view to promoting the free exchange of ideas and knowledge among the peoples of the world. As a consequence communication was to be one of the Organization's major fields of competence.

From that time on Benton remained one of UNESCO's staunchest supporters in the United States. He served as a member of the UNESCO Executive Board from 1963 to 1968, a position in which his broad knowledge and international experience were of great value. He took a particularly active interest in promoting education and communication in the cause of international understanding and his contribution in this respect was an outstanding one.

William Benton will always be remembered as an indefatigable worker and a frank and outspoken man who was never afraid to share his views with others. He fought hard to further the aims and ideals of UNESCO and, in doing so, served well both his country and the Organization.

I myself had many opportunities of getting to know him throughout these years and was deeply affected by the news of his death. He had my esteem and respect at all times, whether we found ourselves on opposing sides, as sometimes happened through the force of circumstances, or united in that faith in democracy and devotion to the cause of intellectual freedom that we shared. More than all else, I valued him for the untiring energy, the warmth of human sympathy, the insatiable curiosity and the open-minded approach to any sort of innovation which I admired so much and which will remain, for all those who had to do with him, an unforgettable instance of man's enterprising spirit, as exemplified in the most gifted individuals.

FROM THE HONORABLE JOHN E. FOBES, DEPUTY DIRECTOR-GENERAL OF UNESCO

We at UNESCO have learned with great distress of the death of William Benton . . . He was an important part in the founding of UNESCO and later as an active member of its Executive Board, and he will long be remembered by all who knew him here.

Personally, Mrs. Fobes and I need to express our feelings of admiration and esteem for the man, William Benton, a longtime friend and adviser. No task was too great, if the cause was right. He traveled throughout the world leaving his imprint, his challenge to "get on with it" and his encouraging ideas. We humans miss someone like Senator Benton. Many tributes will be given him now, as they were so justly during his full lifetime. We must profit from his example.

Mr. Speaker, here are other tributes to William Benton from a variety of leaders of business, industry, labor, and journalism:

FROM EMILIO G. COLLADO, EXECUTIVE VICE PRESIDENT, EXXON CORP.

One facet of Bill Benton's great career was his sponsorship of and participation in the work of the Committee for Economic Development. Those who worked with him in the creation and work of CED over the years held him in great respect and admiration for his foresight, courage, drive, and continuing optimism. We shall miss him very much.

FROM ALFRED C. NEAL, PRESIDENT, THE COMMITTEE FOR ECONOMIC DEVELOPMENT

Bill was a founder and great leader of the Committee for Economic Development. Through the time and breadth of CED's activities, in which he was always interested, he insisted upon full commitment and high purpose however difficult the course. His inspiration, thought, and guidance will long remain with us, and his ideas will be carried on by his colleagues in our work.

FROM JACOB POTOFSKY, OF AMALGAMATED CLOTHING WORKERS

He was a great American and Senator from the State of Conneticut as well as a member of Cabinet in the Truman administration. His passing is a great loss to our country.

FROM DAVID J. STEINBERG, EXECUTIVE DIRECTOR, COMMITTEE FOR A NATIONAL TRADE POLICY

We have learned with great sorrow of Senator Benton's passing. The nation has lost an extraordinary figure with an outstanding record in business, education, government service and a wide range of cultural pursuits. Our Committee and the campaign for a freer world economy have also suffered a great loss.

Bill Benton was for many years one of the most active members of our Board—one of those most concerned with the national issues and with the unique role of our Committee. He helped us in many ways, including constructive suggestions and financial support. I look back pridefully to our leadership involvement (almost alone among the active members of the liberal-trade community) in certain trade policy issues in which he was particularly interested—issues which might seem marginal to the overall objective, but which we regarded as deserving our interest. I refer to our vigorous support of the Beirut and Florence agreements and our urging repeal of the manufacturing clause of the copyright convention. These were issues on which Senator Benton spoke out forcefully as a business executive, a former Assistant Secretary of State and a former Ambassador to UNESCO.

At the last CNTP board meeting he attended (our most recent meeting on January 12, 1973), he stressed something that all of us at CNTP should not forget—the importance of CNTP "maintaining its character" (his words) as an avant-garde leader of the liberal-trade cause. He made this point (as I recall it) in support of our efforts to raise the sights of government and the nation as a whole to the goal to be sought, and our cautioning against protectionist compromises in the interest of political expediency or what some might call political realism.

Now in its 20th year, our Committee has built an impressive record as a highly principled but equally pragmatic champion of an international economic policy calculated to advance the only standard with which our Committee is concerned—the overall national interest. Bill Benton's contribution to this endeavor was considerable and will always be warmly remembered.

FROM MRS. FRANK LLOYD WRIGHT

Senator Benton used the years of his life in service to his country and to the world, promoting education, contributing to education by way of his relentless effort, his work, his financial support. He firmly believed that only through education can the world achieve peace.

My husband and I knew him for twenty-five years. His friendships lasted a lifetime. He was personally kind to people, especially young ones.

He had an exquisite sense of humor, with perfect timing. We were showing in our theater at Taliesin West a fine film photographed in Alcatraz prison. During a gripping, bloody scene of a riot, he saw our daughter, Iovanna, sitting tight and rigid, completely identified with the prisoners' hopeless rebellion. He leaned over to her and said in a loud voice, "I think I will send them a set of Encyclopedia Britannica." From a peak of tension she burst into a spasm of laughter, and so did everyone who heard him.

The only person in his life to whom he listened and took advice from was his wife, Helen, his intelligent life's companion, to whom he was devoted and who worked side by side with him in all his undertakings.

We here at Taliesin have deep respect and affection for this man who forcefully fought for what he believed in.

FROM DAVID ROCKEFELLER, CHAIRMAN, THE CHASE MANHATTAN BANK

When I first shook Bill Benton's hand, he had already accomplished three or four times more than most men do in the span of a lifetime. It was in the early 1950's then, and I can only say that, in the years since, it was my privilege to watch him proceed to achieve three or four more lifetimes of work. He had a tremendous capacity for accomplishment.

His untiring commitments to public service led Bill to the corridors of government, as well as into higher education, philanthropy, cultural activities, foreign affairs and countless other concerns.

He and I shared the University of Chicago as a well-loved alma mater, so we met frequently at University gatherings, and shared our mutual interests at meetings of the Council on Foreign Relations and elsewhere.

I had many opportunities to explore his enlightened thinking, and I took all of them eagerly. The truth is that wherever Bill happened to be, he generated a creativity the force of which will continue to be felt and remembered for many years to come.

FROM EDWARD M. KORBY, PRESIDENT ASSOCIATION OF AMERICAN PUBLISHERS

His manifold contributions to the intellectual, governmental, business, and aesthetic life of our nation will be long remembered. His imagination and courage will be examples for other public servants to emulate. He was a courageous and public-spirited leader and our valued colleague. We are all immeasurably impoverished and saddened by his passing.

FROM BARRY BINGHAM, SR., CHAIRMAN OF THE BOARD, THE COURIER-JOURNAL AND THE LOUISVILLE TIMES

I had known him for many years, and had always felt the warmth and generosity of his friendship. We worked together on the Adlai Stevenson campaigns and in other causes. Last summer I had the pleasure of sitting next to him at an Aspen seminar. He was as usual lively, articulate, and deeply engaged. What a fine human being!

FROM FAIRFAX M. CONE, COFOUNDER OF FOOTE, CONE & BELDING ADVERTISING AGENCY

Senator Benton was one of the important Americans of his time. He had a half-dozen careers, in all of which he was successful; in advertising, in education, publishing, and international affairs. Senator Benton was one of the pioneers in the use of research in advertising, and his agency, formed with Chester Bowles, was one of the most successful in the field. Not to be forgotten is Senator Benton's attack on Senator (Joseph) McCarthy, which led to McCarthy's censure by the Senate. Senator Benton has been over a period of years one of the principal and most faithful donors to the University of Chicago.

FROM NORMAN COUSINS, OF WORLD MAGAZINE

The significance of William Benton's life will be assessed differently by different people; he made his impression in so many different ways and in so many fields that it it is difficult for any one person to provide full appraisal. Yet I would venture the guess that Bill Benton's main contribution to his times was in elevating the level of public thought and action about the possibilities for improved education, improved communication, improved government—all of which comprised the intellectual trinity of his life. His involvement with education led to greater public participation. His involvement in government—whether in Congress or the State Department or UNESCO—led to wider public understanding of the need for, and opportunities of, responsible public service. His involvement in communications led to a significant increase in the level of public knowledge of the information process in America.

To say that Bill possessed a searching intelligence is like saying that Margot Fonteyn can dance or that Rubinstein can play the piano. But what is less obvious is that Bill was never afraid to test himself or go back for a second look. He did his homework as did few other men I know. He was strong in his views but I always admired the way he liked being challenged. He was second in his enthusiasm and energy to no one in his organization. He worked harder than any of the men who worked for him. More than any man I know, he took pains to find out both what he had to know and what was worth knowing.

FROM THOMAS B. CURTIS, FORMER CHAIRMAN, CORPORATION FOR PUBLIC BROADCASTING

With the passing of Sen. Benton, public broadcasting has lost one of its truly great friends. . . . He was a great believer in freedom of information for the citizens of his state and his nation.

In addition to his vision and his concept of public service, the Senator's many interests and accomplishments in education, in communications in all senses, and his representation of the public interest in broadcasting, were of enormous significance.

FROM HARTFORD N. GUNN, JR., PRESIDENT, PUBLIC BROADCASTING SERVICE

One of the truly great men of our country. His contribution to communications, advertising, and education would stand at the top of everyone's list.

A thoughtful and energetic pioneer, he always took the time to study, to understand and to explain. His passing greatly saddens all of us.

FROM ANDREW HEISKELL, CHAIRMAN OF TIME, INC.

It was my rare privilege to have been associated with him on many occasions over the years. I came away from these associations with an enduring respect for his abilities and effectiveness in serving both the national government and local community efforts. He was an extraordinarily devoted citizen and business leader.

FROM ROBERT W. SARNOFF, OF RCA

Bill's sudden passing shocked and saddened me. He was a man who gave hope to millions in our nation and around the world and who achieved many triumphs in his brilliant and creative life.

FROM ERIC SEVAREID, OF CBS NEWS

I am so sorry that Bill is gone and so relieved that he died peacefully . . . He did as much good for this sorry world with his time and brain resources as anybody I can think of.

FROM DEWITT WALLACE, OF THE READER'S DIGEST

"It is an honor to join Bill Benton's legion of admirers in tribute to his rare excellences as a warm friend and fellow-publisher. A stimulating companion, ardent idealist and brilliant spirit, his memory will remain firmly positioned in a front rank among the leaders of men I've been privileged to know."

Mr. Speaker, I should like to also make reference to Senator BENTON'S venture into the important field of audiovisual education. Demonstrating the vision that characterized his entire life, William Benton grasped the ability of audio-visual techniques to educate efficiently and advocated the use of audiovisual materials for the Nation's schools and other educational programs.

He launched the Encyclopedia Educational Corp. as a subsidiary of his publishing firm to produce educational motion pictures and filmstrips. He also sponsored a practical application of educational audiovisual programs in Project Discovery, an experimental effort to introduce these techniques into several school systems, including that of Washington, D.C. His foresight in this area has contributed to the wide support for instructional technology in our schools.

Mr. ALBERT. Mr. Speaker, it was with great personal sadness that I noted the death of William Benton. Bill Benton served with me on the 1964 Democratic Platform Committee. In that year when the Democratic Party faced divisive issues of war and peace, of civil rights, and civil disturbance, Bill Benton's ability to compromise and negotiate, his tireless labor and effective advocacy, were vital elements contributing to the clear statements of the planks in the 1964 Democatic party platform. He contributed integrity, compassion, a sense of responsibility, and leadership on these issues affecting the vitality of this Nation. He was the voice of reason and moderation.

Senator Benton was one of those rare men who made his mark and his fortune very young, with a unique and innovative career in advertising. He retired early and felt he had still more to contribute. He then began a distinguished second career at the University of Chicago. He left the academic world to devote his time to public life. Through service in the State Department and the United Nations, he made outstanding contributions to national policy and international relations. He ran successfully and served with distinction as the U.S. Senator from Connecticut. He was an able legislator, standing firmly for those principles in which he had a deep conviction. He made a remarkable contribution as chairman of the board of the Encyclopedia Britannica. Bill Benton has a long list of impressive accomplishments; he was a businessman, academician, diplomat, publisher, legislator, and politician—truly a man for all seasons.

Mr. REUSS. Mr. Speaker, it is with a feeling of deep regret that I note the passing of former Senator William Benton of Connecticut this past March 18.

Bill Benton was a man of fantastic energy and talent. After a brilliant undergraduate career at Yale, he turned down a Rhodes scholarship to enter the advertising business. His was always the creative and unconventional approach that turned everything to gold. He was a self-made millionaire at age 30 and retired from his advertising firm at 35—a multimillionaire despite the Great Depression. He then proceeded to become an eminent art collector, an Assistant Secretary of State, and our Ambassador to UNESCO. He rescued Encyclopaedia Britannica from near-bankruptcy and became vice president and a major benefactor of the University of Chicago.

During the course of his business career, he pioneered the use of market research and introduced the use of motion pictures for classroom instruction. To his later regret, he also invented the singing radio commercial. In the State Department, he organized our first international cultural exchange.

But Bill Benton will be longest remembered for the iron sense of values and the courageous statesmanship he displayed during his 3 years in the U.S. Senate, 1949–52.

He was one of the first to speak up against the paranoid anticommunism of the early 1950's. Partly as a result of this, he was not reelected in 1952, although

his views have stood the test of time better than have the views of those with whom he disagreed.

It is easy to say that Benton, as a wealthy man with a number of successful careers, was less concerned than most of us about the political consequences of a stand of conscience. I am convinced this was not the case. Bill Benton loved public service far more than mere money-making; he badly wanted to remain in the Senate. He tried several times to regain his seat, and was deeply disappointed that he was unsuccessful. He did not throw the seat away lightly; on the contrary, he risked it because he was convinced the national interest required him to do so.

I extend my sincere sympathy to his wife, Helen, and to their four children and eight grandchildren. I share their sorrow that we have lost him.

Mr. RHODES. Mr. Speaker, I am pleased to join my colleagues in this tribute today to the late Senator William Benton. In his later years, Senator Benton lived in Arizona, and was a distinguished and productive citizen of the State. While I did not know him during the time he served in the Senate, my acquaintance and association with him in Arizona developed into friendship and deep admiration. His presence is sorely missed.

Mrs. Rhodes joins me in heartfelt sympathy to his family in their bereavement.

Mr. BINGHAM. Mr. Speaker, I am glad to join in paying tribute this afternoon to a great American, the Honorable William Benton.

I had the pleasure of knowing Bill Benton over a period of many years and was invariably impressed with his dedication to good causes and his enthusiasm for whatever useful undertaking he was engaged in at the moment.

Bill Benton served with distinction in the other body, and there were times when, in speaking out for what was just and right and truly American, his was a lonely voice.

Later Senator Benton devoted a great deal of time and energy to the important work of the United Nations Educational, Scientific, and Cultural Organization.

Unfailingly over the years, Bill Benton responded generously to appeals for help from worthy organizations as well as from political candidates who shared his philosophy of progressive government.

America and the world are the better for Bill Benton having lived. We shall miss him greatly.

Mr. PEPPER. Mr. Speaker, pursuant to leave obtained by the gentleman from Indiana, the Honorable JOHN BRADEMAS, as a part of the special order in honor of the Honorable William Benton, former U.S. Senator from Connecticut, I submit the following tribute to my great friend and America's great Senator and citizen, Senator Benton:

TRIBUTE TO SENATOR BENTON

On March 18 one of the great men of America passed away, William Benton, at age 73. William, or Bill, Benton, as he was called by his friends, was one of those rare human beings blessed with versatile genius which led him to leadership in at least five meaningful fields of life. He achieved outstanding success in business even while he was yet a young man and with enviable ease he continued to add to his fortune as the years went by. He told me one time he wished it were as easy for him to succeed in politics as it was for him to make money. But the businesses he built or bettered also made an increasingly valuable contribution to his country. Yet he was known to be indifferent in a way to money and always seemed to many of his friends to be playing the game of business for the thrill of it rather than to gratify a burning desire for money which actuates so many men. He was one of the earliest to conceive of modern advertising methods and to master modern advertising techniques, both no doubt attributable to his rare insight into the thinking and the feeling of people. He achieved distinction as vice president of the University of Chicago to which he rendered an immeasurable contribution at the invitation of his old college friend and classmate, Robert M. Hutchins. He was always at heart an educator and his genius in salesmanship enabled him to sell education and indeed a great university.

I first came to know Bill Benton as Assistant Secretary of State for Public Affairs in 1945 when I was a member of the Foreign Relations Committee of the U.S. Senate. Our acquaintance and cooperation at that time deepened into what became for me and will ever remain one of my most cherished friendships. As Assistant Secretary he organized the Voice of America broadcast and was active in the establishment of the United Nations Educational, Scientific, and Cultural Organization. Under the Johnson administration he became a U.S. member of the UNESCO with the rank of Ambassador. His imprint will ever last upon our State Department, upon the United Nations, and especially upon UNESCO which meant so much to him.

I served a part of 1949 and through 1950 with Bill Benton in the Senate. In this body, as in every area into which his restless energy moved him, he immediately distinguished himself. His keen intelligence, his indefatigable labor, his deep dedication to the public interest, and his burning concern for what was wholesome and decent and would be meaningful to the needy of our country brought him into a most active role as a Senator. He fought against discrimination of any kind that strangled the legitimate aspirations of people. He fought for measures that would make America better and stronger. He was in the Adlai Stevenson public image and character. He exhibited in the Senate the courage that was one of his great attributes—the kind of moral courage that induced him as the first Senator to denounce and to propose censure for Senator Joseph McCarthy, who at that time was at the height of his evil power. Senator Benton's defeat in 1952 was largely due to the enmity of Senator McCarthy. Yet, Senator Benton's resolution ultimately led to Senator McCarthy's censure in 1954.

Senator Benton achieved eminence and wealth also as a publisher of "Encyclopaedia Britannica" and of the 54-volume "Great Books of the Western World," of the 10-volume set called "Gateway to the Great Books," and many other works. As a publisher he was again the dynamic educator and salesman—bringing profound knowledge within the reach of the masses of the people and persuading them to take it.

A few words cannot describe this versatile man. His genius was reflected in his numerous activities in which he so easily excelled. He was indefatigable in labor, unswerving in the pursuit of high principle and deep conviction, brave in attacking without a thought of self or consequence what his conscience told him was wrong or foul or corrupt. The good deeds he did, the help he bestowed upon innumerable individuals, the support he gave to countless causes, the encouragement he gave to those struggling to achieve worthy ends will never be known because in a high sense, as was said of the Master Bill Benton "went about doing good."

He loved the Democratic Party and immeasurably served it. He loved art and was its generous patron and wise connoisseur. He loved education and he taught in educational institutions, through books, writing, and the media. He built great edifices of business. He created and developed institutions meaningful to America and to the world. This kindly, gentle, modest man was blessed with some sort of magic that enabled him to rise from his humble beginning to walk with and among the great doers and builders and thinkers and feelers of the world. Bill Benton made this country better by having labored in it a long lifetime and by the love that he gave it. Every man who had his friendship was fortunate because the friendship of Bill Benton was something to treasure and to cherish. As his friend said of Hamlet when he passed away, we say to Bill:

"Goodnight sweet prince and may flights of angels sing thee to thy rest."

LEGAL SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. LANDGREBE) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LANDGREBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on this subject.

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

There was no objection.

Mr. LANDGREBE. Mr. Speaker, before I proceed with my special order, I would like to acknowledge the presence of Dr. Hall in our Chamber.

I have told him personally and I have told him in writing that he is one of the truly great people who have ever served our country, and, Dr. Hall, I am glad to see you here at this time.

Mr. Speaker, the proponents of legal services legislation go to great lengths to attempt to justify public financing of legal services on the basis that there is an overwhelming need for it. Poor people, the argument goes, although provided legal aid in criminal actions through the public defender programs, have nowhere to turn for legal aid for civil actions.

Now this is certainly a questionable argument. Is legal aid a fundamental right? If so, what about food, clothing, medical expenses, et cetera? Which takes priority? Or does everyone have a right to all goods and services that happen to be available on the market? Who, then, is to pay for these goods and services? Or do the producers have no rights, but the consumers do? If so, then what difference is there between this argument and the Communist principle expressed by Lenin:

From each according to his ability, to each according to his need?

But, nevertheless, let us grant, for the moment, that those who cannot otherwise afford it, should be provided with legal aid. Is this truly the reason for having a public legal services program? Is providing legal service to the poor the real goal of establishing a national legal services corporation? Or is the real purpose of such a program to spread leftist propaganda; to attack and weaken American institutions established to protect the rights of the people; and to effect legal reform, changing laws from those that protect rights and individual freedom to those which grant wider and wider power to the Government and to groups bent on destroying what still remains of our free society?

The history of the legal services program administered by the Office of Economic Opportunity—OEO—since 1965, provides overwhelming evidence that the latter is the case. Established as a program to provide legal aid to the poor, it was instead used by political activists to promote a variety of leftist causes. Operating through a national network of 260 projects, with roughly 2,200 lawyers in about 850 locations, linked together by scores of newsletters, subsidized professional associations, as well as project-subsidized travel, the program grew into a potent political force.

The abuses of the OEO legal services program—including such activities as suits against the government, class actions, representation of ineligible clients, political advocacy, and the organization of protest—have been, and are being here today, voluminously documented. That the primary goal of the program is to promote leftist causes, and not to serve the poor, is beyond doubt.

If, however, anyone remains unconvinced, they need only to observe the actions of the Committee on Education and Labor during the last 2 weeks.

President Nixon submitted a bill to establish a National Legal Services Corporation which was designed in such a way as to provide legal aid to the poor, but to prevent the Corporation from being used for political purposes and for the other kinds of abuses that occurred in the OEO legal services program. The bill was introduced on May 15, 1973, with 10 cosponsors, all of them members of the Education and Labor Committee.

The Equal Opportunity Subcommittee immediately removed most of the President's safeguards against abuse and political action at a single meeting and reported the bill on May 18, without holding a single hearing on what is surely one of the most important and controversial pieces of legislation to be considered in the 93d Congress.

If their goal was legal services for the poor, and not political activism, why did they remove the prohibitions against political action?

The bill was then marked up in the full Committee on Education and Labor as soon as possible. Two or three of the provisions of the original bill were restored, but most of the safeguards, against political action were still left out of the bill. For example, the administration bill contained a provision for citizen suits, an important safeguard which assures the rights of interested persons to bring action in Federal district courts to enforce compliance with the legislation. This was deleted.

The administration bill would have prohibited legal services attorneys who receive a majority of their professional income through the program, from engaging in political activity, transportation of voters to the polls, and voter registration activity. The committee added language rendering this prohibition of such political activity meaningless. Also rendered meaningless were prohibitions against training in political advocacy and against group organization.

I offered an amendment to substitute the original administration bill for the committee bill; it was defeated 28 to 4 with all ten members who sponsored the administration bill voting against it. If their concern was legal aid to the poor, and not political activism, why did they vote against their own bill and for the committee bill which allows political action?

The actions of the committee and the history of the OEO legal services program leave no doubt that legal aid to the poor is not the goal of the proponents of public legal services programs. It has been amply demonstrated—by a private legal aid program in Indianapolis, Ind., for example—that private groups can serve more clients at less cost, than can the public programs.

Private programs would not, however, finance the distribution of leftist propaganda and the promotion of leftist causes. Individual Americans would not voluntarily support programs aimed at their own destruction. This, then, is the reason for having legal services programs paid at public expense. They need the power of taxation to force the American people to support a destructive program that they would not voluntarily support.

I hope, therefore, that all members will pay special attention to any legal services bill brought before the House, and withhold support of any bill that does not contain ironclad safeguards ensuring that the program will provide legal aid to the poor, but will not be used for political activism or to spread political ideas.

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

Mr. LANDGREBE. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I commend the gentleman for following the legislation that I presume will be before us the week after next. I recognize that the gentleman has fought a rather lonely and uphill fight in this committee, but I encourage the gentleman to stick to his guns.

As I recall, there was an earlier vote in the committee of something like 32 to 1, and it received 167 votes on the floor in support of his position. If the mathematical figures work out, the gentleman could well prevail, so I commend the gentleman from Indiana for his fortitude and his determination, and especially for the tremendous fashion in which he maintains his principles.

Mr. LANDGREBE. I thank the gentleman from Illinois, my very good friend (Mr. DERWINSKI).

I hope on this particular legislation when I offer a substitute in place of the committee bill that we will have 218 votes rather than the 165, because I think again I am handling the right approach.

If I may just make this observation, the President is under heavy pressure these days by the liberal press, and there are a lot of people who feel that the White House and even the Government is sort of closed down until the Watergate problems recede. I want to remind the Members of this Congress that the White House, the administrative, HEW, and all of the different agencies of this Government are producing and offering and suggesting some very reasonable, some very necessary legislation. I think it is most unfortunate that this liberally controlled Congress again is so hesitant and is doing everything it can to circumvent the President in his intention to bring about fiscal stability to our country again, and even to bring safety to the streets.

This Congressman, living so close to Gary, Ind., has observed what happens when irresponsible people go out and activate and foment rioting in the streets.

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

Mr. LANDGREBE. I yield to the gentleman from Kansas.

Mr. SEBELIUS. I want to commend the gentleman from Indiana for taking this special order. I think it is something that needs to be brought to our attention early before it comes to the floor for new legislation.

Mr. LANDGREBE. I thank the gentleman from Kansas for his participation.

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

Mr. LANDGREBE. I yield to the gentleman from Idaho.

Mr. SYMMS. I should like to commend the gentleman from Indiana and tell him that, as he knows, many times I have shared a very lonely voting position with him thus far in my short time in Congress, but I do think that his wisdom on this matter is such that I hope will prevail. I appreciate his efforts, and I think that at some point in time the people will remember Members like EARL LANDGREBE who makes a real effort for fiscal responsibility.

We do have a printing press on 14th Street that seems to be the way people would like to pay their bills nowadays.

I commend the gentleman from Indiana for his efforts to try to balance the books of the Federal Government so that the working American taxpayer can also balance his books and we can get on about the business of making a living and raising our families, which is what the country was set up to do, instead of trying to do as we have been doing for the past number of years.

Mr. LANDGREBE. I commend the gentleman for his comments and for his dedication to fiscal responsibility and fiscal sanity. Having this young gentleman come to this body gives me hope

that maybe sometime we will get our country back on the track. The gentleman is doing a great job and I commend the people of Idaho for sending him here.

Mr. SYMMS. I thank the gentleman for those remarks.

Mr. Speaker, it is worthwhile, as we discuss the question of the establishment of a Federal Legal Services Corporation, to discuss the relationship between the poor and the legal services program. Of course, we have all heard it said that the purpose of the program is to benefit the poor, but who are the poor.

Howard Phillips, Director of the Office of Economic Opportunity, has pointed out that OEO was founded upon the Marxian concept that the poor are a class apart, a separate and distinct group in society whose interests and aspirations are outside of and antagonistic to those of the majority of Americans. This is, in my view, a dangerously mistaken concept which contains the seeds of needless social unrest and discontent.

The view which is advanced by the legal services advocates is that the poor are those who have been deprived by society of affluence which rightfully belongs to them. It is considered extremely unenlightened to suggest that prosperity is intrinsically related to the ability to produce goods and services which have value in the marketplace. To hear them tell it, one would imagine that when the first settlers arrived and found themselves in need, they began searching for the nearest legal services office to find out who had deprived them of their promised affluence. Nor did the immigrants who came to America in the great waves of the late 19th and early 20th centuries have the benefit of a legal services establishment.

At this point legal services backers will say that I am engaging in ridiculous hyperbole, for everyone knows that it is not the early settler but a new creature known as "modern urban man," who is somehow to be considered deprived and exploited whenever money and other "goodies" do not rain down upon him from the sky.

My own experience has taught me that the poor are not a class apart but that to a large extent they share the same customs, values, and objectives as the rest of society. Moreover, the notion that so large and diverse a group as the poor can be represented by a legal services establishment which adheres to the narrow ideology of exploitation seems grossly unfair to those poor people who sincerely want to improve their ability to contribute to their own and society's well-being.

Indeed, it is a cruel hoax in this age of inflation and the energy crisis to suggest that society will continue to be able to produce a steady flow of resources which will be available to all just for the suing. As responsible Congressmen, we owe it to the people to level with them and say, "If you want to be better off, go to work, not to court."

Mr. DEVINE. Mr. Speaker, it has unfortunately been one of the main characteristics of government in recent years to attempt to do too much, to attempt to do what it ought not to be doing in the first place. The result of this characteristic is that government often does not do properly those things it should be doing.

It seems to me, Mr. Speaker, that the OEO-funded Legal Services program is a good example of this regrettable characteristic. This program has frequently strayed far afield from their proclaimed intention of providing legal services to the needy in noncriminal cases. The Boston legal assistance project, for instance, filed numerous suits against the Boston school district concerning matters with only a tenuous connection to the poor. Among other activities, the project attacked the constitutionality of Boston schools charging tuition to students whose parents are residents of other States and defended teachers who were fired for participation in school boycotts. In the same State, the Cambridge and Somerville Legal Service group helped draft two bills which are now law, dealing with discrimination on the basis of sex in the public schools and maternity leave for pregnant employees. Very few of the people who were directly benefited by these measures could be called poor.

Across the Nation a good many of these federally subsidized lawyers have been using their positions to push their own favorite political candidates or projects. Many of these government attorneys are fresh out of law school and overcome with a desire to change the world to make it closer to their revolutionary ideals. The poor, to these lawyers, are simply one means to that end; if it means using poor Americans as guinea pigs through which they can test out their theories and experiment with social groups, these young world-savers will be happy to do it. Many would rather enjoy the "glamour" of being a "civil liberties lawyer"—which includes being invited to radical chic parties in penthouses—than spending time helping poor people with their daily problems; problems which are dull to the Cape Cod-Upper East Side set, but which are serious and important to millions of less fortunate Americans.

I hope the Congress will see that Federal taxpayers' funds are used to help the needy and not to build the egos of radical young law school graduates.

The goals for the Legal Services program were never adequately defined and each local agency was left to themselves to decide what they meant. Generally, Law Reform—the pet project of most of the lawyers—was given the highest priority at the expense of drastically cutting down on individual legal services. [In Indianapolis in 1972 the Government program lawyers handled an average of 169 cases per attorney per year, while the private Legal Aid Society handled an average of 1,364 cases per attorney.]

Examples of efforts by Government lawyers to engage in political action of dubious value to poor people generally abound. In Boston, the Legal Services program attempted to halt construction of a highway and challenged the practice of a prison censoring prisoners' mail. In many cities these lawyers have either initiated or worked with the ACLU or the NAACP on busing suits against local school boards. Whether or not some of these activities were desirable or not, the important point is they were done by persons paid by the Federal Government to give legal aid to the poor.

Many of the attempts to inform poor people of their rights through pamphlets, newsletters and leaflets have been marked by a sizable amount of leftist propaganda and abuse. In Burlington, Vt., a Legal Services program newsletter spoke of "our enemies" and the "oppressors of the poor." In St. Paul, Minn., a pamphlet on tenants' rights spoke of a landlord and his "goons." These publications frequently contain derogatory remarks about the police, calling them "pigs." This sort of activity can hardly maintain respect for fair and orderly processes of settling disputes; it really has no place in American life.

In reconsidering the sort of Government legal services we wish to have in noncriminal cases, it is up to us, the Congress of the United States, to ask if we are going to continue to subsidize a program which is spending more time attempting to radicalize America than it is in helping the poor, as well as beginning the socialization of the practice of law. We can, if we choose, endorse a program which will provide needed legal aid to indigents and will defend their rights whenever necessary. I certainly hope that we will take the latter and saner course for the good of all of our people, rich, poor, and middle class alike.

Mr. DEL CLAWSON. Mr. Speaker, the practice of providing free, pro bono legal assistance to the poor and destitute citizens of our land who, through no fault of their own, are unable to meet the expenses of professional service, has a long and honorable history within the American legal profession. Several years ago the Congress expanded this concept of pro bono service with the enactment of a legal services program for the poor under the aegis of the Office of Economic Opportunity. This legislation was intended to provide the disadvantaged citizens of our society equal access to legal aid in dealing with the multiple legal complexities and problems individuals and families often face in daily life.

But now, Mr. Speaker, looking back over the brief history of this federally sponsored program, we find that this program, which was intended to help disadvantaged citizens with their day-to-day legal problems, has instead become a Pandora's box of political lobbying, social action, radical organizing, and ideological ax-grinding—wherein the real and immediate legal needs of the poor are all too often neglected while extremist young lawyers pursue their own goals of partisan political and social change.

Legal services lawyers have organized imprisoned criminals and, in one case, even worked to obtain voting privileges for prisoners. They have represented borderline political groups; they have been involved in tenant strikes. They have represented well-to-do clients. They have worked for one union against

another; they have heightened tensions and conflicts between various ethnic groups; they have spent countless hours pursuing class action suits and their own special version of "law reform." They have overloaded welfare rolls and increased welfare costs through abuse of loopholes and technicalities in the laws and regulations. They have brought suit demanding quota hiring policies; they have engaged in partisan political activities, written and submitted legislation and lobbied for its passage. During the 1972 Massachusetts legislative session, for example, the Legal Services publication Clearinghouse Review, notes that "Legal Services lawyers and their clients submitted approximately 50 legislative bills," and that "Legal Services lawyers were instrumental in securing the passage" of numerous bills.

In these things, and in many others, these young lawyers have all too often pursued their own social-political goals and their own concepts of what constitutes the interests of the poor. Meanwhile, the legitimate legal needs of the poor go unattended. It appears that the Legal Services program has become a haven for the alienated, the malcontent, and the discontent who would overturn or eviscerate the major, vital institutions of our society. It appears that many in the Legal Services program have sought to use the program and the law as a political weapon. It appears that many of these radical lawyers view society as a battleground, and themselves as an elite vanguard leading and pitting the poor against the nonpoor in a bitter struggle for power and spoils.

No one can say for sure how much time, effort, and public money is expended through the Legal Services program on such questionable and surely inappropriate activities. Certainly the Legal Services program has done good and has helped many people. Certainly there are many sincere and responsible legal services lawyers, but the dominant emphasis seems to have been toward self-serving activities which reglect the real needs of the poor.

Mr. Speaker, with the new legal services legislation before us, we have an opportunity to improve this program so that it better serves the people and the purposes for which it was intended. We have the opportunity to include provisions which will discourage political activities and lobbying, the representation of ineligible clients, excessive efforts on questionable "law reform," social warfare, and other improper activities.

We have the opportunity to reform this program so that it will more truly provide equal access to legal aid and justice before the law for the disadvantaged of our society.

Mr. Speaker, I sincerely hope that we, the peoples' representatives, will not quietly and weakly let this opportunity pass by.

Mr. GOODLING. Mr. Speaker, one of the lowest blows which has been struck against the administration's Legal Services bill involves its safeguards against legislative lobbying by legal services attorneys and other staff members.

If plain common sense was not sufficient to reveal the danger to us, the experience of Legal Services agencies under OEO has surely taught us the mistake in allowing attorneys from a federally funded agency to lobby in State and local lawmaking bodies.

At best, such activity creates ill will and dissension in the local community, undermining the effectiveness of the Legal Service agency's legitimate functions. The situation which developed in Cincinnati, Ohio, is a case in point: The infusion of OEO funds and lawyers bent on law reform split the community's long-standing Legal Aid Society into warring factions. The legal assistance available to low-income individuals in Cincinnati deteriorated instead of improving.

At worst, such Federal pressure against duly elected State and local officials could result in the enactment of ill-considered legislation which would undermine local law enforcement. We have no right to ask the taxpayers of members of legislative bodies, but would also allow them to engage in lobbying activities which are referred to as "necessary representations * * * in the course of providing assistance to an eligible client" which justify "advocating or opposing any legislative proposals, ballot measures, initiatives, referendums, executive orders, or similar enactments or promulgations." As amended the bill would allow lawyers on Government payroll to lobby for whatever legislation strikes their fancy. This amounts to a subsidy by the taxpayers of individuals and groups representing particular ideologies and agitating for specific legislation which is a situation grossly unfair to those who must foot the bill. To require that tax money collected from the general public be used in this way is discriminatory and undemocratic. There is the further objection that political and lobbying activity is not the purpose for which legal services was, or should have been set up in the first place. Legal services was intended to provide free or low cost legal counsel to the poor involved in noncriminal proceedings as a means of enabling them to exercise their legal rights which it was hoped would have a positive effect on the general conditions of their lives. A renewed resolve to fulfill this function, and no other, would be sure to have the best possible results in the alleviation of poverty.

Mr. CRANE. Mr. Speaker, the OEO-funded Legal Services program is yet another classic example of a hastily put together, inadequately supervised bureaucracy which has grown by leaps and bounds in the past 8 years.

In 1965, Congress incorporated in the Economic Opportunity Act a Federal role in assuring the availability of legal aid for the poor, Since that date, funding has increased from an estimated $5.4 million, largely private, to more than $71 million in Federal funds alone last year. We are now faced with a national network of about 260 projects staffed by roughly 2,200 lawyers in over 850 locations across the country.

Instead of devoting their energies to helping individual poor people with legal problems, most of these lawyers have preferred to spend their time in various social engineering projects dear to their own hearts. Apparently draft counseling, working to repeal the laws against pornography, encouraging high school students to defy their parents and teachers and other such activities are more glamorous to radical young lawyers than the day-to-day job of assisting widows faced with eviction notices.

Mr. Speaker, I really do not believe that it was the intention of the Congress to inflict upon so many cities and towns of our Nation what can only be described as a plague of determined, self-righteous radical lawyers owing allegiance not to a code of ethics, not to individual clients, not to their States but to some grandiose ideas of their own of social reform.

The attitude of many of these lawyers was unconsciously well expressed by a Mr. Michael Kantor writing in the fall 1972 issue of the Yale Review of Law and Social Action. Mr. Kantor, who worked for Legal Services for awhile, then became lobbyist on behalf of Action for Legal Rights was later staff coordinator for the Vice-Presidential campaign of Sargent Shriver. Mr. Kanton complains that:

> In 1972 OEO began "a process of change or attempted change to regionalize the legal services program, i.e., to put the program under the political control of persons in the various regions of the United States who were only subject to the whims and interests of various local politicians, *and who would not have seen the broad national movement of legal services and the recurring patterns of problems.*" (*Italics mine*).

Mr. Speaker, what Mr. Kantor is saying here, in plain English, is that the representatives of the people cannot be counted upon to always agree with the world-view of the radical movement in our country. Therefore, according to Mr. Kantor and his radical lawyers, the people must accept what is good for them—in the eyes of these youthful philosopher-kings—whether they like it or not. Various dictators could not have put it any better.

It seems to me, Mr. Speaker, that any such organization as a federally funded national legal services program is almost bound to fall into the hands of such arrogant elitists as Mr. Kantor and his friends. It is for that reason that I must oppose the whole principle behind this program and urge the Congress to eliminate this octopus while there is still time.

Mr. ZION. Mr. Speaker, in order to better understand the OEO-funded legal services program I believe it is first necessary to analyze its announced goals and then to examine how they have been implemented in practice.

When founded, the program was supposed to consist of five major components. These were first, law reform; second, individual legal services; third, economic development; fourth, community education; fifth, group representation.

First. Law reform was to be one of their chief projects; the idea was to try to change laws that affected poor people as a group so that most poor people

would be better off. Very often this has included cases against the Government, suits involving high school students who had been expelled, busing, abortion, and so forth. Many of the lawyers active in the program considered this area to be the most important. It was the area which most interested the attorneys, many of whom had attended law school in the hope of "changing society through using the legal system," or more bluntly, in order to "turn the weapons of the establishment against the establishment."

Second. Individual legal services was intended to provide direct aid to poor persons with particular problems, such as obtaining a divorce, suing a landlord, and so forth. Most persons originally understood this kind of work to be the main purpose of the program. Unfortunately, in my view, law reform has taken over the bulk of the activities of this OEO-funded agency.

Third. Economic development was to to be the program's attempt at drawing Federal, State, local, and private funds into economically underdeveloped areas to help provide jobs or teach skills to the poor.

Fourth. Community education was to be the program under which the poor community might be educated both about the services available under this agency and about their rights in general.

Fifth. Group representation has usually meant involvement with such groups as the Welfare Rights Organization, tenants' rights groups, the NAACP, the American Civil Liberties Union, and at times the Black Panthers and other militant groups. These organizations are not always representative of the majority of poor people in this country and there is a serious question whether or not they fall within poverty guidelines.

Mr. COLLINS. Mr. Speaker, as amended, the Legal Services bill weakens or eliminates many of the safeguards against mispractice adopted as a result of careful study of practices in the legal services programs. Possibly the most grievous of these changes are the alterations of the original prohibitions aganist political activity and lobbying by legal services attorneys. The bill as presented would have prohibited legal services attorneys who receive a majority of their professional income through the program, from engaging in political activity, transporting voters to the polls and engaging in voter registration activity. Amendments proposed in subcommittee would have this prohibition apply only while the attorney is "on duty." This could be properly interpreted to allow political activity during lunch hours, coffee breaks and other such situations in which the performance of official duties would cease. Even if strictly adhered to the "on duty" provision would leave plenty of time in the course of the day for an attorney to engage in politics but we should not expect scrupulous adherence to or enforcement of this regulation. If the legal services program is to be truly independent and free of politics the original provision should be restored.

Revisions in the original bill also make it possible for legal services attorneys to not merely testify on the request of America to support an army of Federal lawyers with free rein to attack their local institutions and laws according to these individuals personal, ideological view of what will help the poor.

If we are truly interested in helping poor people receive needed legal assistance on an individual basis, let us make absolutely certain that the employees of the organization we establish are required to devote their energies to individual cases, and are prohibited from engaging in lobbying in any form.

Mr. ROBINSON of Virginia. Mr. Speaker, many concerns have been expressed about the legal services program as it has been administered within OEO. It seems to me that one of the most serious concerns relates to attempts by legal services attorneys to legislate without ever having been elected to office. In the name of law reform, the legal services attorneys direct their energies and their efforts at changing the law. Purportedly, these efforts come in response to the needs and problems of clients who are served by legal services attorneys. In reality, though, the pattern of cases brought by these attorneys makes it clear that they are determined to remake the legal fabric of society.

Now, I am prepared to assume good will on the part of many of these young attorneys. I am prepared to take it for granted that they are motivated by the interest of their clients. But the facts, the records, bear out that the legal services lawyers are impatient. If they feel that the law, the system of justice, does not correspond perfectly to their concept of the way it ought to be, rather than relying on the elected representatives of the people, they assume for themselves the responsibility to change the law.

The phrase "law reform" is attractive, Mr. Speaker, and appealing. But there is a vast difference between bringing an action in behalf of a client which results in a change in the law and setting out with the avowed purpose of remaking the law, and subsequently finding a client to use as the excuse. The latter, which I observe all too often in the legal services program, represents self-appointment as a legislator, rather than the slower democratic process of getting elected to the legislature.

Every periodic survey of important cases brought by legal services attorneys demonstrates the number of attempts each week and each month to substitute the policy judgments of legal services attorneys for the established governmental bodies. For example, in a span of weeks recently, legal services attorneys brought actions which were directed at striking the State residency requirements for obtaining a divorce; at requiring the establishment of an affirmative action plan; at compelling the police department to hire minorities; at defending the rights of homosexuals to Government employment; at securing the right to public housing for emancipated minors under the age of 18; at protecting the right to wear hair longer than allowed by the applicable dress code; et cetera, et cetera.

Now, Mr. Speaker, it may well be that some of these causes are worthy, although others, I think not. But the important thing to note is that these matters ought properly to be debated in a legislative forum, with opposing points of view considered as a matter of policy. When such things are in court, the judge has little flexibility and often has no other option than to strike down or sustain a statute. However worthy, these efforts at law reform result in imposing a serious strain on our system. The entire program of law reform is one that must be subjected to some measure of accountability, and I hope, Mr. Speaker, that the future of any legal services program will be such as to address the concerns which I have expressed on the subject of law reform.

Mr. BAFALIS. Mr. Speaker, very few people will disagree with the contention that everyone accused of a crime—whether rich or poor—is entitled to legal counsel. While many Americans will need the services of a lawyer sometime during their lifetime, I personally do not think the United States needs to provide us with a national legal services system financed with the tax dollars of the American taxpayer—especially in light of the grave fiscal crisis facing our Government today.

Let me assure you that I am not questioning the right to legal counsel, but, as you know, this type of service is guaranteed to anyone who simply cannot afford the proper defense.

I am questioning, however, the sensibility of establishing a separate highly financed Government agency with this sole responsibility and which, according to numerous studies, has often defaulted even this one responsibility.

In depth studies have consistently shown that this is a service which has been and can be provided more efficiently and effectively by the private sector than by the Government-financed Legal Services program. Unfortunately, this, too, reflects the Federal bureaucratic syndrome—increased cost and waste with decreased efficiency.

In Indianapolis, Ind., for instance, two organizations work side by side, both devoted to helping the poor with their legal problems. One is the OEO-funded Legal Services and the other is the independent, privately supported, Legal Aid Society. In 1972 the Government Legal Services Organization was staffed by 19 attorneys with a budget of $526,000. They handled a total of 3,213 cases. This is an average of 169 cases per lawyer with an average cost of $163.70 a case. The private Legal Aid Society, on the other hand, was staffed by only four lawyers who managed to handle 5,455 cases, an average of 1,364 cases per attorney at an average cost of $14.60 a case. The private group's overall budget was $80,000, less than 20 percent of the funds available to the Government operation. Despite a much smaller staff and with a fraction of the funds available, the private lawyers were somehow able to deal with a much larger number of cases and render more effective service to the poor at a much lower cost.

In Boston, Mass., we find the same basic comparison with basically the same results. There the private Legal Aid Society had a budget only 20 percent as

large as the government service, a staff only 25 percent as large, and yet it managed to handle 75 percent more cases. In Boston, many members of the local bar regrettably would agree with an attorney from the private Legal Aid Society who views the Government project as "a collection of highly paid, indolent attorneys who are getting rich easily at the taxpayers' expense, while all the needy must bring their problems to the hard-working, low-paid attorneys of the Legal Aid Society."

The Legal Services program of the Office of Economic Opportunity has received a great deal of criticism very similar to the words of this attorney recently. Allegations have been made that the program has become too political, too involved in law reform; and has neglected the cornerstone upon which Legal Services was developed—the relationship between the individual client and the lawyer.

We must ask ourselves, in view of these facts, which type of program is really helping the poor—the Government-funded, highly expensive operation whose lawyers spend much of their time lobbying for their own pet political projects—or the private staff which has been much more responsive to the needs of the poor and more helpful in resolving their problems with the law.

Let us act immediately to remove this added burden from the shoulders of the American taxpayer. We simply do not have the resources nor can we afford the surplus manpower to continue funding a program which has proven itself ineffective and nonessential.

Mr. BAKER. Mr. Speaker, I am totally opposed to a continuation of a federally funded legal services program for noncriminal cases. The Supreme Court has recently ruled that every defendant facing a possible jail sentence is entitled to a lawyer, regardless of his financial ability. In addition, there are many private, voluntary groups such as the American Civil Liberties Union, the NAACP, various welfare and tenants' organizations, and innumerable local legal aid societies as well as court-appointed attorneys who are doing an excellent job of meeting the legal needs of people who cannot afford normal legal fees.

There is ample evidence, Mr. Speaker, that most of the efforts of the OEO-funded legal services programs have not gone into helping poor clients with specific legal problems. Rather, a small army of Government-subsidized lawyers—about 2,200 are involved in this program—has spent most of its time promoting their own ideas about how society should be changed, using the poor as guinea pigs.

The Vice President of the United States put it very astutely, it seems to me, when he wrote recently in the American Bar Association Journal that:

> What we may be on the way to creating is a federally-funded system manned by ideological vigilantes, who owe their allegiance not to a client, not to citizens of a particular state or locality and not to the elected representatives of the people, but only to the concept of social reform.

The lawyers taking part in this program seem to be more interested in pushing their pet social theories than they are in the more humdrum work of helping poor people in need. Many of these lawyers, in fact, have been engaged in highly questionable, if not unethical or illegal, activities.

In Redwood City, Calif., an attorney for Angela Davis embezzled $10,000 from the local Legal Services program.

In Colorado, Rural Legal Services admitted preparing articles for an underground newspaper that advocated, among other things, draft evasion and defiance of the military authorities.

In Florida, Rural Legal Services used Federal funds to publish an underground newspaper that constantly referred to policemen as "pigs" and displayed cartoons of white policemen beating young blacks.

I submit, Mr. Speaker, that these activities have nothing whatsoever to do with helping poor Americans. If anything, they promote lawlessness and steal from funds meant to help relieve the problems of the poor among us.

There can be nothing lower than so-called members of a proud profession who prey upon the weak and helpless and actually embezzle funds meant to relieve human suffering.

This whole program should be scrapped before more harm to all our people—rich, poor, and middle class—is perpetrated by these "ideological vigilantes" who owe allegiance only to themselves.

Let me again stress that this does not mean I object to a person being provided legal assistance in the complex society when his personal welfare is in jeopardy in the courts of our land. Defense has been ably handled by members of the bar association in the past, and provisions for compensation for their services should be provided by our local governments.

However, a broad Federal system of legal services to satisfy the whims of ideologists of varying persuasions is a gross imposition on the taxpayers of this Nation.

Mr. HUBER. Mr. Speaker, the original concept of legal services was to insure that poor people who could not afford attorneys' fees would still be able to be represented by counsel. This was, and is, an admirable goal. The right to justice should never be limited by one's ability to afford legal advice. Economic status must have no bearing on right and wrong. Whether a person be a millionaire or the poorest down and outer if an individual is innocent he must be protected, and if he is guilty he should be duly punished.

I do not intend at this time to talk about what the problems have been, and are, with the present legal services situation. Instead, I am going to talk about the grave potential problem with the proposed legal services bill. First, however, I must note the abhorrent manner in which this bill was rushed through the Education and Labor Committee, on which I serve. No hearings have ever been held, there has only been two or three full committee meetings on the subject, and now there is a movement afoot to rush this bill to the House floor for a vote. If this is such a good bill then I would only like to ask this question; namely, why the hurry? It is entirely possible that even the majority realizes that the bill is so bad that it will not bear close scrutiny. And that is why they are in such a big hurry to get it through. They hope that it can be passed before anyone realizes what has happened. I certainly cannot condone this unnecessary expeditious activity.

Aside from the method in which this proposal has to come to our attention, there are serious problems with the actual proposal itself. Rather than helping indigent individuals, we will be encouraging political activity on the part of the service's attorney. The original legislation requested by the President would have prohibited legal services' attorneys from engaging in political activities. The committee bill says that attorneys are prohibited from such activity only while they are "on duty." Obviously, many attorneys, under such conditions, would spend a considerable amount of their time advancing certain philosophical causes. They would be inclined to take only those cases that would further their way of thinking. The poor guy who does not have an interesting case may not be represented because of lack of a social or political cause involve in his situation. To the politically motivated lawyer, the chance to work at Legal Services represents a gold mine opportunity to further his crusade. Like a thirsty bloodhound champing at the bit, he would be ready to dig in and advance every theory he has ever wanted to test in a court. He would soon be representing a cause and not a person. And that would be a complete distortion of what should be the basic concept of Legal Services.

And if that alone were not enough, under those rules and regulations, we would also be encouraging those attorneys who are out of work to seek employment with legal services. Thus, we would not be doing anyone, other than the lawyers, any kind of favor for we would probably be hiring the more inept counsels rather than the good ones. At the very best, we would be hiring the untried attorneys who have just passed the bar. Section 1007(b)(4) now states:

> This provision shall not be construed to prohibit the training of attorneys necessary to prepare them to provide adequate legal services to eligible clients.

Thus, we will now have a new training grounds for lawyers, at the expense of the poor. Any way one looks at it the poor would not be getting adequate representation. Already legal services employs approximately 2,200 lawyers, and from what I have read and heard, many of them are engaged in questionable legal service activity. Must we encourage more lawyers to take up causes for the masses? I ask only that we take up the cause of the individual, for be he rich or poor, he alone is the backbone and true grit of the American movement. It is primarily for that reason, because the legal services encourages loss of individuality, that

I must oppose the bill that is shortly to come before us. I would hope my colleagues would follow suit.

Mr. ROUSSELOT. Mr. Speaker, it is said that the bill which we are now discussing H.R. 7824 would create an "independent" legal services corporation. What is meant by the word "independent"? The conventional answer is that by creating a legal services corporation the program will become "independent" of the "political interference" which has hampered the program while it has been conducted by the Office of Economic Opportunity.

Who are the politicians who have been interfering with the legal services program? They include the Congressmen, Senators, Governors, State legislators, and mayors who have complained about abuses and illegal activities in the legal services program and who have been on the receiving end of many of the suits, strikes, and demonstrations which have been instigated by legal services personnel.

In short, the politicians are the elected representatives of the people, the same people who pay taxes to support the legal services program. Their interference is their attempt to insure that public funds are safeguarded and that the abuses are held to a minimum. The fact that we as elected officials have been so overwhelmed by the outrages and abuses that we have been unable to bring them under control has not prevented the legal services community from protesting loudly the fact that we have been bold enough to attempt to control the program.

And what are the abuses to which I have referred. Ironically, many of the worst abuses are political. For example, for years it has been all in a day's work for OEO and legal services projects to use Federal funds for political activities, including the management of local referendum campaigns, conduct of local voter registration campaigns, and transportation of voters to the polls. What is wrong with registering voters and transporting them to the polls with Federal money? Such activity constitutes a distortion and interference with the democratic process wherever it occurs. If the Federal Government, by controlling the placement of funds and personnel can intervene in local elections, the vote of the individual citizen will be subject to nullification whenever it conflicts with the interests of the poverty-legal services establishment.

What does the Education and Labor Committee bill propose to do about such abuses? In what it doubtless regards as a major concession, the committee amended the bill to provide that political activity cannot be conducted by legal services personnel on Government time. But what does the distinction between the Government's and the employee's time mean when the employee is on salary or is paid a Government-sponsored fee and can control the use of vacation time, leave time, and lunch time?

What it means is that the campaign of the legal services advocates against political interference to which they object is nothing but a cover for political interference, to be conducted by themselves.

The solution, in my opinion, is that these controls must be accomplished by administrative practice as well as legislative prohibition. It should be required that all legal services employees pledge themselves to a position of nonpolitical activity—as is required of other judicial officials and representatives of district attorneys' offices. It is really not too much to ask of one who is employed to assist those in poverty—and who is working at the expense of the taxpaying public—to reduce his position of strong advocacy in political affairs when the basic purpose in overseeing social work is a purported one of idealism and assistance to the poor. The professional employees in legal services are genuinely thought to be of high and noble purpose, so it would seem only correct that they remove themselves from a position of political partisanship.

HOLY CROWN OF ST. STEPHEN

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

Mr. HOGAN. Mr. Speaker, the Holy Crown of St. Stephen, the oldest Christian symbol of freedom and authority in Europe, was entrusted to the U.S. Government in 1945 to keep it out of the hands of attacking Russian armies and until Hungary is a free nation again.

During the past few years there have been recurring reports that the United States might return the crown to the Government of Hungary in an effort to encourage better diplomatic and commercial relations between our two countries. The most recent report came to my attention in an article appearing in the Washington Post on April 29 of this year. The article reports that Hungarian Prime Minister Jeno Fock appealed to a group of visiting U.S. Senators to relinquish the crown. At this point I would like to insert the full text of the article into the RECORD:

HUNGARIANS ASK UNITED STATES FOR CROWN

(By Dan Morgan)

BELGRADE, April 28.—Hungarian Prime Minister Jeno Fock appealed to visiting U.S. senators Friday to get the American government to relinquish the golden Crown of St. Stephen, which it has held since 1945.

The issue of the crown, the ancient symbol of Hungarian sovereignty, was raised during talks between the prime minister and members of the Senate Commerce Committee in Budapest Friday. The committee members have been touring the Soviet Union and Eastern Europe to assess the impact on East-West trade and relations of an administration trade bill that would liberalize trade with Moscow and its allies.

Fock and other Hungarian officials made a strong plea for most-favored-nation treatment for Hungary, saying that the lowering of American barriers could triple or quadruple trade with Hungary.

Sen. Howard W. Cannon (D-Nev.) said in a telephone interview today that the prime minister urged that the U.S. position on returning the crown should be "softened" now that Hungary has agreed to compensate the United States for postwar claims that resulted from the seizure of American industries by the Communist governments.

"He did say that he was glad to know that the crown was being held safely," said Sen. Cannon. "I replied that the State Department wouldn't even tell me where it is."

The crown is believed to be stored at Fort Knox, Ky. It was presented to St. Stephen, the first king of Hungary, by Pope Sylvester II nearly 1,000 years ago and was subsequently used at coronations. As the Red Army approached Budapest, it was spirited out and fell into American hands in Austria.

Hungarians set great value on the crown and its return would gain prestige for the government. Its release would mark the final step in American acceptance of the Communist government. Therefore, the move is opposed by many anti-Communists in the West and also by the Hungarian Roman Catholic primate, Joseph Cardinal Mindszenty, who is now living in Vienna.

The Cardinal's departure from a 15-year asylum inside the American embassy in Budapest in 1971 contributed to the improvement of American-Hungarian relations. Communist leader Janos Kadar urged improved ties when Secretary of State William P. Rogers visited Budapest in 1972.

Sen. Cannon said that he and his colleagues had "excellent, frank talks" with the Hungarian officials. He said the officials told him that American exports to Hungary would continue to exceed imports even if Congress approved most-favored-nation tariff privileges, allowing Hungarian goods into the United States at the most favorable rate given to any other country.

Sen. Cannon said the increased trade would enable Hungary to buy industrial items in America that it now gets through trade or licensing deals with British and Western European firms.

The senator said President Nixon had requested most-favored-nation treatment for Hungary in a separate statement. He said the committee was "almost unanimous" in favoring the trade concession.

Its chances would be slim, however, if the Senate should reject most-favored-nation treatment for Soviet imports, which Moscow now seeks. An amendment by Sen. Henry M. Jackson (D.-Wash.) would withhold the concession if Moscow continues to impose a heavy education tax on emigrating Jews.

Trade and bilateral issues were also covered in talks between the senators—three Democrats and four Republicans—and Polish officials in Warsaw earlier in the week.

Sen. Cannon said that Polish Communist Party leader Edward Gierek had expressed hope that the list of American goods embargoed for export for security reasons could be reduced as tensions eased. The embargoed list contains numerous items of advanced technology, some of which are made only in the United States.

Polish law still does not permit direct investment of foreign capital, and Sen. Cannon said it was therefore "unclear how joint ventures could be arranged." But he said the Poles had said they wanted American business offices in Warsaw and would encourage foreign companies to build their own.

The Crown of St. Stephen is the symbolic source of all Hungarian laws and powers. It has become the symbol of Hungarian sovereignty.

Despite the current improvement in American-Hungarian relations and despite the fact that a long-standing dispute concerning the settlement of claims of U.S. nationals for war-damaged and nationalized property was finally ended when an agreement was signed in March, the United States cannot violate her trust by surrending this state symbol to the totalitarian regime of a Soviet satellite.

I am today reintroducing a concurrent resolution to express the sense of Congress that the Holy Crown of St. Stephen

should remain in the safekeeping of the United States until such time as Hungary once again functions as a constitutional government established through free choice of the Hungarian people.

I am very pleased, Mr. Speaker, that the following colleagues have chosen to cosponsor this resolution with me:

Mr. Brasco of New York.
Mr. Derwinski of Illinois.
Mr. Forsythe of New Jersey.
Mrs. Grasso of Connecticut.
Mrs. Heckler of Massachusetts.
Mr. Horton of New York.
Mr. Hunt of New Jersey.
Mr. Kemp of New York.
Mr. Landgrebe of Indiana.
Mr. Melcher of Montana.
Mr. Minshall of Ohio.
Mr. Pepper of Florida.
Mr. Roe of New Jersey.
Mr. Rousselot of California.
Mr. Scherle of Iowa.
Mr. Yatron of Pennsylvania.

The complete text of the resolution follows:

CONCURRENT RESOLUTION

Whereas the Holy Crown of Saint Stephen is a national treasure of great symbolic and constitutional significance to the Hungarian people; and

Whereas the United States Government is in possession of the Holy Crown of Saint Stephen, it having been entrusted to the United States in 1945 for safekeeping until Hungary should once again function as a constitutional government established by the Hungarian people through free choice; and

Whereas Hungary is presently under the control of an atheistic Communist regime in whose interest it would be to destroy the Holy Crown of Saint Stephen; and

Whereas the Communist government of Hungary has repeatedly proposed that the Crown be given to that government in order to further improve the atmosphere of American-Hungarian relations; and

Whereas relations between the United States and the Communist government of Hungary have gradually been resumed, and discussions have taken place and agreements have been made regarding the settlement of various longstanding bilateral problems; and

Whereas it is possible that the Holy Crown may be considered as a negotiable item by the United States Government; and

Whereas the hopes of the oppressed people of Hungary for a future of freedom and liberty, and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed if the United States Government breaks its sacred trust and relinquishes the Crown; Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the United States Government until Hungary once again functions as a constitutional Government established by the Hungarian people through free choice.

Mr. Speaker, the return of the holy crown to a Communist government would be a symbol that the United States believes that Communist rule will go on indefinitely in Hungary and other Eastern European nations and we accept that fact.

I urge my colleagues to support this resolution, maintaining a firm stance in support of the hopes of the oppressed people of Hungary for a future of freedom and liberty and the hopes of their brothers and sisters, the American-Hungarians in this country.

THE SURVIVAL OF AMERICAN FISHING INDUSTRY

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

Mr. WYMAN. Mr. Speaker, the past two decades have witnessed a tragic reversal for the American fishing industry. The basic cause of this decline is increased exploitation of traditional U.S. fishing grounds by foreign fishing fleets; fleets which give little or no thought to sound conservation practices. From 1952 through 1960, for example, the U.S. catch from New England waters averaged over 700 million pounds, accounting for 99 percent of the total catch from these waters. By 1969, however, Soviet fishing fleets alone were taking out over 800 million pounds, or 50 percent of the total catch from New England waters. At the same time, the U.S. catch declined to about 418 million pounds, or 25 percent of the area's harvest.

Three developments have taken place over the past 10 to 12 years which cause deep concern for northwest Atlantic fishery resources of interest to the United States, and about the capability of U.S. fishermen to continue to share in the harvest of these resources. First, the growth in world population and the accompanying increased need for protein has created new demands for our fish and shellfish products. Second, foreign nations have accelerated oceanographic research and resource assessment which has provided knowledge of the oceans, enabling their fishermen to locate and exploit stocks of fish that were previously unknown. Third, new technologies and innovations, usually subsidized heavily by foreign governments, have made possible the harvest of these resources. These developments have resulted in direct competition between our coastal fishermen and the distant water fleets of other nations, sometimes with catastrophic effects, such as the continuous destruction of American lobster pots.

The United States has been trying since the 1950's to secure international agreements which would regulate the harvest of fish and protect the rights of American fishermen. To date, no effective action has been taken to control the burgeoning foreign fishing effort which has severely depleted the stocks of fish which supported the east coast fishing industry. We are now at the point, and have been since 1965, where the harvest of fish is greater than the total potential sustainable production, yet consumer demand and fishing fleets continue to expand.

I am, therefore, introducing legislation which would extend our contiguous fishery zone to a limit of 200 miles from shore or to a depth of 200 meters, whichever is further. Such a limit will insure an adequate fishing area for American fishermen, free from foreign harassment.

In an effort to promote a long range solution which will assure adequate supplies of fish for future harvesting, existing law provides authority to relax the prohibition against foreign fishing within the contiguous fishery zone for those nations which enter into agreements with this country to respect the rights and equipment of U.S. fishermen and to establish a sound international conservation program. This should be especially helpful to U.S. negotiators at the coming Law of the Sea International Conference.

In any event, the American fisherman needs the protection afforded by an extension of our contiguous fishery zone. The past 20 years have demonstrated that foreign nations will not respect the rights of the American fishermen unless forced to do so. I urge the Merchant Marine and Fisheries Committee to call hearings on and favorably report legislation to assure this basic protection for the domestic fishing industry. There is not much time remaining.

My bill provides as follows:

H.R. 8320

A bill to extend the fisheries zone of the United States to a distance of 200 miles from the shore of the United States or beyond in certain instances to a point where the sea's depth is more than 200 meters

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966 (16 U.S.C. 1092), is amended—

(1) by striking out "nine" and inserting in lieu thereof "one hundred ninety-seven"; and

(2) by inserting before the period the following: "; except that if between any particular point on the line so drawn and the nearest point in the inner boundary the vertical distance between the sea surface and the seabed is always two hundred meters or less, the line between those points shall be extended outward to the first spot where such vertical distance is greater than two hundred meters and the line of the seaward boundary shall be drawn through that spot (with appropriate adjustments in adjacent portions of the line of such boundary) instead of through such particular point".

SEC. 2. The amendments made by this Act shall take effect ninety days after the date of enactment of this Act.

INADEQUATE FUNDING FOR RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachuetts. Mr. Speaker, Benjamin Disraeli once said that health is the foundation of the State's strength and happiness. Few people would disagree with the importance of maintaining a healthy society.

Debate on health issues usually focuses on the necessity for medical research versus health care.

For many years I have supported the funding of biomedical research in the belief that all applied research or methods used in health care are the ultimate results of original basic research and experimentation.

Health care programs and research programs have always been in competition for Federal funds. Undoubtedly, the maintenance of a healthy society de-

pends on both programs; but in view of spiraling medical and hospital costs, we must think in terms of preventive strategy. Biomedical research is prevention against disease and an ailing society at less expense than actual medical treatment of a patient.

Since World War II, research in biomedical sciences has been considered one of our greatest national achievements, whether measured by our numerous Nobel laureates in medicine or by the fact that polio and tuberculosis no longer cripple and kill thousands of people each year.

Biomedical research brought forth the development of penicillin and many other antibiotics enabling us to control rheumatic fever, pneumonia, and other infections. Organ and tissue transplants are also an outgrowth of research in this field.

According to many members of the scientific community, the solution to all disease problems, including cancer and heart disease, lies within the basic laws of the biomedical sciences.

We are plagued with cancer which takes the lives of more than 300,000 victims annually and multiple sclerosis afflicting over half a million people between the ages of 20 and 40.

During the last three decades biomedical research has been associated, until recently, with the diagnosis and cure of disease. Today biomedical science has an additional significance as essential for the survival of mankind in an environment which threatens our health through excessive pollutants, hazardous to our existence.

The procurement of adequate food supplies by agricultural methods for our growing population requires the use of enormous quantities of pesticides. Just within recent years have we begun to question the effects of pesticides upon the balance of nature and upon man himself.

Air pollution caused by the burning of industrial wastes and automobile exhaust has become an issue of major concern to all Americans. The effects of the gaseous components of polluted air on the human body and the environment are poorly understood, requiring comprehensive biomedical research and investigation.

Modern food technology is dependent on certain synthetic chemicals as food preservatives, additives, and coloring for food products. The food industry has utilized synthetic chemicals in processed foods for years to protect against spoilage and create an appealing food in terms of color and consistency.

During recent years the public and the Food and Drug Administration have become aware of the need for continued testing for toxics in synthetic chemicals leading to chromosomal damage or linked with cancer.

Toxicological testing methods, designed years ago, are no longer capable of determining the safety of today's myriad of synthetic additives. Intensive biomedical research is needed in the area of toxicology and pharmacology to keep pace with the new food additives and preservatives which are incorporated into our food.

The tragic thalidomide episode which crippled thousands of unborn babies in Europe was an exceptionally severe form of unexpected side effects of a new drug which, with proper testing, could have been discovered and prevented. There is a long list of discovered harmful effects of previously FDA approved drugs, yet, the research efforts in this important field are minimal.

In spite of the broadening need for biomedical research, Federal support for the National Institutes of Health and thousands of medical schools, dependent on Federal funds, has steadily decreased since the fifties.

Initially, the percentage increases in Federal funds devoted to research were enormous. By 1953, the annual rate of increase in Federal expenditures in support of research and developmental activities was 22 percent per year until 1958–59. Since then and until 1967, the rate of increase declined to about 9 percent annually.

In 1958, medical school budgets showed that Federal funds comprised 30 percent of total expenditures and in the late sixties this figure had risen to 60 percent. Federal funds account for about 82 percent of all research expenditures.

NIH through its involvement with more than 1,000 research institutions, supported 37.5 percent of the Nation's full-time graduate students in medical sciences and 21 percent in all biosciences with Federal funds in 1971.

The dependency of medical schools and research programs on the Federal Government is obvious, without Federal funds, the all-research programs fade out of existence and medical schools close their doors to students.

The Congress must prevent this from happening by recognizing the necessity of continued support for basic biomedical research not only as a combatant against disease, but also as a solution to the health aspects of our environmental crisis.

Increased funding in the area of research must be appropriated to meet the increased demands on health services, serious manpower shortages, and uncontrolled costs in medical services and research due to inflation.

Biomedical research is not a luxury. It is an essential and without it we will see medical progress thwarted and the health of Americans seriously endangered.

CRUCIAL PANAMA CANAL ISSUES: CONTINUED U.S. SOVEREIGNTY OVER U.S. CANAL ZONE AND MAJOR MODERNIZATION

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

Mr. FLOOD. Mr. Speaker, Members of the Congress who have followed the conduct of U.S. policies concerning the Panama Canal know that the March 15–21, 1973, meeting of the U.N. Security Council in Panama ended in a diplomatic fiasco. As predicted in my address to this House in the CONGRESSIONAL RECORD of February 8, 1973, on the "Crisis at Panama: A Three-Pronged Assault on Canal Zone," those sessions were used to encourage U.N. intervention in the internal affairs of the United States. They were also used to foster worldwide hostile propaganda against the United States.

The position taken by Panama over a a long period of time has had two major features:

First, that Panama's advantageous geographical location is its greatest natural resource and that this should be exploited to the maximum degree.

Second, that U.S. sovereign control over the Canal Zone and Panama Canal with its military presence on the Isthmus must be liquidated.

In regard to the first point, the Panamanian attitude resembles the position taken by the Barbary Pirates in the early part of the 19th century as regards commerce in the Mediterranean. Panamanian demagogs overlook the fact that the Isthmus has always been, and always will be, an object for predatory attack, which makes its favorable geographic location a grave weakness requiring the shield of a strong power. Thus the grim realities involved cancel the claimed exploitatory advantages.

As to the second point, the U.S. Canal Zone is the indispensable protective frame of the canal. Surrender of the zone territory to Panama would place the United States in the position of having a grave responsibility without requisite authority, which is unthinkable. The removal of U.S. Forces from the isthmus would inevitably invite a takeover of the Canal as occurred in 1956 at Suez following the withdrawal of British Forces from the Suez Canal Zone.

The two underlying principles of U.S. Isthmian Canal policy are:

First. Security of transit; and

Second. Independence of Panama.

The only way that these can be guaranteed are by continued United States presence on the isthmus with retention by the United States of its undiluted sovereign control over the zone for the maintenance, operation, sanitation and protection of the canal. Any other view, however plausible it may seem, is naively simplistic and not in any degree realistic.

Mr. Speaker, on March 15, the first day of the U.N. Security Council meeting in Panama, my most scholarly and able colleague from Illinois (Mr. CRANE), Dr. Donald M. Dozer, distinguished authority on Latin America, and I participated in an hour long national TV debate on The Advocates program in support of continued U.S. sovereign control over the Canal Zone and canal. Since that time I have received a deluge of letters from 45 States, with the number supporting our position, which has now reached the ratio of 27 to 1. This can only mean that feeling in our country is growing stronger than ever against any surrender at Panama.

In these general connections, I would repeat what I have stated on previous occasions that we have a workable treaty with Panama but that it is being weakened by Executive fiat. This must stop—and stop now—for if we lose the canal who will control this priceless asset of the United States? It definitely would not be

Panama as an independent country but as another Caribbean satellite of the U.S.S.R. This is the grim reality behind the Canal Zone sovereignty question and no amount of official State Department sophistry can change it.

The House Committee on Merchant Marine and Fisheries in its report on January 2, 1973, summarized the major Panama Canal issues as follows:

(a) Retention by the United States of its sovereign control over the Canal Zone; and

(b) Major modernization of the existing canal under present treaty provisions. (H. Rept. No. 92–1629, p. 36.)

Mr. Speaker, the report then stressed that all other large canal questions, including the sea-level proposal are irrelevant and should not be allowed to confuse the solution of the canal's major needs. The principal canal problems and their solution have been ably described in the 1973 memorial to the Congress by the Committee for Continued Control of the Panama Canal of 3704 University Drive, Fairfax, Va. 22030. This informative paper will be distributed to all Members of the Congress at an early date.

In order to give the indicated memorial a wider circulation, I quote it as part of my remarks and commend it for careful reading, especially by new Members of Congress.

PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION

Honorable Members of the Congress of the United States:

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

(1) The report of the interoceanic canal inquiry, authorized under Public Law 88–609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, *initially* estimated to cost $2,880,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

(2) An important new angle developed in the course of the sea level inquiry is that of the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatun Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake and the crown of thorns starfish.

(3) The construction by the United States of the Panama Canal (1904–1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." C.R., August 7, 1969), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent efficient management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

(4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the grant in perpetuity of the indispensably necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22). The cost of acquiring the Canal Zone, as of March 31 1964, totalled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protective obligations of the United States, the perpetuity provisions in the 1903 Treaty assure that Panama will remain a free and independent country in perpetuity, for these provisions bind the United States as well as Panama.

(5) The net total investment by the taxpayers of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1971, was $5,695,745,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

(6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The program for the enlargement of Gaillard Cut and correlated channel improvements, started in 1959, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal. Under current treaty provisions Panama has proclaimed that the word "maintenance" in the treaty permits "expansion and new construction" for the existing Canal (C.R., July 24, 1939).

(7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marine operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminish the number of accidents, and simplify the management of the Canal.

(8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

(1) Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

(7) Can be constructed at "comparatively low cost" and being "an enlargement of existing facilities" without requiring additional "lands and waters" avoids the necessity for a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

(10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, marine biological and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, *or* be wholly borne by the taxpayers of the United States.

(11) Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, power and authority on the Isthmus, culminating in the reopening in 1971 of negotiations for a proposed new canal treaty or treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House *and* Senate) and not in the

treaty-making power of our Government (President *and* Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

(12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That Canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

(13) Extensive debates in the Congress over the past decade have clarified and narrowed the key can l issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

(2) The *major* modernization of the existing Panama Canal as provided for in the Terminal Lake—Third Locks Plan.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aiming at ceding to Panama complete sovereignty over the Canal Zone and eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

(14) In the 1st Session of the 93rd Congress identical bills were introduced in both House and Senate to provide for the *major* increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

(15) Starting in January 1973, many Members of Congress sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its power to any other nation or to any international organization in derogation of present treaty provisions.

(16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist take over of strategically located Cuba and Chile, is not United States control versus Panamanian but continued United States sovereignty versus Soviet control. This is the issue that should be debated in Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Canal Zone sovereignty resolution and,

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation of capacity.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford; Former Chairman, President's Council of Economic Advisors.

Comdr. Homer Brett, Jr., Chevy Case, Md., Former Intelligence Officer, Caribbean area.

Hon. Ellis O. Briggs, Hanover, N.H., U.S. Ambassador (retired) and Author.

Dr. John C Briggs, Tampa, Fla, Professor of Biology, University of South Florida.

William B. Collier, Santa Barbara, Calif., Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro A. del Valle, Annapolis, Md., Intelligence Analyst; Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y., Former Associate Foreign Editor, *New York Times*, Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown Univ.

Dr. Donald Dozer, Santa Barbara, Calif., Historian, University of California, Santa Barbara; Authority on Latin America.

Lt. Gen. Ira C. Eaker, Washington, D.C., Former Commander-in-Chief, Allied Air Forces, Mediterranean; Analyst and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va., Editor and Author.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

William R. Joyce, Jr., J.D., Washington, D.C., Lawyer.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University; Past President, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics (Emeritus), University of California.

William Loeb, Manchester, N.H., Publisher and Author.

Lt. Col. Matthew P. McKeon, Springfield, Va., Intelligence Analyst, Editor and Author.

Dr. Howard A. Meyerhoff, Tulsa, Okla., Consulting Geologist, Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keeffe, Fairfax, Va., Asst. Dir. of Library, George Mason University, Research Consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Adm. T. G. W. Settle, Washington, D.C., Former Commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y., Author and Editor.

Harold Lord Varney, New York, N.Y., President, Committee on Pan American Policy, New York, Authority on Latin American Policy, Editor.

Capt. Franz O. Willenbucher, Bethesda, Md., Lawyer and Executive.

Dr. Francis G. Wilson, Washington, D.C., Professor Science (Emeritus), University of Illinois, Author and Editor.

Institutions are listed for identification purposes only.

SECRETARY OF THE TREASURY RESPONSES TO INQUIRIES ON TRADE REFORM ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, prior to the start of the Ways and Means Committee's hearings on H.R. 6767, the Trade Reform Act of 1973, I addressed a series of questions to the Department of the Treasury.

I have today received an extensive reply to these inquiries which is being entered into the committee's hearing record.

Because of the importance of this legislation to all Members of the Congress and to the entire Nation, I would like to enter in the CONGRESSIONAL RECORD at this point portions of my inquiries and the reply which I have received from the Secretary of the Treasury. I want to thank the Secretary and his staff for preparing this detailed information. I am hopeful that it will be useful to the Congress in developing an improved trade bill.

Portions of the correspondence follow:

THE SECRETARY OF THE TREASURY,
Washington, D.C., May 29, 1973.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: Your letter of April 30, 1973 requested data and answers to a series of questions on international monetary, tax, debt and defense issues. Detailed responses prepared by my staff are contained in the enclosed documents.

I hope this information will be of assistance to you during the trade hearings.

Sincerely yours,

GEORGE P. SHULTZ.

Q (2)b. To what extent does the Department feel that multinational corporations contributed to this winter's pressure against the dollar? What steps does the Administration propose to take to control these corporations?

A. This is a difficult and complex question. The pressure in the exchange markets came from many sources and reflected various motivations. Among the possible sources of transactions are U.S. as well as foreign banks, U.S. and foreign-controlled multinational corporations and other non-banking companies, individuals all over the world and some governments and central banks. The underlying balance-of-payments disequilibrium provided some of the reason for the movement of funds. To this were added the motives of hedging and speculation which tend to arise particularly strong and suddenly during times of uncertainty about the durability of exchange rate relationships.

It is difficult to make a distinction between hedging in order to protect a business transaction and "speculating" for the sole purpose of making a profit on an exchange rate change. For example, a company could be planning to make investments in its subsidiary in a country which is expected to revalue its currency. To avoid having to put up more dollars to make the same investment, the company would buy the foreign currency in advance. The company would regard such a capital outflow as a legitimate business hedge.

The Administration is actively engaged in an effort to improve the quality of balance-of-payments statistics and to better our understanding of the nature of the capital flows that took place during the exchange market disturbances earlier this year. Letters were sent on April 23 to the presidents of some 1300 corporations asking for their cooperation in this effort. We also expect to have direct contacts with a representative group of corporations.

More broadly, we are working to establish a new monetary system better capable of dealing with disruptive short-term capital flows. Such a system should facilitate basic adjustments and minimize the likelihood of large and persistent disequilibria which feed speculative activity. Also, the monetary system can help to limit the incentives for short-term capital flows by built-in stabilizers, such as wider margins. The Committee of 20 on international monetary reform and related issues announced on March 27 in Washington an intensive study of disequilibrating capital flows. The Deputies of the Committee of 20 have established a technical working group for this purpose.

Q. (2)c. What is the total pressure which can be brought against the dollar from dollars now held by foreigners and in the reserves of international corporations?

A. There is no adequate basis for estimating the amount of liquid funds available to move at short notice from one currency into another, whether held by multilateral corporations or by others. The potential from existing balances is only one element; credit can also be used for such purposes. While liquid balances are very large, there are various constraints on the use of many types of such assets. For example, a large portion of the liquid assets held by foreign governments and central banks in the U.S. is generally not shifted for reasons associated with expected exchange rate changes since the holders are well aware of the disruptive effects of such moves for the international monetary system. Furthermore, both official and private holders of short-term dollar assets have working balance requirements and other commitments which tend to make it difficult for them to reduce liquid assets below a certain level.

There are also dollar funds available for conversion into other currencies in the Eurodollar market, held by both foreign official institutions and private individuals and institutions. The total liabilities of the Eurobanks in this market have been estimated at over $70 billion (at the end of 1971) by the Bank for International Settlements. This total appears to reflect a good deal of pyramiding and double-counting. In any case, only a portion of the funds in the Euro-dollar market represents demand deposits and other holdings that can be readily moved.

The Tariff Commission's recent study on multinational corporations contains data in Table 7 of its Chapter V (page 537), which attempts to reconstruct the short-term assets and liabilities of principal private and official institutions operating on the international scene. From this table, the study estimates that these institutions possessed some $268 billion in short-term assets at the end of 1971 "with the lion's share of these assets under control of multinational firms." As the Tariff Commission's report itself recognizes, the figures in Table 7 are very tenuous and contain double-counting and other errors.

Furthermore, it is likely that the bulk of the assets of U.S. corporations other than banks and of the foreign affiliates of those firms as represented in the table consist of inventories, receivables, and other non-liquid current assets, rather than bank deposits and other readily available funds.

The sole figure which presumably represents short-term dollar assets of MNC's is the entry in Table 7 which shows $4.7 billion in assets of U.S. non-banks at the end of 1971. There is no dollar-denominated breakdown for the foreign affiliates of U.S. non-banks. Given the nature of the operations of U.S. MNC's abroad, one would expect that their short-term assets would be overwhelmingly in foreign currencies, rather than in dollars.

In theory, all liquid assets in the U.S. domestic economy, held by banks, non-banking institutions and by individuals, as well as the whole gamut of transactions between U.S. and foreign residents are susceptible to conversion or management in a way which would give rise to international capital movements. Some of these transactions would come under the purview of the U.S. Government's capital outflow restraints and others would not.

In sum, various types of estimates of the amounts of potentially volatile international flows can be constructed. All would be based on inadequate data and on assumptions that can be questioned. However, it is clear that the amount of potential pressure which can be brought to bear on exchange markets is very large in situations of acute disequilibrium and deep uncertainty. The important lesson is that we must prevent such situations from developing. That is an aim of monetary reform.

Question 2(d). Can you explain the American position with respect to the Paris agreement and, in particular, can you describe the circumstances in which the United States will support the dollar through dollar purchases, how much support we will provide (in billions of dollars)? Is it possible for the United States, in an effort to support the dollar against the enormous speculation which is possible, to again lose "money" through support activities? If so, what objections does the Department have to a completely free float? In the Department's analysis, how much is the current rate of inflation wiping out the balance of trade advantages gained by the latest devaluation?

Answer: The United States has not undertaken any commitment to intervene in the exchange markets. It was agreed, however, that intervention might be useful at appropriate times to facilitate the maintenance of orderly market conditions, but each nation, in consultation with the country whose currency was being bought or sold, would determine for itself when it thought such intervention advisable and the amount of its intervention. Just what tactics would be followed or at what levels intervention might be undertaken will have to be determined from time to time on the basis of our appraisal of prevailing market conditions. We cannot therefore give any estimate of how much such intervention might amount to if undertaken or under what conditions it may be undertaken.

Should we engage in intervention it would, of course, be possible that some further exchange loss might be sustained. As indicated in our recent testimony before several Congressional Committees, we believe, however, that we now have an exchange rate structure which reflects underlying economic realities. There will be no further devaluation of the dollar that would result in the sort of losses sustained previously. Moreover, it would not be our intent to undertake intervention in defense of exchange rates which are inappropriate.

We anticipate that in a reformed monetary system most countries will want to maintain established values for their currencies, although provision should also be made for floating rates which may be appropriate in particular circumstances. Also we do not believe there should be intervention by ourselves or others to maintain artificially a rate which is counter to basic balance of payments trends. This does not mean, however, that one should disregard the adverse effects of disorderly markets and, as was stated in the Communique issued following the meeting in Paris in March and as noted above, we have agreed that intervention might be useful at appropriate times to facilitate the maintenance of orderly market conditions.

The rate of inflation in the United States so far this year is considerably higher than it should be and it is important that it be curbed. This is essential, not only for obvious domestic reasons but also, as your question indicates, because inflation could erode the benefits to our competitive position derived from the devaluation. In assessing the degree of such erosion one must, however, take into account the rate of inflation in other countries. Most of the developed countries are experiencing inflation. On a relative basis we have not lost ground but this is no ground for complacency.

Question 3: Will the "gold window" remain closed?

Answer: On August 15, 1971 the United States suspended the convertibility of the dollar into gold and other reserve assets. This suspension remains in effect.

It has been generally recognized that, as part of a satisfactory reform of the monetary system, convertibility of currencies would be one of the important elements, but that the issue is intimately related to such other questions as improving the process of adjusting payments imbalances and the future role of various reserve assets. At the September 1972 meeting of the IMF, Secretary Shultz outlined a series of proposals for a satisfactory reform and he stated that after a transition period "the United States would be prepared to undertake an obligation to convert official foreign dollar holdings into other reserve assets as a part of a satisfactory system much as I have suggested—a system assuring effective and equitable operation of the adjustment process. That decision will, of course, need to rest on our reaching a demonstrated capacity during the transitional period to meet the obligation in terms of our reserve and balance of payments position."

Question: (4) Would you describe the details of the Lend-Lease settlement negotiated with the Soviet Union? How much lend-lease was written off?

Answer: As the result of the negotiations concluded last October, the outstanding Soviet lend lease obligations will be settled by Soviet payments to the United States of an amount of at least $722 million payable over the period ending July 1, 2001. $12 million was paid October 18, 1972. $25 million will be paid July 1, 1973, and $12 million on July 1, 1975. The balance will be paid in equal annual installments ($24,071,429 for each of 28 installments assuming the first such annual payment is on July 1, 1974*) ending on July 1, 2001. The exact total amount will depend upon when and how many of the four allowable annual deferments are taken by the Soviets. If the Soviets were to take their four postponements early in the period, interest on deferments could amount to as much as $37 million, making the total amount payable between now and 2001 equal to $759 million. Such deferments, if taken, will nonetheless be repaid by July 1, 2001.

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*If MFN is granted between June 1 and December 1, the first lend lease payment is due not more than thirty days thereafter. If MFN is granted from December 2 through May 31 of the following year, then the first lend lease payment is due on July 1 of that year. The earliest payment date of such annual installments is July 1, 1974.

and will bear interest at the rate of 3 per cent per annum. The British pay 2 percent interest on any deferments and are permitted to add a year beyond 2001 for each deferment. The settlement also includes remaining amounts due on the "pipeline account" for lend lease goods delivered (approximately $45 million due) to the Soviets immediately after World War II and for which they have been paying since 1954. Soviet payments since 1954 of principal and interest to the U.S. against this account amount to $199 million.

In negotiating a settlement with the Soviet Union, the U.S. Government has not "written off" any amount of the lend-lease provided during World War II. The lend-lease aid was rendered to foreign governments, including the Soviet Union, under "Master Lend-Lease Agreements," which provided for future determination of the amount and terms of settlement.

From the beginning of lend-lease it was recognized that the assistance provided could not be subjected to normal commercial procedures. In negotiating settlements under the "Master Lend-Lease Agreements" after the war, no compensation was requested for articles lost, consumed or destroyed during the war. Nor was compensation sought for military supplies and equipment under the control of the Armed Forces of the respective allied governments when the war ended. It was the policy of the United States to seek payment only for lend-lease goods in the possession of other countries at the end of the war which were of a civilian type, useful in a peacetime economy of the recipient country.

In seeking a settlement of the lend-lease account with the Soviet Union, the United States has always followed the basic principles and policies, described above, which governed lend-lease settlements with other governments. It was the 1945 settlement with the British, the principal beneficiaries of lend-lease aid, which provided guidelines for settlements with other countries. During the initial negotiations in 1948 the United States asked the USSR to pay $1.3 billion as the first step in the negotiating process, while the USSR offered $170 million. During subsequent negotiations in 1951–52, the United States figure was reduced to $800 million while the USSR increased its offer to $300 million. The claim was ultimately settled last fall for $722 million.

CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I think it important that we not permit the daily revelations about the Nixon administration's lawlessness on the domestic front to obscure or divert our attention from its lawlessness abroad.

The bombing in Cambodia continues, with no grant of authority from Congress and with no colorable claim of any constitutional basis. I am pleased to note the 63 to 19 vote today in the other body to cut off all funding for bombing in Laos and Cambodia. Considered together with our 219 to 188 vote in favor of a similar provision a few weeks ago, it demonstrates that Congress has finally decided to end our military involvement in Indochina and to reassert its constitutional authority over military and foreign policy.

Anthony Lewis wrote another of his excellent columns for today's New York Times, and I include it at the conclusion of my remarks:

CRIMES OF STATE

(By Anthony Lewis)

BOSTON, May 30.—On 85 successive days now, without any authority in law, American planes have bombed Cambodia. The latest official figures, for April, showed that the average daily tonnage had risen to nearly one and one-half the amount dropped on North Vietnam during the Christmas bombing campaign.

Not surprisingly, the bombs dropped by B–52's and fighter-bombers actually kill people and destroy their village civilization. A New York Times correspondent, Sydney Schanberg, recently filed an impressively meticulous account of what the United States has done to Cambodia in these last months.

"Sometimes the devastation is continuous for several miles," he wrote of a trip along a road from Phnom Penh. "Ashes, broken cooking pots, shattered banana and mango trees, twisted corrugated iron roofing and sometimes the concrete stilts of a house reaching toward nothingness—that is all that is left. A few people wander forlornly through the rubble. . . ."

Cambodia is a small peasant country in a far-away place, and few Americans know or care much about it. But we might care about the reputation the United States is acquiring as the country that over the last decade has killed more innocent people and destroyed more homes and crops than any other. And above all, at this time of heightened constitutional sensibility, we should care about what this lawless warmaking is doing to our own institutions.

Even President Johnson, when he began bombing North Vietnam in 1965, did not do so as an act of naked Presidential fiat. By whatever means he had persuaded Congress to prove it, he did have the authority of the Tonkin Gulf resolution to attack North Vietnam. Indeed, he was so conscious of the problem of authority that he used to keep a copy of the resolution in his pocket and bring it out when he was asked questions about the bombing.

There is no Tonkin Gulf resolution any more; with the agreement of President Nixon, Congress has repealed it. There is no other law that anyone has interpreted to authorize war on Cambodia. The U.S. is not party to any treaty covering that country. It may be reiterating the obvious to say so, but there simply is no basis in law for the current bombing.

The lawyers of the United States Government have made no serious effort to justify the war on Cambodia in terms of our Constitution and laws. The one person I know who has is Prof. Eugene V. Rostow of the Yale Law School, who tried the other day in The New York Times. His argument was an object lession in self-destruction.

It is an "inappropriate moment" to stop bombing Cambodia, Professor Rostow argued. We cannot "assure the security of South Vietnam" unless we get "hostile forces" out of sanctuaries in neighboring countries. The Cambodian Government, like others, is entitled to call in others for help in collective self-defense.

As a matter of military policy, those arguments would doubtless persuade some people. But, inconveniently, the United States Constitution dces not confide such judgments to the President. The power to declare war is committed to Congress.

How sad it is to read such stuff from a man who once understood that the end cannot justify the means in this country, that the Constitution is for bad times and good. Eugene Rostow was eloquent when he fought the internment of Japanese-Americans in World War II. Now he tells us that it would be "constitutionally irresponsible" to stop the President from waging his own war.

Congress is at last moving to stop the unlawful American destruction of Cambodia. But as it does, it must beware of an effort by the President's men to reverse the constitutional burden of proof. They want the Constitution to read: "The President may wage war unless Congress stops him." But it does not say that. It does not put on Congress the burden of overcoming inertia, and possibly overriding a veto; it is up to those who want war to obtain Congressional authorization.

What has gone on these last 85 days is in its way more serious than Watergate, more depressing in its demonstration of how far we have gone in the corruption of our constitutional ideals. For the most eminent men in our Government—not just policemen and political hatchetmen—have carried out acts that they well knew were illegal.

Like Adolph Eichman, they can argue that they were only following orders. But in this country no superior's order is lawful if it is in fact unauthorized by the Constitution and laws.

Law students learn early-on that killing without lawful authority is murder. The point has escaped the White House assistants and Pentagon and State Department officials who have carried out the President's unconstitutional orders to bomb Cambodia. But some less exalted men have begun to understand. One of the B–52 crew members on Guam, a Sergeant Simerly, said "We're still killing hundreds of people every day, and for what? When I came into the Air Force, we had a mission: peace. Right now I'm a paid killer."

CONGRESSMAN GONZALEZ INTRODUCES LEGISLATION TO PROVIDE ELDERLY HOMEOWNERS WITH GREATER FINANCIAL SECURITY

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, in the Housing Act of 1949 Congress affirms the national goal of a decent home and suitable living environment for every American family. This goal is becoming harder and harder to achieve, especially for the elderly, and today I am introducing legistion that would provide elderly homeowners with greater financial security.

This bill, entitled the Home Preservation Act of 1973 would allow elderly people to borrow money from the Government to prevent a foreclosure on their home if they are temporarily unable to meet their mortgage payments because of illness or reduced income.

They could borrow enough to cover up to 12 monthly payments under this legislation.

Elderly homeowners could also borrow up to $5,000 at low interest from the Government to make repairs on their homes which they otherwise could not afford.

The interest rate would be 3 percent and for people unable to afford even that, the loan would be interest-free with repayment of the principal deferred for their lifetimes.

This bill authorizes a revolving fund of $50 million for the two loan programs.

I believe this legislation is earnestly needed to help the elderly of this Nation keep their pride in themselves and in their property. More than 13,600,000 elderly people own their own homes, but their average household income is a mere $3,700.

The double problem of a limited in-

come and advancing age make it very difficult for many of them to keep their homes. And with the current rate of inflation the cost of upkeep and repair in these times is far beyond their reach.

I feel that it is essential that we help the elderly people keep and maintain what for them has been a lifetime investment. As citizens of this great Nation they should be able to live out their lives in their own homes and in a manner that gives them dignity.

ARMS POLICY IN PERSIAN GULF AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, in the last few weeks, there have been a series of confirmed reports about enormous arms sales to certain states in the oil-rich Persian Gulf which are friends of the United States.

Congress was certainly not given much of a warning about this apparent major element of our emerging Persian Gulf policy. In the President's 1973 report to Congress on our foreign policy and in the Secretary of State's foreign policy report for 1972, emphasis was placed on stability and cooperation in the Persian Gulf, fostering orderly development and maintaining close and friendly ties in order to assure access to oil. The Secretary's report did make reference to United States support for "a reasonable expansion and modernization of regional defense forces, particularly those of Iran and Saudi Arabia."

ARMS CONTRACTS

But developments of recent months might suggest that support for economic development and close political ties are peripheral aspects of a policy increasingly centered on maintaining and improving the defense arsenals of the many states bordering the Persian Gulf. Consider what we know now:

Iran, an ally, is contracting to buy over $2.5 billion worth of arms over the next several years.

Saudi Arabia, a friend of the United States, has, under an ongoing program with the U.S. Navy, bought over $600 million worth of equipment and training. There are today $1 billion pending in additional sales to Saudi Arabia and another $500 million cash program for the Army. To this, there must be tagged on an unexplained request by the administration for $20 million in foreign military sales credits for Saudi Arabia for fiscal year 1974.

Kuwait is about to sign contracts with the United States amounting to $600 million.

Bahrain receives some fees from the United States which enable the U.S. Navy's Mideast force to station itself there.

A U.S. military mission has been visiting several of the smaller Persian Gulf States and this mission will probably result in further contracts.

A Communist-supported rebellion in one province of Oman is taking place and the United States, Britain, and some of our Middle East friends—Saudi Arabia, Iran, Abu Dhabi and Jordan—are helping, in one way or another, to stamp it out.

Mr. Speaker, some of these activities have received careful attention over a period of years but others appear to be quick responses to immediate, perceived needs. The net impression left, in the absence of appropriate policy explanations, is that we are willing to sell just about everything these Persian Gulf states want and will buy.

One of the major reasons for the requests of these countries to buy equipment involve their sense of threats to their own security. There is much internal instability in most of these states and distrust among them—even among recipients of U.S. arms. And there is the external threat, some states perceive, from the nearby, more radical states—Iraq and People's Democratic Republic of Yemen. But one wonders whether the potential threat of Iraq—the recipient of over $1 billion worth of arms since 1965—and Yemen, which receives some Chinese and Soviet aid and exports some guerrilla activity to neighboring Oman, will prove to be as much a threat to the calm in the gulf as the burgeoning arms race and the lack of peace in the Arab-Israeli conflict.

It would, indeed, be unfortunate if, during President Brezhnev's visit to Washington, arms races and possible limitations on deliveries in the Middle East, both in the Arab-Israeli sphere and in the Persian Gulf, could not be discussed. Unfortunately, with this hope goes the realization that we are doing most of the selling and may not want even to discuss the issue.

Mr. Speaker, I rise not to express fears or make any dire predictions. I merely feel that our Government must be more forthcoming in explaining its policies in the Persian Gulf and why it is embarking on such an ambitious arms selling program. There may be compelling arguments for these policies but they need to be articulated. We must not become arms merchants in this important area merely because of the arguments often used that if we do not sell arms, others will, or that arms contracts create beneficial interrelationships which last because of the need for spare parts, or that our balance-of-payments problems dictate such action.

ON INTRODUCTION OF GASOLINE ALLOCATION BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, in the last week, four of the largest oil companies in the world announced allocation programs for their customers. All over the country, independent marketers are closing down. Cities and towns from Los Angeles, Calif., to Rockport, Mass., have discovered that no major firms will bid for gas supply contracts, thereby jeopardizing police, fire, ambulance, and other essential services. The administration is still talking about a voluntary allocation program. And amidst all this, the major oil companies are recording the greatest profits in their history. A number of bills have been introduced recently establishing mandatory allocation programs to protect independent marketers of gasoline. Today, I am introducing two bills which differ in a number of respects from the existing legislation.

The first bill authorizes the President to allocate all forms of energy when he determines that serious shortages exist. Three objectives are established for the allocation program: First, the protection of public health, safety, and welfare; second, the maintenance of public services; and third, the preservation of an economically sound and competitive fuels and energy industry.

The bill also directs the Attorney General to investigate the marketing practices of oil companies which have annual gross revenues of more than $1 billion and to take such steps as may be necessary under the antitrust laws to insure that the marketing practices of these companies are not detrimental to the maintenance of a viable competitive domestic petroleum industry, and do not result in a foreclosure to independent marketers of supplies from these companies.

The second bill makes it a violation of the Federal Trade Act for a major refiner to refuse to supply its independent customers with the equivalent percentage of gasoline being supplied to the refiner's marketers. It also provides that the price charged independent customers—which also includes State and local governments and public authorities—does not increase more than the percentage increase being charged to the refiner's affiliated customers.

The bill further provides that, if a refiner does not sell at least 10 percent of its gasoline to nonaffiliated buyers, it must make an additional 10 percent of its supply available for nonaffiliated customers. The provision means that at least 10 percent, and up to 20 percent, of gasoline supply must be reserved for independent and public use.

The President and the major oil companies have called for conservation and responsibility on the part of the American people during the gasoline shortage. The Congress must act to assure that the major oil companies act responsibly also.

SOVIET "EDUCATION TAX"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. REES) is recognized for 5 minutes.

Mr. REES. Mr. Speaker, I would like to place in the RECORD a letter from Dr. Isaac Poltinnikov, a citizen of the Soviet Union, concerning the harassment he and his family are undergoing because of their wish to emigrate to Israel.

Earlier this year, the Soviet Union announced that they were lifting many of the restrictions such as the education tax which had been imposed upon Jewish citizens desiring to emigrate to

Israel. This letter from Dr. Poltinnikov written last March to Jack and Evelyn Paller of my 26th Congressional District clearly demonstrates that these practices have not disappeared.

It is obvious that Dr. Poltinnikov has been a loyal Soviet citizen and has enriched through a very productive career the quality of life in his country. It is disturbing that a sincere desire to emigrate to another country should cause the events described in this letter to occur. I would hope that practices such as this will cease to exist in the Soviet Union and that new Soviet policy on immigration will no longer result in oppression to those wishing to emigrate.

The letter follows:

ISAAC POLTINNIKOV,
Novosibirsk, U.S.S.R., March 17, 1973.

JACK and EVELYN PALLER,
Los Angeles, Cal.

DEAR FRIENDS: We thank you for your letter of March 5 (Our Registration No. N680379) which we received on the 14th of March. We are touched by your care, your attention to ourselves and by the care and attention of others who have written us. Our family has now been trying to get permission to leave for Israel for a long, long time, but as of right now we still do not get permission from the authorities. Lately they started to promise us that fairly soon they would let us go. However, after these promises, weeks and months are passing and permission is still not given. In the meantime, our family finds it to be a hardship—a precarious situation.

My older daughter, Victoria was forced out of her job at the end of 1971 simply because she had declared her desire to leave for Israel. She suffered greatly at that time and was accused of being a traitor to the State at a meeting of her co-workers which lasted for 5 hours. She is a radiologist and can no longer get any work in her specialty and her situation is complicated by the fact that she has tuberculosis. My wife Irma is a cardiologist. After severe illness, she stopped working about five years ago.

I am an ophthalmologist. For a long time I served in the Army as a military doctor. I retired because of my age, and illness, at the end of 1971. I was given a retirement pension for my many years of service and this pension was the basis of our existence. When I declared that I wanted to leave for Israel, I, with many others, had to submit to interrogation, in spite of the fact that I participated in World War II, received many medals and served in the Army for many years as an authority in medical fields, and was many times mentioned favorably by the very same government that is now accusing me of treason to the State. In November of 1972, by a decision of the Ministers of the USSR, I was deprived of my retirement pay and military rank. No one thought about how I was to live from now on. I retired with the rank of Colonel, but they made me a Private.

Not so long ago my wife and daughter were arrested simply because they, together with many other Jews, appeared to petition the Supreme of the USSR, and this brought my wife again another severe heart attack. At the end of 1972, my 84 year old father-in-law (Dr. Bernstein) left for Israel. We were sure that after permitting our very close relatives to leave, we would be given permission too, but as of right now we cannot leave. So our family is separated and we are existing entirely from the sale of the possessions we have accumulated. It is very difficult for us to exist under such circumstances.

I am 52, my wife Irma is 50. We have given the Soviet Union our best years—our major strength, and for example, during just my life in Novosibirsk, I performed more than 3,000 operations and I have saved the sight of many human beings. I have many letters from people saying that I did so many good things for Russia. We haven't that much longer to live. I can count on ten more years and we would like the years remaining to us to make our contribution to our newly-reborn nation, our old-new country which has been raised from the ashes, over the bones of six million Jews who died in the Hitler camps.

We would very much like to know what is Jewish national culture, Jewish national tradition, things of which we have been deprived, not officially, since officially Jewish culture is not forbidden in the Soviet Union, but we are deprived of Jewish culture in actuality. In the earlier years there were Jewish schools, Jewish universities, and Jewish theatre in the Soviet regime but they have all disappeared. Even people who are as old as I am, have forgotten the Jewish language and our children don't know what it is all about. This is because when a man lives outside the Jewish milieu, he knows that the Jewish language and Jewish national tradition are not relevant to his everyday life.

Many people look differently at the question of nationality. We believe in internationalism. We believe that nationalities have their rights and have the right to exist as nationalities and to have national pride. At present this is possible if a people have their own state. This does not mean that only one nationality must live in its own state. This is a private personal business of every human being, but our family wants to live in Israel and we are trying to achieve that openly and strongly. We know very well what the difficulties are and what the difficulties will be. We know that these barriers are placed before us by the government and they are deliberate, but we will not change our minds—no matter what—and for this we are ready to suffer all of the consequences.

We received many letters from various cities in the United States, as well as other countries. In the letters people write about being ready to help us. We are thankful to all those people who express such solidarity in this effort.

We wish you a very happy and pleasant Passover, which is to come soon. With very best wishes to you and your family.

ISAAC, IRMA AND VICTORIA POLTINNIKO.

P.S. At present in the United States is my youngster daughter Eleanor and her husband Mark Yampolski. I would be very happy if you were able to meet with them. You may receive news of them through Rosalie and Harry Kleinhaus, 141 E. 89th Street, New York 10028, (212) 722-2625.

JOHN GABRIEL, DISTINGUISHED CITIZEN, TO HEAD YMCA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, on June 8, Mr. John Gabriel of Montebello, Calif., will be installed as the chairman of the board of managers of the YMCA serving the cities of Monterey Park, Montebello, East Los Angeles, Commerce and South San Gabriel. Mr. Gabriel will assume his new post at a dinner given at the Montebello Country Club.

A lifelong resident of the Montebello-East Los Angeles area, Mr. Gabriel has consistently been active in community affairs, contributing generously of both his time and energy. He is a charter member and past president of the advisory board of the Eastmond Salvation Army, and a past president of the city of Montebello public recreation facilities. He has been a member of his church's board of trustees for the past 15 years.

Mr. Gabriel has been associated with the Beverly Hospital as a member of the board of directors since 1966. Along with his colleagues on the board's building and finance committee, he has been instrumental in the present expansion of the hospital, which is a pressing need in the community.

In addition, John Gabriel is currently a director of the Armenian Educational Foundation, Inc. Twice a year for the past 15 years, he has given awards through the Gabriel Scholarship Foundation to outstanding students at East Los Angeles College.

At the State level, Mr. Gabriel is a member of the California State Senatorial Advisory Committee and is on the Advisory Committee to the Joint Legislative Retirement Committee.

John Gabriel has also played a very important role in the business life of his community. He is the founder, owner, and president of five corporations located in Santa Fe Springs and Montebello, and is well known in the business world as the only independent owner of a combined manufacturing paper board mill and corrugated container plant in the 11 Western States. In 1955, Mr. Gabriel was a cofounder of the Garfield Bank of Montebello and Monterey Park. Since then, he has served as a member of its board of directors and its executive committee. Presently, he is also serving as a director of the Constitution Savings and Loan Association.

Mr. Gabriel's activities in the Montebello, East Los Angeles, Monterey Park and Commerce YMCA include a charter membership, and the general chairmanship of the current support campaign. He now assumes the duties of the chairmanship of the board of managers.

My distinguished colleague, the Honorable CHET HOLIFIELD, dean of the California delegation, joins me in congratulating Mr. Gabriel on his election as chairman. His record of past achievement assures us that his term will be a very successful and fruitful one. The districts and communities which we represent are certainly fortunate in having as willing and able a person as John Gabriel working to improve community life.

YOUTH CAMP SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 10 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, over 250,000 children will be injured while attending summer camp this year. One more camp season will pass without the necessary regulatory legislation to prevent these tragedies.

Today, Congressman PETER PEYSER and I, along with approximately 48 of our colleagues are reintroducing legislation to institute minimum Federal safety standards for youth camps. We have been attempting to establish these standards for the adequate protection of our children for over 5 years with few visible results.

During the 92d Congress, a youth

camp safety survey was authorized as an amendment to the Higher Education Act. This extremely sketchy survey has just recently been made available to the Congress. It unfortunately confirms our worst suspicions. The GAO reports that at least 65 percent of the accidents occurring in their nationwide sample of camps could have been prevented by better supervision or higher standards of camp maintenance and administration. Still nothing is done. Only five States—New York, Connecticut, Michigan, New Jersey, and New Hampshire—have even the barest laws or regulations pertaining to camp safety or they have absolutely no regulatory legislation. There is no estimate of the number of deaths or injuries that go unrecorded, yet we still hesitate.

No legislation or system can remove all the risks for children at camp or anywhere else, but is it not our responsibility to safeguard as best we can, those who are least able to protect themselves?

On January 9 of this year, Mr. PEYSER and I introduced identical legislation in the form of H.R. 1486. If you have not already expressed an interest in cosponsoring this bill we hope that you will look into the legislation and follow the hearings which I hope to schedule in the near future.

REMARKS OF THE HONORABLE CHET HOLIFIELD ON REORGANIZATION PLAN NO. 2 OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 10 minutes.

Mr. HOLIFIELD. Mr. Speaker, there have been several developments in regard to the implementation of Reorganization Plan No. 2 of 1973 that have taken place since the Waldie Resolution, House Resolution 382, was reported from the Committee on Government Operations. I insert, herewith, a copy of a Dear Colleague letter which my colleague, FRANK HORTON, ranking minority member on the committee, and I sent out to all Members of the House with attachments. The material is self-explanatory, and will indicate that a major source of opposition to the reorganization plan has been removed.

The plan creates a new Drug Enforcement Administration in the Department of Justice, and consolidates a number of enforcement activities which should improve the ability of our Government to deal with the problem of drug trafficking.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 31, 1973.

DEAR COLLEAGUE: The House Committee on Government Operations reported that Waldie Resolution (H. Res. 382) disapproving Reorganization Plan No. 2 by a vote of 23 to 17. The undersigned supported the Reorganization Plan by voting against the disapproval resolution. Under the Reorganization statute, neither the Reorganization Plan nor the disapproving resolution can be amended by the Committee or by the House.

By unanimous consent, the Waldie resolution will be considered by the House on Thursday, June 7, 1973.

As a result of the hearings and numerous conferences between the Administration, members of the Government Operations Committee and representatives of the American Federation of Government Employees and the AFL–CIO, certain agreements have been arrived at to resolve areas of disagreement which had not been resolved prior to the vote of our Committee.

We are attaching certain documents indicating the withdrawal of opposition to the Reorganization Plan by organized labor, the substance of the crucial portion of the agreements reached, and the reasons therefor. We have introduced H.R. 8245 in furtherance of the agreements.

We believe that the results of this procedure of negotiation will have the effect of strengthening the Immigration and Naturalization Service and, at the same time, will insure more effective enforcement of the drug control laws. Therefore, we felt it was important for us to bring these facts to the attention of each Member of the House.

In light of these changes, we hope that you will support the Plan.

Sincerely yours,

CHET HOLIFIELD,
FRANK HORTON.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 29, 1973.

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

DEAR MR. SPEAKER: The President continues to be most interested in taking those steps necessary to ensure the most effective possible Federal drug law enforcement. Congressional approval of the consolidation of drug law enforcement functions proposed to the Congress in Reorganization Plan No. 2 of 1973 is essential to this effort.

Serious opposition to the Plan has been articulated by organized labor and other interested parties based on the assertion that the Plan would adversely affect the nation's capability to deal with the problems of illegal alien control because it would transfer approximately 900 Immigration inspectors from the Immigration and Naturalization Service to the Bureau of Customs. These concerns appear to have been in part responsible for the action taken by the House Government Operations Committee on May 22, 1973, in recommending disapproval of the Plan.

Discussions with representatives of organized labor and members of the House Government Operations Committee subsequent to the Committee's action have led us to conclude that the transfers envisioned by Part 2 of the Plan should not take place pending further Congressional and Administration review of the illegal alien issue.

We would therefore propose to make Section 2 of the Plan inoperable by statute prior to July 1, 1973. Draft legislation to accomplish this objective is attached.

We urge speedy Congressional approval of both this bill and of Reorganization Plan No. 2 of 1973.

Sincerely,

ROY L. ASH,
Director.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 30, 1973.

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

DEAR MR. SPEAKER: On Thursday June 7, the House will consider a resolution of disapproval (H. Res. 382) filed against the President's Drug Law Enforcement Reorganization Plan (Reorganization Plan No. 2 of 1973). In essence, the Plan provides for consolidation of federal drug law enforcement activities to increase their effectiveness in combatting the vicious drug menace facing our Nation.

As a result of contemplated transfers of personnel from the Immigration and Naturalization Service at the Department of Justice to the Treasury Department's Bureau of Customs, serious opposition had earlier been voiced by organized labor based primarily on the assertion that the Plan would adversely affect the Nation's capability to deal with the problem of illegal alien control. Fortunately, as you are aware, these differences have now been resolved by the proposed legislation outlined to you in Roy Ash's letter of May 29.

From experience as a State Attorney General and as a Federal prosecutor, and as Secretary of HEW, I am well aware of the terrible toll in both material and human resources taken by drug related activities. Narcotics networks know no boundaries. Their tentacles span local, state, and international borders. They reach into the most affluent suburbs at the same time they are reaching into the poorest urban ghetto. They affect all races, all ages, and all income groups.

The emphasis of law enforcement in the area of narcotics must be upon locating and destroying the hubs of these narcotics networks and at bringing to Justice those at the top who would make millions in the illegal sales of drugs. A single, effective national agency with adequate funds and manpower can best combat these networks. The creation of a unified drug enforcement agency in the Department of Justice will provide this country with just such a mechanism to combat interstate and international narcotics trafficking.

Because of the urgency and importance of the problem, I am hopeful that we can now move with dispatch to carry-out Reorganization Plan No. 2. Your support would be greatly appreciated.

Sincerely,

ELLIOT L. RICHARDSON,
Attorney General.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Washington, D.C.

STATEMENT—AFGE POSITION ON REORGANIZATION PLAN NO. 2 OF 1973, MAY 30, 1973

In response to Congressional and union concerns regarding the illegal alien problem facing the United States, the Administration has agreed to place additional emphasis on the roles and responsibilities of the Immigration and Naturalization Service. In particular, the Administration has agreed to seek repeal of Section 2 of the Plan and until such legislation is enacted to not implement the controversial Section 2 of the Reorganization Plan No. 2 which would remove the immigration inspection function from the Immigration and Naturalization Service.

We will support this Administration effort to deal with the flood of illegal aliens and find that it is consistent with Labor's support of H.R. 982 to help alleviate the United States unemployment crisis.

Reorganization Plan No. 2 has the critically important goal of mounting an all-out offensive on illegal drugs by consolidating the drug law enforcement activities in a new agency within the Justice Department. While not agreeing with all the details of the Plan, the AFGE is in complete agreement with the need to pursue the fight against illicit drugs.

Therefore, based on the Administration agreement not to implement Section 2 pending its repeal and the overriding Administration concern for the efficacy of its drug enforcement program, the AFGE has agreed to cease all lobbying and other activities designed to defeat Reorganization Plan No. 2 in the Congress. In effect, this means AFGE has withdrawn its previous objections to Reorganization Plan No. 2 of 1973.

It is my understanding that the AFL–CIO is in full accord with this position.

CLYDE M. WEBBER.

AFGE ACCEPTS ADMINISTRATION ASSURANCES, WITHDRAWS OPPOSITION TO REORGANIZATION PLAN NO. 2

The American Federation of Government Employees, AFL–CIO, which represents 625,000 Federal employees, today expressed satis-

faction with the Administration's proposal to make inoperative Section 2 of its Government Reorganization Plan No. 2 which the Union had strenuously opposed because of the deleterious effect it would have had upon the Immigration and Naturalization Service.

"We accept in good faith the Administration's assurances that it will propose legislation which would set aside Section 2, and until such legislation is enacted it will not implement Section 2," AFGE National President Clyde M. Webber announced.

"We also accept at full value the Administration's views that defeat of Reorganization Plan No. 2 would seriously delay and impair its program to wage all out war on the illegal drug menace."

Based on these assurances, Webber announced AFGE will no longer actively oppose Reorganization Plan No. 2.

"We also want to assure the friends and allies of Federal employees in the Congress that we appreciate the support and assistance they have given us in our effort to preserve and improve the national effort to contain the flood of illegal aliens into the U.S.," he said.

Webber had told the House of Representatives Committee on Government Operations that AFGE opposed Section 2 of the Plan because the proposed transfer of 1,000 INS Inspectors to the Bureau of Customs "will lead to demoralization and to the loss of time and effort at all levels."

"The Administration's agreement to withdraw Section 2 of the Plan will avoid this situation," he said.

"AFGE agrees, of course, that it is critically important to mount an all-out offensive on illegal drugs by consolidating the drug law enforcement activities. While not agreeing with all of the details of the Plan, the AFL–CIO and, therefore, the AFGE, are in complete agreement with the need to pursue the fight against illicit drugs."

Webber stated, "While the Plan is not perfect, it is necessary to avoid any prolonged delay in the fight against the illicit drug traffic."

For further information contact: Clyde M. Webber, National President, AFGE; Leo M. Pellerzi, General Counsel, AFGE, 1325 Massachusetts, Avenue, N.W., Washington, D.C. 20005. Phone: (202) 737–8700.

THE ENERGY CRISIS 2 YEARS LATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON. Mr. Speaker, 2 years ago, almost to the day, on May 26, 1971, the House defeated by a significant margin my resolution to establish a select committee to study the energy resources of this Nation.

Despite the fact that the resolution had well over 100 cosponsors which would generally indicate strong bipartisan support the bill was handily defeated. The reasons for its defeat were several but outstanding among them was the fact that several committee chairmen in the House objected to the committee on grounds that such a body would intrude on the jurisdiction of their own committees. Several of them further stated that if the resolution were defeated they would, in the near future, hold hearings on that area of energy matters which fell within their jurisdiction.

That was 2 years ago last Friday and to my knowledge with the exception of Mr. EVINS' Select Committee on Small Business, no sustained attention has been directed to this problem by any committee in the House and no legislation of any significance to alleviate our energy problems has been reported or passed.

My purpose here is not to condemn or criticize. It is simply to point to the fact that we have done almost nothing in the 2 years since these assurances were given on this floor that something would be done.

What has transpired in the meantime is a tragedy and disgrace. Today we have gasoline shortages with service station operators going out of business or forced to curtail operations and motorists unable to fill their tanks. We have trial balloons floated proposing an unbelievable 5- to 10-cent-a-gallon increase in Federal gasoline taxes, a most regressive tax and a most perplexing proposal for meeting our energy needs.

Today we have to import more and more of our crude oil from the unstable Middle East in an energy supply effort which not only should be unnecessary but which is a critical factor in our balance-of-payments deficit today and threatens to grow larger in the months ahead unless something is done.

Just yesterday the Federal Power Commission, that dubious protector of the public interest, voted to grant an unconscionable 73 percent increase in new natural gas to three firms. This is just another step toward total deregulation of this energy resource, a step which the industry has long sought and a step which this administration, with its anticonsumer bias, supports.

The public is soon going to be searching to place the blame for this disgraceful and as far as I am concerned, avoidable energy crunch. It will be at first very fashionable to blame the energy industry because they control the resources. But it is the Government which should set the national policy on energy and soon the public will realize that we have been totally inoperative and inactive through our failure to undertake let alone carry out this responsibility.

While I will have more to say on this matter in the very near future because it is my hope it will become an issue for public debate right here in this body, I urge my colleagues to review this matter and focus their attention on the fact that we have failed to act while this energy shortage, whether real, contrived, or a mixed bag of each, has reached threatening proportions which far transcend our inability to gas our autos or fuel our homes.

THE CONGRESS AND INDOCHINA

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

Mr. BINGHAM. Mr. Speaker, we read of "new understandings" on Indochina, full of promise and just around the corner—if only we do not "tie" the President's hands. Diplomatic efforts to bring peace closer are of course most welcome and should continue. We must not, however, lose sight of the realities. One reality is that the situation in Indochina defies any quick solution, and could easily deteriorate. Another is that the administration, unless Congress acts to assert its own responsibilities, will continue to claim uncontested authority to use military force, or the threat of force in Indochina.

The U.S. bombing in Cambodia is the most blatant abuse of Presidential authority at present. However, even should the administration decide on its own to halt the bombing tomorrow, air strikes in Indochina could be resumed at any time. Unless Congress acts, what assurance do we have now that we will not awake some morning to a new U.S. military involvement in Indochina, undertaken by the administration in the name of "maintaining peace"?

I am encouraged by the recent strong expressions in both Houses of the Congress to assert congressional responsibility in this area. The Senate has been able to move ahead with various legislative initiatives, which we may expect to have before us sooner or later. In the meantime, the House should take action itself at the first appropriate opportunity. War powers legislation would seem to offer one such early opportunity.

Mr. Speaker, much has been said and written on the need for the Congress to stop the U.S. military actions still going on or threatened in Indochina, notwithstanding the fact that all of our combat forces have been removed and our prisoners returned. I insert in the RECORD a most timely editorial concerning Indochina and realities, which appeared in the New York Times on May 31. I believe that the "challenge" applies equally to the House:

CHALLENGE TO THE SENATE

Administration efforts to defer or deflect Senate action to cut off all funds for United States military operations in Cambodia and Laos represent a dangerous flight from reality on two vital issues.

The Administration appears to assume that:

(1) Even after the President's proclamation of "peace with honor" in Indochina and the return of United States combat troops and prisoners, the American people will continue to support direct United States military involvement in the area indefinitely to sustain an agreement that was presented to them as the end of involvement;

(2) Congress and the public can be persuaded in the name of national security to tolerate the continuing abuse of Presidential authority in committing this country to military actions without following constitutional procedures.

Congress has already vigorously rejected both propositions—in a House vote three weeks ago banning the transfer of Defense Department funds to pay for the Cambodian bombing and in this week's vote in the Senate upholding the complete cutoff of funds for United States military activities in Cambodia and Laos.

These forceful expressions of Congressional sentiment virtually render moot the Administration's dubious argument that the fund cutoff would compromise Henry Kissinger's efforts, for which he has already claimed success, to salvage the Paris peace accords. In any event, it would not serve the cause of peace if the United States negotiator were to reach understandings based on military actions and threats that the American people and Congress are not willing to support.

If the President had taken his case to Congress in accordance with constitutional requirements and offered persuasive arguments that the bombing of Cambodia or other threatened military actions served vital United States interests, the Congress undoubtedly would have given the most seri-

ous consideration to a request for authority to undertake such actions.

Instead, Mr. Nixon has flouted Congress and the Constitution in pursuing military policies which have repeatedly failed in the past and which many members fear will only prolong the war, generating fresh American casualties and prisoners and risking additional direct United States military involvement in the essentially local political problems of the Indochinese people.

Everyone, of course, will welcome Mr. Kissinger's announcement that he expects to conclude "new understandings" with Hanoi next week to strengthen the cease-fire. But the concurrent announcement of Canada's decision to quit the international control commission in Vietnam underscores the skepticism that attends all efforts to patch up an imperfect peace. There is still no sign that either side in Vietnam or in neighboring Cambodia is preparing for the kind of political accommodations that are needed to stop the fighting for good.

An armed truce that works would be a notable improvement over the heavy fighting that has persisted since the cease-fire pact was signed last January. But Mr. Kissinger's announcement provides no real assurance that peace is at hand in Indochina or that Congress can relax its efforts to insure that the United States military withdrawal becomes complete and irrevocable.

MAKE CONTRIBUTION TO THE U.N. AND UNICEF TAX DEDUCTIBLE

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

Mr. BINGHAM. Mr. Speaker today I am introducing legislation to encourage private contributions to the United Nations and the United Nations Children's Fund—UNICEF—by making such donations tax deductible here in the United States.

The 28-year history of the United Nations has been one of contribution to peaceful resolution of international disputes, improvement of understanding among peoples, and advancement of the social and economic development of the emerging nations. Like any other major institution, the U.N. has suffered setbacks and disappointments on occasion, but a balancing of its record indicates that the organization has been a decisive factor in contributing to a reduction of world tensions. United Nations military forces have performed valuable peacekeeping missions in the Congo, the Middle East, Cyprus, Indonesia, and India-Pakistan. The work of the organization in assisting emerging nations to make a peaceful transition from colonial status to self-determination and independence has been of enormous significance. In addition to this activist role, the U.N. performs the vital function of serving as a world forum for contact, negotiation, and conciliation among nations with radically differing interests, ideologies, and ambitions. Many of the U.N.'s accomplishments are made from day to day at the ordinary working level, without great publicity or fanfare, and these quiet achievements are certainly as significant as the occasional shortcomings of the organization which receive such wide notice.

Financial gifts, donations, grants, and legacies from the many foundations, associations, and individuals in the United States who have developed an interest in the U.N. and an admiration for its accomplishments constitute an attractive potential source of funds for future U.N. activities and programs. Unfortunately, many Americans and U.S. foundations who might be inclined to make such donations are discouraged from doing so because contributions to the U.N. and UNICEF are not tax deductible as charitable contributions under existing U.S. law. The proposal which I am introducing today would make such U.N. and UNICEF contributions by U.S. taxpayers fully deductible for U.S. income, estate, and gift tax purposes, just as contributions to U.S. governmental units are fully tax deductible.

Mr. Speaker, I feel that the enactment of this legislation would be a positive step forward in advancing multilateralism and international cooperation. Now that the annual U.S. governmental contributioin to the U.N. has been recently reduced, the organization is in need of additional funds and resources to help meet ever-increasing expenses and the high cost of maintaining world headquarters in New York City.

I urge the Congress to give this bill serious consideration at the earliest possible opportunity.

FACTFINDING AD HOC CONGRESSIONAL HEARING ON MIA'S

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

Mr. WOLFF. Mr. Speaker, last week, I sponsored an ad hoc hearing in New York City. On the present status of efforts to obtain a complete accounting for our men classified as missing in action. The hearing, attended by my colleagues, Congressmen KOCH and RANGEL, attempted to spotlight and draw attention to the many problems associated with the MIA's. We heard from many families and friends of MIA's, and, I think, gained some new perspectives in this area.

Because of the tremendous amount of interest in this critical concern, Congressman KOCH and Congressman RANGEL are joining me in inserting the transcript of our hearings into the RECORD, for the attention of our colleagues:

FACTFINDING AD HOC CONGRESSIONAL HEARINGS ON MIA'S HELD AT THE FEDERAL BUILDING, NEW YORK, N.Y., ON FRIDAY, MAY 25

Before: Rep. Lester L. Wolff, (D-Queens), Chairman; Rep. Edward Koch, (D-Man); Rep. Charles Rangel (D-Man); Members of Panel.

List of Witnesses: Mr. Dermot G. Foley, Mr. Fred Feldman, Mr. George Brooks, Mrs. Walter Schmidt, Mr. Jerry Dennis, Mr. Joseph McCain, Mr. Thomas Gleason, Mrs. Mary Payne.

PROCEEDING

Representative WOLFF. I am Lester L. Wolff, a member of the Foreign Affairs Committee, member of the Subcommittee on Asian and Pacific Affairs and member of the Veterans Affairs Committee.

On my right is Congressman Rangel of New York (indicating) and on my left is Congressman Edward Koch of New York. These gentlemen have joined in this hearing today, which is preliminary to a Full Foreign Affairs Committee inquiry next week in Washington.

The minutes of this meeting will provide a basis for further investigation leading to, we hope, a rapid resolution of the problem of the MIA's.

I am very happy to see that so many of us share in the critical concern for the fate of American men who have been listed as missing in action.

We are all aware that there have been countless conflicting stories on the success or failure of efforts to obtain a complete accounting of these men. In that light, we can all agree that we seek most of all to avoid a repetition of the sad situation that followed the conclusion of the Korean conflict twenty years ago.

We have assembled this hearing for several purposes:

First, and most important, as I have indicated, is to gather information preliminary to official hearings that will be held in Washington next week in the House Committee on Foreign Affairs. Congressman Rangel will appear with me before the Committee to present the information that we have secured. I take it that Congressman Koch will be there as well.

This investigation will cover the question of the Missing in Action and the efforts to investigate their status and the treatment of the families of these men, and also what steps are being taken to resolve the problem.

Secondly, we are going to hear from the people most directly affected by the government's policies: the families and friends of the men themselves.

We are seeking to discover how the Departments of Defense and State have communicated with the families, whether they have been open and forthcoming with all possible information, and related areas of concern. Similarly, we want to find out if there has been withholding of vital information, and, if so, who is responsible.

Thirdly, we want to gain your impressions of the efforts to investigate the status of the remaining MIA's, and of the overall compliance by the parties to the Paris accords as they relate to the accounting of these men.

One of the main problems facing us all with the MIA's is the state of agonizing uncertainty it places on the families. Compassion dictates that as expeditious and clear a resolution of the fate of the men be made. We cannot allow anyone to hold the fate of the MIA as hostage for political gain, or as instrument of foreign policy. The families of these men cannot be used as pawns in a political "game plan." Too much suffering has been visited upon next of kin already; we must go about the business of obtaining a complete accounting as rapidly and expeditiously as possible.

Again, let me say that I am very grateful to those families that have come here today and to those who have information that will help us toward a resolution of the problem.

I would next like to call upon Congressman Rangel of New York for a short statement.

Representative RANGEL. Mr. Chairman, I thank you for this opportunity. In addition to the statement made by Congressman Wolff, I would like to point out a discrepancy that Americans have noticed as they have enjoyed and welcomed the return of our Prisoners of War. The question has been raised as to why less than twelve percent of the prisoners that have been returned to this country were enlisted men.

I served in Korea from 1950 to 1951 in combat with the Second Infantry Division.

I received a Purple Heart and a Bronze Star.

From my experience in Korea, it is totally inconceivable to me that as America engaged in ground warfare in Southeast Asia for ten years, with a total involvement of over two and a half million soldiers, that it can be

said that of the 566 Prisoners of War returned by the enemy, only sixty-nine of them were enlisted men.

I cannot conceive that in any combat situation where there were close to 46,000 American soldiers killed, with 4,000 of them being black, that we are being asked to believe that of the Prisoners of War, less than twenty of them were black.

As we suffered with anguish in watching television to see what was happening in this war, nobody can disagree with me that the war as depicted on television certainly portrayed the fact vividly that the black ground soldier was present in Vietnam in numbers far greater than the percentage of his population in this country.

How, then, can we say that with an announcement having been made that all of the prisoners have returned, we must accept the fact that the black man that fought and died there, in numbers far disproportionate to the percentage of his presence in America, is once again the "invisible man" among our returned Prisoners of War.

The question is not just one of white or black.

The question is what happened to all of the American enlisted men that fought this war, and why is it that the only thing that we are concerning ourselves with now are officers who became Prisoners of War from the bombing raids over North Vietnam. Even the Missing in Action, from the Department of Defense would indicate that close to a thousand of them are officers, while 376 of them are enlisted men.

I think there are answers that the Department of Defense has refused to give the American people, and that we have been programmed, we have been staged to be joyful without question in response to the sight of the Prisoners of War leaving the airplanes.

I am just saying as a former dogface, as a former infantryman, that the families of infantrymen all over this country should get a better answer as to why only officers were included, or at least eighty percent, over eighty percent were officers in the Prisoners of War.

Representative WOLFF. Thank you, Mr. Rangel.

The next statement will be from Congressman Koch of New York.

Representative KOCH. First, Mr. Chairman, I want to commend you for organizing these hearings.

They serve a most valuable purpose to keep public attention focused on the distressing fact that so many of the Missing in Action have not been accounted for.

I also want to commend the families of the POW's and the Missing in Action who over the years have kept this issue before the public, when it might otherwise have been swept under the carpet. As a result of those pressures, the Congress was continually confronted with the dilemma of the POW's and MIA's.

Now that hostilities appear basically to be ended, although some fighting still continues, we want to make certain that the faith of these MIA's is still before the public until every reasonable effort has been made to locate every single individual whose existence or death is not yet exactly known.

I am here to lend my support to those efforts and I will be in Washington to lend my support there.

I do want to mention, too, to those assembled here that I will be leaving earlier than the others because I have another community meeting which, unfortunately, could not be postponed.

But my feeling is as strong as anyone's. Anyone who has served in any war—and I have served in World War II—must have uppermost on his mind the faith of the soldiers who served their country.

So it does not make any difference what we be, doves or hawks—and the three of us sitting here at this table were opposed to the war—but the 435 members of Congress are united in ensuring that the MIA's will not be forgotten.

Representative WOLFF. Thank you, Congressman Koch.

Our first witness today is Mr. Dermot G. Foley, an attorney, brother of an MIA pilot. He is affiliated with the Council for Civilized Treatment of POW's and the Long Island League of Families.

Mr. Foley, I appreciate your coming here today and your cooperation in getting these hearings together.

Your cooperation was invaluable, sir.

I wonder whether you can now fully identify yourself and tell us your story.

Mr. DERMOT G. FOLEY. Yes. I am Dermot G. Foley.

I, as the Congressman has mentioned, I am an attorney practicing in the New York City.

I am the brother of Lt. Col. Brendan P. Foley of the Air Force, who has been missing in action since November 24, 1967.

For several years I have been intimately involved in activities respecting POW and MIA problems.

I am a member of the National League of Families of American Prisoners Missing in Southeast Asia.

I am also affiliated with the Long Island League of Families and the Council for Civilized Treatment of POW's.

I assume that this Committee is informed respecting POW problems prior to the Paris Peace Agreement.

Therefore I will confine my statement today to the current situation among the families and to discuss the problems which are presently being faced and the solutions which I believe should be considered by legislators.

The Paris Peace Agreement and the arrival home of the POW's occasioned much relief and happiness in this country and MIA families shared in the sentiments.

In particular, after years of close association with the POW question, we enthusiastically participated in welcoming those POW's who were fortunate enough to be returned.

However, we were also painfully aware that close to 75 percent of the men involved did not come home, and it became quickly apparent that they were not being accounted for.

While this situation developed we felt bound to remain silent for fear that protest might prejudice the return of those who were coming home.

This silence was limited, however, to public statements. And there was extensive communication among MIA families and with individuals at the White House and in the Departments of Defense and State.

This arose from anxiety which focused on Article 8(b) of the Peace Agreement.

A copy of that agreement I am attaching to this statement. I am furnishing this to this Committee.

Your attention is invited to the fact that this provision calls for an exchange of information respecting MIA's who are not returned or accounted for.

But the right to such information is limited expressly to those men who are still considered Missing in Action. Quote; those are the words used.

Thus, it can be claimed that there is no right to such information with respect to men who are not still considered Missing in Action, and any act which tends to establish that a man is no longer considered Missing in Action can have disastrous and irreparable impact on him and his family.

This is a very real danger. I am attaching the text of Sections 555 and 556 of Title 37 of the U.S. Code which form the statutory basis for presumptive findings that individuals were killed in action and they are no longer considered Missing in Action.

Your attention is invited to the fact that such change of status need not be based on any evidence that death occurred and may be made despite a total absence of such evidence.

This particular procedure is planned in the case of the MIA's. Board hearings are now in process to make status changes and several such changes have already been made. Within the past ten days General Ogun, who is a decisive personality in the government's treatment of the MIA problem, announced to family members that the status of every MIA will be changed to KIA—which is presumptively Killed in Action—within approximately the next twelve months regardless of the presence or absence of evidence.

At that point, then, as far as the Peace Agreement is concerned, these men are not only written off the payroll but any further inquiries concerning them are open to rejection by the North Vietnamese, who have never shown any candor or honor on the question and have no reason to change that attitude now.

I would like to add that the Board hearings which are being conducted for purposes of determining a change of status are conducted without any notice to family members, are conducted without affording family members any rights whatsoever to participate or challenge the basis on which the changes are made and are not subject to appeal unless one goes to Court for some type of a special proceeding to appeal it there. That will, of course, be subject to presumptions which favor the validity of determinations by an agency such as the Defense Department people in this case.

Understandably, then, we were seriously concerned. Added to the status change problems were a whole range of other questions which we came to feel were not being treated with adequate candor by our government. When efforts to clarify these areas were unsuccessful, the Long Island League of Families sent a letter to the President of the United States on February 9, 1973 which dealt in detail with unnecessary difficulties which our government was creating for MIA families. The text of the said letter was as follows. Under the letterhead, the date and the name and address of the President. Let me remark, also, that the letter is attentioned to Brigadier General Brent Scowcroft.

"DEAR MR. PRESIDENT: At a meeting of our organization of POW/MIA families on February 5, 1973, we had a long and detailed discussion of our current problems, anxieties and uncertainties and we tried to identify measures which we believe will be helpful to us now.

"To the surprise of some of us, we came to certain unanimous decisions which included the sending of this letter to you.

"Generally, our present difficulties fall into three categories. The first is a sense of bewilderment, and, to be frank, of latent suspicion, at the apparent consequences for MIA's of the manner in which the cease-fire was achieved and the contents of the Cease-fire Agreement and accompanying protocols.

"A reading of these documents offer no assurance that the thoroughness of MIA accounting has not, in the final analysis, been left to the discretion of the North Vietnamese and their colleagues. The meager and incomplete information available from media reports and the varying opinions of persons who may or may not be accurately informed on the subject, are of little use.

"In October, when you told the nation that you wished to resolve ambiguities before signing an agreement, we trusted you and supported you. Now we have an agreement in which some ambiguities may have been resolved but which contain uniform equivocation on MIA accounting. We can find nothing in these documents which assures us that the North Vietnamese and their colleagues will perform any better than did the North Koreans and Chinese after the settlement of the Korean conflict. Indeed, we see a distinct danger that the other side, relying on the terms of Article 8(b)"—which I have referred to—"of the Cease-fire Agreement, may recog-

nize no obligation to furnish any information respecting any missing men who have had their status changed, pursuant to 37 U.S.C. Section 555 or 556, to one of presumptive killed-in-action.

"From the foregoing illustrations you can see that we have a considerable range of substantial questions which we would like to have answered. We are not being informed on these matters despite our pressing need to know. Instead we are being left to our own speculations, which can be painfully disastrous. We submit, Mr. President, that this is not right.

"A second area of inquiry concerns the future. We need to know details about the search for MIA's. Can this be expressed in terms of man-hours per square mile or of facilities which will be employed? Indeed, will there be a physical search for crash-sights, graves and other relevant locations? If so, to what extent will the United States participate in such a search and what punitive and/or persuasive influences are we prepared to commit to assure the success of the efforts of others who are involved?

"In short, then, we really know nothing about the prospects of our MIA's. If the fate of these men is not to be left to the discretion of the other side, there should and, indeed, must be a plan of action and some degree of analysis of any preparation for the contingencies that are likely to arise. We, however, have not been given any basis for an intelligent appraisal of what we are to expect.

"A third problem area involves the whole question of presumptive findings of killed-in-action. A poll of those present at our February 5th meeting revealed that a wide range of inconsistent information is being received by MIA families on this subject both with respect to the procedure whereby such a finding may be made and the time when such findings will commence to be made. Also unknown are the criteria which will be decisive and the degree, if any, to which interested family members will be notified of and permitted to participate in the proceedings leading to such findings."

Representative WOLFF. Excuse me, Mr. Foley. Are you still reading from the letter?

Mr. FOLEY. Yes.

"The foregoing is merely intended to illustrate the problem areas. It would not be possible, in a letter such as this, to express all of the doubts or to ask all of the questions which plague our members. From these illustrations, however, the areas of needed information can be fairly well defined and we believe that there is only one effective way to treat the matter.

"In the past, when representatives of the administration or of the various branches of the Armed Forces wished to meet with POW/MIA families, they did so by arranging relatively large scale briefing sessions at different places around the country. These sessions were so organized that most if not all of the families could conveniently get to the meeting place. At the meetings the attending families were given information relative to the subject matter of the session, often in great detail, by a team of highly informed experts. Thereafter, the normal practice has been to open the meeting for questions from the family members, which, for the most part, were responded to satisfactorily.

"On occasion matters of some delicacy were discussed at these sessions and we believe you will find that those who were present treated the disclosures made to them in a highly responsible and discreet way.

"The one product of these sessions which is particularly relevant now is the fact that frank, candid, informed dialogue with informed and authoritative persons, diffused and relieved, to some extent, the fears and anxieties which have been corroding the minds and hearts of each of us for years. We left those meetings with a feeling respecting our government's attitude and position which only a personal exchange can produce.

"The POW/MIA families in our area (Long Island and lower New York State) strongly feel the need for such a meeting now. The subjects which would predominate are those discussed above in this letter. Necessary limitations could be explained and agreed to and within that framework we could proceed with this very necessary business in a cooperative, productive manner.

"We feel that such a meeting should be called at the earliest date available and should be conducted in the New York City area or on western Long Island. We could cooperate on the details of preparations so as to avoid schedule problems for a maximum number of people.

"The practice in the past has been for the different branches of the Armed Forces to conduct separate sessions. We recommend a change in this policy so that this time a session be conducted at which the families of Army, Navy, Air Force and Marine MIA's will gather together with one group of informed people in one place at one time to discuss the subjects in which we all have such a vital common interest.

"In conclusion, we wish to emphasize that what we propose is not a confrontation." And that is clear. "We have a genuine and legitimate need for information, discussion and assurance. We have confidence that our request will be treated in this light. Because of the urgency of the situation and the undesirable consequences which will flow from delay, we would appreciate a reply to this letter as soon as is conveniently possible."

Representative WOLFF. What is the date of that letter?

Mr. FOLEY. The date of that letter was February 9, 1973.

I have more details about its delivery. It should be noted that this letter was written against a background of years, before the Peace Agreement, when MIA and POW families were led to believe that there was a receptive and cooperative attitude at the White House concerning their problems. Further, the letter was preceded by telephone discussions with Mr. William Gulley, a White House staff member who had been involved in POW/MIA matters and who, together with Brigadier General Brent Scowcroft, received copies of the letter.

Post Office records establish that the letter was received at the White House on February 16, 1973.

Our past experiences led us to believe that a letter as this would receive responsible and reasonably prompt attention from the White House. However, this time no direct answer was forthcoming. Indeed, months later, after our letter had been shuffled from one functionary to another, a short, blunt note was received from an Under-Secretary of Defense stating that our request for information was rejected.

Representative WOLFF. What date was that letter received?

Mr. FOLEY. I do not know. But I believe it was about two months afterwards, and I will attempt to get a copy of that letter and furnish it.

Representative WOLFF. Who was that letter sent to?

Mr. FOLEY. Mrs. Mildred Fowler. She was the person who signed the letter that we sent.

Thus, the position of the Administration was that the families of MIA's were to be left to confront their worries and anxieties without clearcut information.

The effect, of course, has been devastating. There is a distinct feeling on the part of most of the families with whom I have spoken—and I have spoken to families right across the country—that the stage is being set to force an acceptance by them of a conclusion that the MIA's are dead and that it is appropriate to pave the matter over and forget about it. Now, I join in that suspicion.

It is reinforced, in my opinion, by the apparently orchestrated release of statements by persons associated with the Administration, indicating, among other things, that there is no proof of survivors. It would be hard to find such proof before a thorough search has been made.

It is further reinforced by the absence of any firm indication of insistence by our government upon the accomplishment of a dependable verified accounting of the men who are not returned. The complaints, if any, have been mild in comparison with the sentiments expressed respecting the continued protection of some Indo-Chinese political figures.

The ongoing program of status changes, without regard to the consequences for MIA's is a further indication of what is happening.

The dogged determination of the Department of Defense in adhering to KIA determinations in the face of overwhelming evidence of error is further support for our suspicions. Another witness will, I believe, be furnishing details of the Mark Dennis case which demonstrated a morbid resolve on the part of the Defense Department to pave over and suppress the embarrassment resulting from a lack of concern in identifying the war dead and returning them to their families for burial.

That was a case of where there was not merely a mistake made but it was followed, I tell you, by outright misstatements, and I think you can only fairly characterize it as straightforward fraud.

This nation owes an unlimited moral obligation to the captured Americans whom we sent into battle. I believe we all recognize that. It is a disgrace to tolerate the abandonment of these Americans to discretionary disposal by a guilty enemy who has only hate and contempt for us. To do so by failure to act effectively on the available evidence is equally wrong.

American concern for the fate of these captured and missing men—all of them—is valid and substantial. However, the matter does not end with them. In view of world events during this century, our common sense tells us that there can be no guarantee given that there will be no more war. The tragic fact is that there may well be other conflicts in the years to come. The children growing up among us today are the candidates for maltreatment as POW's in the not too distant future. The consequences of their capture will reflect precedents which we insist upon, and achieve now. Their suffering will be measured by our indifference.

In the face of these conditions the need for action by Congress is clear.

Since we are unable to get answers to vital and reasonable requests, such as those discussed in our letter to the President of February 9, 1973, we need the support of Congress in obtaining this information.

Since the presumptive findings of death in the absence of any supporting evidence, not only abolish the possibility of hopeful search for MIA's thereafter, but also set a precedent which will bring harm to Americans captured in any future conflicts, Congress should halt these findings until it has an opportunity to review the matter and replace the present provisions with law that is more than a tool for the paving over of embarrassing situations.

Congress should also reconsider the financial effect of a presumptive KIA finding upon the dependants of these men. Maintenance of income for the balance of normal life expectancy for the dependants and other natural beneficiaries of these men, as opposed to minimal compensation in the form of a fractional pension, would not make up fully for their loss. But it would be a reasonable gesture that would not over-strain the nation's resources.

In addition, I have two other proposals that I believe Congress should consider.

I believe that the Congress should give serious thought to making an accounting, a real accounting, a condition will be weighed by them in considering legislation beneficial

to certain countries, such as the Soviet Union and China, and I am thinking in particular with reference to trade legislation, favored nation treatment and various pieces of legislation like that that are coming up.

Secondly, I think that it would be marvelous, absolutely marvelous if the Congress would give serious consideration to a joint resolution which would be aimed at being passed in time for Chairman Brezhnev's visit here next month, which would express the rejection by our legislative body in this country of the cavalier attitude with which not only our government but other governments seem to think they can treat missing Americans. It would be an enormously effective and beneficial thing to do.

In short, then, there is an urgent need to turn to the problems of MIA's.

At the moment, it is my belief that the nation is being led by the President, into a course of conduct which can only lead to the abandonment of these men with appropriate, hypocritical blandishments, parades, monuments and public holidays.

This performance will not suffice. The packaging job cannot disguise the fact that, as measured by solid substantive achievements which produce measurable benefit for MIA's, nothing productive is being done and the outcome is being left to the discretion of the other side.

We would sincerely request that Congress take the initiative in turning the situation in a proper direction.

Gentlemen, that is the statement which I prepared. I would be very glad to answer any questions that you have.

Representative WOLFF. Thank you, Mr. Foley.

A VOICE. Congressman, sir; I am not listed as a witness, but my son is missing in action. And would I be out of turn, out of order, for me to speak?

Representative WOLFF. It would be now, I would be delighted——

A VOICE. I don't have a long story.

Representative WOLFF. I would be delighted to have you speak when the other witnesses have concluded their testimony.

Mr. FOLEY. May I just answer your question, Congressman—

Representative WOLFF (to voice). I am sorry we cannot hear you now, but we would be delighted to hear you later.

A VOICE. Thank you.

Representative WOLFF. Mr. Koch?

Representative KOCH. Your statement was superbly done and I want you to know that it is not only moving and factual but it has been very helpful.

I gathered from the statement that it is not the action of the North Vietnamese that is our major problem in this particular case.

Mr. FOLEY. That is correct.

Representative KOCH. From your statement it is my understanding that it is this Article 8, which presents serious problems, i.e., that when a soldier has been declared KIA, instead of MIA, then there is objection to further pursuing the matter. Is that correct?

Mr. FOLEY. Yes, there is a very substantial danger there.

Representative KOCH. I understand that. Then it is in the power of the government of the United States to determine whether or not these individuals continued as MIA's instead of KIA's.

Mr. FOLEY. Absolutely.

Representative KOCH. Therefore what we have to do is to make certain that people are not declared Killed in Action, unless we know that fact absolutely.

Now I think it is important, then, that you separate this from the question of continued maintenance, while it may very well be that we ought to have better provisions for the widows and the families involved, that is a separate question.

I don't think that you would continue someone as MIA instead of KIA in order to have maintenance continue instead of an insurance policy.

Mr. FOLEY. Absolutely not. I brought it up as an ancillary matter.

The question remains as an ancillary matter.

May I explain this? That while a man is considered MIA his salary does persist anyway, but the thing that is bothering me is that I feel that, you know, POW's, and their families have gone through over the past seven or eight years—has been so atrociously manipulated and merchandised by a lot of people who try to sort of get a leg up on it, to put it in very plain English, and, frankly, I feel that at the end of it all it would not sort of overstrain the generosity of our country to turn around and say, well, now that we are finished using you, we will sort of let you off without income loss while we forget it. But it is a separate question.

Representative KOCH. Yes, it is a separate issue.

Representative WOLFF. Mr. Foley, I would like to ask you, what is the status financially of those people today who are next of kin to the MIA's?

Mr. FOLEY. In the case, they are on full pay.

Representative WOLFF. They are on full pay?

Mr. FOLEY. Bear in mind that they are on full pay can mean two things. I was impressed with what Congressman Rangel had to say.

I am particularly distressed because we are leading into a time when we are apparently going to have a volunteer army. I think we have a pretty good idea where a large part of those volunteers are going to come from.

In the case of the Air Force, my understanding is that approximately ninety-two percent of the airplanes that were shot down actually contained officers.

And those men, of course, were on a high pay scale and because of the higher pay scale that the individuals were on, suffered less than, say, some poor private who was in a significantly lower pay scale and his family had to continue to exist for seven or eight years on a reduced pay.

So the answer to your question is that the situation varies.

Representative WOLFF. What you said also indicates the fact that there were very few prisoners taken on the ground by the North Vietnamese and the V.C.

Mr. FOLEY. One does not really know.

Representative RANGEL. Really, you have raised an issue that I was going to respond to, because the thrust of your statement indicated that you had deep concerns as to whether or not the United States government, might be disposed to simply write off the MIA's. The thrust of your statement appears to be some concern that the MIA's status might be changed without proper evidence to KIA.

Mr. FOLEY. It is being done right now.

Representative RANGEL. May I suggest to you, if we can really appreciate each other's problems more and stand together on this, it might be very interesting to note how easy it was for the Department of Defense to give Killed in Action status to the enlisted men.

Mr. FOLEY. It sure was.

Representative RANGEL. That this Department of Defense would have the American people believe that out of a total of 45,938 killed in action, that they were able to positively identify the bodies of each and every one of the killed in action with the exception of 1,200.

Mr. FOLEY. You are right.

Representative RANGEL. I ask all of those people that served in any war, in any combat, what type of method any Grave registration detail can use to come up with type of accuracy, unless it is for the sole purpose of a write-off?

Mr. FOLEY. You are 100 percent right.

As a matter of fact, I know of only two instances where a family actually checked to see if the body they got was theirs, and in both cases it wasn't.

And the testimony that is going to be given by Mr. Dennis is going to be really worth hearing, because they not only apparently just dogtagged whatever they found, put names on it and shipped it home, but then they persisted when they were proven wrong.

I have a very strong feeling myself that it wouldn't hurt at all in the case of many of these guys to verify if it was really their loved ones who came home.

I unfortunately think that you are going to find a lot of misidentifications.

Representative RANGEL. Mr. Foley, I want to congratulate you. What we are doing is not very popular and, indeed, it is very painful.

But I think that all Americans would just like to believe what we saw on television, that what we did honestly was to negotiate a peace with honor. But I feel confident that we are doing the right and moral thing to bring a little more honesty into the statements of our leaders and shed a little more light regarding what was really negotiated at that table.

Mr. FOLEY. We are anxious to find out because, quite frankly, speaking for myself, I will tell you this, that I am very concerned about the negotiating priorities. You see, when you have this business of prolonged bargaining programs for the purpose of resolving ambiguities, and then you take a look at the agreements before and afterwards you can tell what the ambiguities were that got high priority.

It is quite obvious that MIA's were on the furthest back burner that there was around, and that South Vietnamese political despots that were largely despised by everybody that they ever met were given front burner treatment all the way along the line.

I will tell you, nobody lost 75 percent of the South Vietnamese politicians, but MIA's we're supposed to forget right now, apparently, according to the way that the administration and the Departments of Defense and State are behaving. I think it is outrageous.

There is no excuse for it.

Representative RANGEL. The Congress is supposed to throw in an additional seven billion dollars on top of that.

Mr. FOLEY. That is another point that I would like to raise.

Representative WOLFF. Gentlemen, we have to limit ourselves to the question of the MIA's.

We want to thank you, Mr. Foley, for your testimony. I can assure you that so far as three Members of Congress are concerned, we will not let this question die.

We will see to it that there is a resolution to this problem, activities are ongoing, and continuing to help you find a resolution.

We owe that to you, who are the families.

Mr. FOLEY. Thank you very much, sir.

Representative RANGEL. Thank you, Mr. Foley.

(Witness excused.)

Representative WOLFF. Our next witness is Mr. Fred Feldman. Mr. Feldman has extensive background knowledge of POW and MIA problems.

Mr. Feldman is a pilot.

Could you please identify yourself?

Mr. FRED FELDMAN. Yes. I will identify myself as wearing three hats.

Number one, I work for WOR radio as a helicopter pilot traffic reporter.

I would like to apologize for coming here in this dress. This is my business suit. I didn't have a chance to change when I left the airport.

Representative WOLFF. We appreciate your coming.

Mr. FELDMAN. Secondly, I am a Major in the Air Force Reserve, and I am a Korean veteran.

I am not representing the Air Force or the Reserves.

Third, I am Chairman of the Advisory

Board of Viva in New York City. These are the people who have been selling the bracelets, et cetera.

And I must tell you in all honesty that I am not here representing Viva. I am not.

I am here on my own, standing on my own two feet for my own two reasons.

Probably the biggest one is my personal concern. I brought with me a book called "The Endless Hours, My Two and a Half Years as a Prisoner of the Chinese Communists by Wallace Brown," who was my flight commander back in the States while he was shot down on his first mission in Korea.

I want to give you some background and lead up to it.

I just want to read a small portion of it. He was shot down about six months prior to the truce.

Then he was taken into Red China and he was kept in Red China for a year and a half after the truce in prison, much of it in solitary confinement.

And when you are talking about torture I just want to read you this.

Representative WOLFF. Was he identified as a POW? Or was he listed as an MIA at that time?

Mr. FELDMAN. O. K. The answer to that is eighteen months after he was captured he was finally identified by the Communists as a POW. But for eighteen months he was MIA and that is after the truce was declared.

"September 8, 1954 brought the best news we had since becoming prisoners. We received mail from home. After 19 months" —pardon me—"the Communists had notified the American Red Cross that we were alive. All these months our family had not yet known whether we were alive or dead. Our captors had kept the outside world completely in the dark about this. Now after twenty-one months we knew that our government and our families were aware that we were still alive."

So, again, this is well after the truce that they were identified as POW's.

O. K. This is a small quote, one paragraph.

"I had been standing in the blue room, which is where they torture people, I had been standing in the blue room for 154 hours standing. That is more than six and a half days of standing. I had been under interrogation for over sixty hours. I had slept less than one hour in almost a week. My body was so swollen that it looked more like a dead stump than a human being. The pain I had endured was much greater than I ever dreamt that the human body can bear."

I don't know if you can imagine what standing for six and a half days would be like.

He also described in there where his hands were twice the size of normal, where his feet had burst out of his shoes because all the blood was going down to the lower extremities of his body.

How he ever endured it, I don't know, but he did.

My point in bringing this up is that I do not necessarily think that the Communists are very nice people.

Further, I don't think that they are particularly honest people.

They had Wally and they kept him and they also had several other crew men for eighteen months before they even released this information.

Therefore, don't believe what they say.

I do not necessarily, therefore, believe that when Hanoi has said that we have released all your prisoners. I don't believe it.

That is one of the main reasons, damn good proof as to why we could doubt them.

Representative WOLFF. Do you have any evidence that you might be able to give of any kind that might substantiate your position?

Mr. FELDMAN. I would like to refer to a letter that I got from Chappy James, and also a letter that I got from Senator Javits.

These were both letters to me in response to a letter I sent to them. A short story, if I may.

Because some people in this town know that I am very interested in the MIA situation, a letter was brought to my attention. It was received by a woman. This woman had been corresponding with a nun in South Viet Nam for seven years.

The nun had escaped from Hanoi and traveled into the south, where she set up a nursery for orphans, South Vietnamese children.

This woman, after corresponding with the nun for about six years, adopted one of those children, who was brought back to the United States and who is now living here.

The nun wrote a letter, dated 8 April, if I remember correctly, to this woman in which she stated, or she relayed that some of the prisoners who had come out of the North—meaning South Vietnamese who had been interned by the North Vietnamese and then released back to the South, stated that they had seen American prisoners—this letter was received after the prisoner release was completed—stating that she had seen American prisoners in camp near the Red Chinese border.

You would have to do some intelligence work and find out when these people who were returned to the South were released from North Vietnam, and when they saw those prisoners—

Representative WOLFF. Do you have the name of the sister or the nun that was involved?

Mr. FELDMAN. I would not give you the name for this reason at this time.

May I correct that, sir?

The woman who received this letter has become very close to this nun through correspondence over the seven years.

She in no way wants to endanger her life.

This nun also stated in the letter that people in South Viet Nam, those who worked or collaborated with the American government, are being murdered and killed in the streets every day in DaNang.

Representative RANGEL. Major?

Mr. FELDMAN. May I just go a little bit further and possibly answer one of your questions?

Representative RANGEL. I am sorry.

Mr. FELDMAN. I sent this letter to the then Defense Secretary Richardson—

Representative WOLFF. Excuse me. You sent a copy of the letter that the woman had received. Is that it?

Mr. FELDMAN. Yes, I did. With the sister's name blocked out.

But with the name and address of the nursery that she had been upholding all these years for people to look into this.

And I received back a fairly standard answer, "Your letter has been forwarded to the appropriate agency for any action deemed necessary. It is further said, for your information, at one point in time there were in excess of 200 U.S. Prisoners of War being held in a camp in North Viet Nam near the Peoples Republic of China border. These were subsequently moved to the Hanoi area. While the information in your letter cannot be dated at this point, it may be that this camp is the one referred to."

So there is that possibility that the prisoners, Americans that they are talking about were—

Representative WOLFF. Were transferred?

Mr. FELDMAN. Were transferred, but there is also the possibility that this information comes after those prisoners—those prisoners were transferred back down south for release.

I guess, I would assume from this that they are looking into it. And it is further stated with respect to—

Representative WOLFF. What is the date of that letter?

Mr. FELDMAN. The date that I just received it, 14 May.

And with respect to the public use of the material in the letter, we suggest caution on your part, et cetera, involving general statements because it may give rise to false hopes to the families.

I fully respect that there is no question about that. That is why I say it could be these people were seen, the Americans were seen before the release, but there is also, I submit the possibility that it was afterwards, and that they are still holding them up.

The question is always asked of me, why would they be holding people up there.

That is the next question that has always been asked.

I would submit two possibilities to you, gentlemen: possibility number one being as, I have no reason to think that these are fair play people, as our Senators were when they went over and saw the Tiger cages and demanded that these prisoners be let out immediately.

I don't think that the North works that way, and I talked to enough of the returned prisoners to know what the conditions of some of them were like.

I don't think you have really heard what some of the worst ones were.

The possible reasons they might be holding them, I think that internally they could use them for propaganda in North Viet Nam.

I think it would be a very easy thing, and probably an intelligent thing for them to take some of these prisoners, who might still be alive, and take them as scarecrows, unshaven, beaten, half starved, and walk them through the streets and towns where there are no photographs and they have complete control, and where there is no press coverage, and say, here is what your capitalist American pig looks like. I wouldn't put it past them.

Representative WOLFF. I wouldn't put it past them either, but I would find it hard to believe that this could escape the attention of the press.

Mr. FELDMAN. It can. It can. Because they have complete out and out control over every single word.

Representative RANGEL. May I just ask one question? You have given strong evidence of your belief in the dishonesty of the Communist and even the North Vietnamese themselves.

But you recognize that it was not the North Vietnamese that designated the title Killed in Action. And it was not the North Vietnamese that we saw on television that proclaimed that our last prisoners of war had returned.

Mr. FELDMAN. Oh, no. That is true.

Representative RANGEL. I would just like to add that I want you as a combat pilot to evaluate an answer that I received as a Member of the United States Congress, that this enemy that you and I know, they claimed that they only have three cases where there is evidence to sustain the belief that American prisoners were killed in captivity.

Do you understand what I am saying, Major?

That this country, and our Department of Defense, in an effort to substantiate the KIA figures have said that they have no evidence or no reason to believe that the enemy killed any of the people that they captured, that were American troops, with the possible exception of three.

It is unbelievable, as far as I am concerned.

But that you understand that neither you nor I expect the North Vietnamese to come forward and tell us how many of the prisoners they have killed?

It would be unheard of, no matter what the negotiations are.

But it bothers me that the Department of Defense is so willing, I mean, you or I don't want to give false hopes, but is it believable?

Mr. FELDMAN. I have to tell you right now that I would prefer to have my testimony aimed more at them on the other side of this Pacific Ocean than I would right here for this time being.

Representative RANGEL. The problem—and I agree with you, Major—is that you and I

will never get an opportunity to sit down at a table and deal with them.

Mr. FELDMAN. Agreed upon.

Representative RANGEL. I am, for one, I am forced to deal only with those people that are going to that table.

Mr. FELDMAN. However, sir, in all due respect I think we have a weapon here that I will get to in a minute.

Representative RANGEL. Very good.

Mr. FELDMAN. The second possible reason that I can see them holding our people is that they have not told us about, that I don't personally believe that North Viet Nam by any means is finished with South Viet Nam. And they are going to try perhaps now politically what they started to do militarily, and if they cannot finish the job politically, then I do believe very strongly that they will go back to do it again militarily, at which point the United States might somehow, pass the objections of what I am sure would be a very clamorous United States public, threaten again to bomb the North, if they do, indeed, start.

O.K. I can just note where North Viet Nam now all of a sudden comes up with however many they might be holding and say, oh, is that correct?

You want to start bombing us again?

Well, we just happen to have so many of your prisoners who came out of the woodwork. Now where is it that you would like to bomb?

Because after the first bomb drops we want to tell you right now that your prisoners of war are going to be sitting right there, waiting for the next one. So you can start killing your own men.

I think that that is a very feasible and very practical reason.

Representative WOLFF. I think that the sum total of your information is disbelief as to the number of POW's that have been returned and the questionable characterization of the MIA's. Is that correct?

Mr. FELDMAN. That is very true. Very correct.

And if anything, whatever weaknesses or whatever problems we are having within our own government, I would like more attention focused on the international scene on their government, which is a very touchy thing to do.

But you people are the experts. Hopefully you can find ways to do it.

I don't believe we can make them lose face. They have already said, well, we don't have any more.

I believe they do. But I think there are two outs. There is Cambodia and there is Laos, and I think if the pressures were brought upon them properly, subtly, yet forcefully, that they can take those prisoners. Many of them I believe they have marched out of Laos and Cambodia and marched them from North Viet Nam right back into Laos and Cambodia and let them out that way. I think we have that possibility.

Representative WOLFF. Mr. Feldman, we appreciate the information you have brought to us and your background and experience in this area.

We appreciate the fact that you have taken time out in coming out of the air, so to speak, to give—

Mr. FELDMAN. Can I just add one thing, Representative Wolff?

One last thing. I asked my Senator, Jacob Javits, who was a very outstanding Member of Congress, the prime advocate of peace, and while the war was still on he said, I am sure, a letter to a friend of mine who had written concerning this matter—I am sure that when the war is over that all of our men will be accounted for.

All right, damn it, they are not being accounted for, and I would like the Senator, that Senator and many of our other Senators and Congressmen to now start standing up and be just as damned outspoken to get an accounting of these guys and when our teams go up to Hanoi, and they say, O.K., we know that four men are buried here, and they say we'd like to go to the graves and they say, oh, we just dug them out and we moved them to somewhere else, it is going to cost you such and such an amount of money to get over there and find these bodies, I would like our Congressmen and our Senators to stand up and shout from the rafters of Congress so that every piece of media in this country gets it.

And I think that is one of the big ways that you are going to embarrass North Viet Nam into coming through.

But I would like to see our people stand up and shout on that floor for these guys and for these families just as loudly and vociferously as they did to stop and get out.

Representative RANGEL. Can we expect your voice to be included in that, that you don't believe what the Department of Defense said?

Mr. FELDMAN. There goes fifteen years in the Reserves, sir.

Representative RANGEL. I withdraw my question, Major.

Mr. FELDMAN. Thank you very much.

Representative WOLFF. Thank you very much for coming before us today.

(Witness excused.)

Representative WOLFF. I assure you that we will be in the forefront of activity when it comes to the question of the MIA's. That is the purpose of this meeting today.

I should like to call Mr. Joseph Brooks, the father of an MIA flyer who is affiliated with the Council for Civilized Treatment of POW's and the Long Island League of Families.

I wonder whether we could ask you to hold your testimony as short as possible so that all the people can be heard here this morning.

Thank you very much, Mr. Brooks, for coming here this morning.

Mr. BROOKS. Good morning. My presentation will be short unless there are questions.

I do not have a prepared speech. I live with this every day, so I pretty much have the facts in mind.

I do not know just how much knowledge you have of it, but I am ready to answer any questions you have.

At the outset, I hope that there will not be any political connotations made of these hearings at all. This is strictly a humanitarian situation. I have not seen any evidence of it to this point, and I would not like to see it.

Representative WOLFF. I assure you that there will not be any.

Mr. BROOKS. I am also not speaking for the National League of Families of which I am a director. We have not taken a position on this yet.

I have been a member of the Board for two years, and my wife has been State Coordinator for New York State, has been for two years, and as such we have been in contact with practically all of the families in the State of New York, all the way from Buffalo out to the tip of Long Island.

We worked on this very hard for three years—it seems like thirty years. I never worked so hard on anything in my life and have been frustrated over so many of the results.

We watched with extreme joy, as everyone else did, as the prisoners came out. And, of course, our point right now, I believe, in being here at all is the fact that we were promised that we would get the prisoners of war back and we would have an accounting of the missing. This has been made very clear to us and on many different occasions.

I have met with Dr. Kissinger and President Nixon at times in the White House. I have been very close to this.

At this time make no mistake that the secretaries of the various services do have by law the right to make determinations when they see fit regarding killed in action. But we feel that it is quite premature at this time. This is our particular complaint that men should not be written off. The cease fire has only been in effect a fairly short time. It would seem to me long enough to have accomplished a lot more. But the communists, as you well know, have not even released the bodies of the men who died in captivity. This is incredulous to me to be a member of the greatest Nation on earth and to be twisted and turned around by these people. I resent this very much. I do not know what you and Congress can do about a situation like that. But I have worked too hard and too long on this thing to now be willing to accept the Communists' statement that we are holding no more men.

Our government says we have no evidence of any more men being alive in Southeast Asia; by the same token, they do not have any evidence that they are all dead, either.

I have a letter here with me from the Navy Department that said my son landed alive on January 2nd in Laos and escaped capture on that day. This is a lot more information than a lot of other families have, I realize. But it is not unknown at all that men were held incognito for long periods of time. I am quite sure that most of the people here know the situation after Korea, where at that time we had over 900 prisoners of war who were unaccounted for at the end of the war, and then by various people working on this list and so forth they finally got it down to 389, and that is where it stuck and that is where it stayed. And these people were known to have been captured. They were known to be held by the enemy and they had been in contact, some of them were, with their families, so there is no question about the fact that they were known prisoners of war.

One man who was scheduled to be here—he could not be here today—I have talked to him many different times. He was released in China two years after the truce was signed, all of which time he was carried as MIA.

So if people are going to get hung up on why would the Communists, why would they hold men without admitting that they are holding them—I do not know, I do not have the slightest idea, I do not have any excuses for a lot of the things that the Communists have done.

They have broken the Peace Agreement, of course, on many different instances, especially going right from the very first day that the Peace Agreement was signed. It was part of the agreement that they would have there on that date the complete list of all of the men alive and in all of the various areas over there. They took the responsibility for this. They did not have a list there that day. It was not completed for a long while after that. And that was the first instance of breaking the so-called truce agreement, and they continued on that after.

Now, the cease fire—I do not like people to call it a "Peace Agreement." It is not a Peace Agreement; it is a cease fire agreement. The cease fire agreement is not all that we wanted it to be, there is no question about that.

I am surprised that they could even get a cease fire agreement at that time because, as you well recall, we were meeting with Dr. Kissinger before he left to go over there the last time, and Congress at that time was voting to cut off all funds and all support for the military in Southeast Asia, and I do not know how at that time that Dr. Kissinger could go ahead and get any kind of an agreement. But we are glad that they did sign the agreement.

And what the Communists did sign was not really a cease fire; they signed an agreement to get the United States out of there. I do not believe that they ever intended to stop fighting. I think that is pretty obvious at this point.

But this is—as I say, the services have a right to make this determination.

Representative WOLFF. Mr. Brooks, could I interrupt for a moment and ask you from the time that you received information that

your son had landed safely, what further communications have you had?

Mr. BROOKS. Well, of course—

Representative WOLFF. Not from him?

Mr. BROOKS. Not from him but no additional information on him at all.

Representative WOLFF. When was he shot down?

Mr. BROOKS. Nick was shot down on the 2nd of January, 1970, and information that we received about thirty days later, which, of course, was confidential information because—it, of course, has long since gone by the board—told the full details of what happened that day. I know exactly what happened.

And about thirty days later we received information from a reliable but sensitive source in the area on that day that at that time one man was injured and was shot and the other man escaped capture. And from the evidence of witnesses there at the time, and so forth, we put all this together. Evidently it was my son who escaped capture.

Representative WOLFF. Has there been any evidence at all from the Department of Defense, relative to any of the people that you know of, regarding people knocked down in Laos?

Mr. BROOKS. No. This is one of the very incredible things about this thing.

And as you well know, we have got back nine so-called Lotian prisoners but they were not really Laotian prisoners because they were captured by the North Vietnamese over the border of Laos and taken to Hanoi and kept for the rest of the war. And until this time, of course, Hanoi never admitted they were holding them. They were not released until a U.S. official went to Hanoi and signed the papers indicating, falsely, of course, that the Pathet Laos had held them. They had never held these men.

So we are in a situation where we have over 300 men missing at Laos, none of whom we have any information on whatsoever. We know some of them were captured and held. We have this information—a man by the name of LeClaire, Sheldon, Cristiano—I can name them. We know that they were captured and held by the Loatians. And we swore and be damned after the Korean Conflict that we would not let this happen in this situation here, and there have been agreements signed, the Paris Agreement signed. The North Vietnamese signed relevant to the treatment of prisoners—

Representative WOLFF. Have you made inquiries to DOD as to further information, about your son?

Mr. BROOKS. Yes. We are in pretty good contact. I have been to the Navy Department. They cannot give me something they do not have. I am sure they have no more information on that.

Representative WOLFF. We do recall in the early days before there was information readily available on our participation in Laos, at the time when I was investigating POW's, that the families of POW's, had come to us and indicated that it was U.S. govt. policy not to reveal information about anyone lost in Laos.

Mr. BROOKS. You are talking about Laos in particular?

Representative WOLFF. Yes.

Mr. BROOKS. That was true. That was confidential at one time. It is no longer so.

Representative WOLFF. I wonder in these meetings that Mr. Foley had discussed before, has anything been afforded to you regarding any further information, any indication that they have attempted in any way to find some information about your son, any direct information at all.

Mr. BROOKS. No. I think it amounts to just asking the North Vietnamese about these men. And, of course, they have not responded to this.

Representative WOLFF. As you know, a goodly portion of the territory of Laos is in the hands of Communists and, therefore, it is difficult for us to get into those areas until there is a resolution of the whole problem in Laos and Cambodia it will be equally difficult to get into the areas of Cambodia.

The important element, I think, here is to find out what you think we can do in order to help you with your basic problem of a determination of your son's fate.

Mr. BROOKS. Well, of course, that gets to be the $64 question every time: What do you want us to do for you? I do not know.

There are enough people, I am sure, in the State Department and the Department of Defense who should be experts on this. I do not know whether it would be a combination of economic pressure, military pressure or both. I really do not know. I mean I know when you complain you should have the answer to the problem, but I do not. I hope that the people in the government——

Representative WOLFF. Do you think it would be advisable for the families to have representation on the search teams, the identification teams?

Mr. BROOKS. Not necessarily. I do not believe—of course, you have two different things here: I want a resolution, of course, on the search and a look for the bodies, and so forth. And the people's minds should be put to rest on that.

But I have made up my mind, Mr. Congressman, that there are men still alive over there. And when you have heard the stories of returning prisoners about the treatment that prisoners got over there, and you believe in your heart that there are men alive over there, it is very hard just to treat things as business as usual. I do not have any evidence that they are alive. They do not have any evidence that they are dead.

When we get to the situation I say, all right, if you want to write off the missing in action over my objections, O.K., put yourself in the position of the prisoners of war who have not been accounted for yet. I say to these people, now stop for a minute and clear your mind of all the other junk and just think that your brother, your son was known to be a prisoner of war in Southeast Asia. And this government, believe me, does not classify a man prisoner of war lightly. There had to be evidence that this man was held.

Representative WOLFF. When was the status of your son changed?

Mr. BROOKS. It has not been changed.

Representative WOLFF. He was always MIA?

Mr. BROOKS. He is still.

I think there is evidence enough there to list him as POW, but not really good enough. So these people who are classified as POW had to have eyewitness factual proof.

When the so-called list came out, if your son was on that list as "died in captivity," this would have been a terrible shock to you. But picture yourself if you knew that he was a prisoner of war and when the list came out he is not on the list as "died in captivity" or anything else.

Representative WOLFF. As Congressman Rangel has indicated, there have been only three known cases of "died in captivity" reported to have occurred.

Mr. BROOKS. We have a total of fifty-three POW's who have not been accounted for, and the last I hear——

Representative WOLFF. The status has changed.

Mr. BROOKS. The last I heard twelve of them had status changes, so this leaves us with forty-one or forty-two at this particular time.

I met one of the families in Boston a couple of weeks ago. They are going around like they are stunned. They cannot understand who is going to do something about this situation.

Representative WOLFF. We have a lady here who has had the status of her son changed, and she will be talking. I am familiar with her problem, having worked on the case for a number of years.

I thank you very much, Mr. Brooks, for appearing here today and for giving us the benefit of your experience.

If there is anything else that you have—I assure you that the information that you have given us now will not only be inserted into the Record but it also will be placed in the hearings of the Full Committee on Foreign Affairs. If there is anything from time to time that you have that you feel you would like us to transmit, we will be very happy to transmit it to the Committee.

Mr. BROOKS. Thank you very much.

Representative WOLFF. I would like to call next Mrs. Walter Schmidt. We will call her out of order since certain of these questions just raised refer to the situation in which she finds herself.

Mrs. Walter Schmidt is the mother of Marine Captain Walter "Roy" Schmidt who was sighted by a rescue force after being shot down but has had no further accounting.

Mrs. Schmidt, I wonder if you could tell us a little bit about the experiences that you have had.

Mrs. SCHMIDT. Yes. We did receive very firm information that my son was alive on the ground. That date was June 9, 1968. And he was in radio contact with the rescue mission from 10:25 A.M. until 5:15 in the afternoon. The mission to rescue him was called off because of dusk.

The next day they went back and searched the area at dawn and nothing was to be seen. There was no chute, no gear, no body. It was assumed from that—and that is the basis of his status for POW.

From that time on we have had no newspaper pictures, no confirmation from any source, nor did we ever have word from him.

Now, through the years, of course, we have attempted to send packages, we have attempted to ask questions. My son was a Marine. And there have been no answers. No packages went through.

When we came up to the agreements in the fall, or in, I should say, in February and they started to bring the lists out, you can imagine we were extremely shocked to have no word from him. No name came out.

I have since asked many, many pertinent questions through your office, through the Marine Corps. You, yourself, spoke to Dr. Kissinger, even.

Representative WOLFF. I have received no reply, however.

Mrs. SCHMIDT. Nor have we.

I did receive a letter just the other day from the Assistant Secretary of the Navy saying he had hoped that we had further information in response to my letter of March, which actually we have not.

However, April 19th—and this might dispute something that Dermott Foley was saying before—on April 19th, we were called down, strictly Marine families were called down to Marine Headquarters, the Navy Department in Brooklyn, and we were briefed to the effect that all of the men—and we were the only POW family; everyone else was a MIA—all of these men are going to have a determination of death.

This is not going to be a blanket determination. This is going to be a review of individual cases and the circumstances surrounding the cases. Teams will go in. I understand there are two cemeteries: one in North Vietnam and one the V.C. admit having with American dead. They are very willing to have our teams come in and identify these bodies.

We have teams going into North Vietnam and to South Vietnam and Laos to the crash sites for grave I.D. purposes.

Now, we were told that there would be no money angle as far as paying the local people off and asking their help to go in and ask: Do you know of an American that is buried in this area?

That day in particular my husband was there and he brought up a question: What is to prevent a Vietnamese from taking our money and leading you down the road to grandpa's bones?

And I think that this is in a little controversy with Mr. Foley. It was explained explicitly to us that they do not even need a head or a section of the mouth or jaw; all they need on a body is a femur bone. They can pretty much tell the size of the man, the amount of weight he carried. They have all measurements—most particularly in the case of pilots—measurements of every bone, even down to the kneecaps.

There is a certain pelvic structure, male or female, and according to the way the pelvic bones rest together or join together or separate, they can tell within one year positively the age of the man they are identifying.

Captain Johnson, who is on the Washington team for the Marine Corps, has been on this grave I.D., I would say, four or five years, and he explained that he had recently been working on a headless torso—I am sorry if this sounds a little bit gory—but it does satisfy us a little bit, that if we do get a body back, it will be our son's body. He said that from all the records that they have, this headless torso, he had pinpointed it down to one man.

Believing it to be that man, he went back to the family and asked to look in the man's personal properties. He was looking for a hair, one single hair. If the quality and color and structure of the hair matches his records, he has a positive I.D. on the body.

Now, I think that this—if we must accept a determination of death on the man—and I am sure none of us want to, and I am sure as a mother you can appreciate that is the last thing I want—but if we must accept a determination of death. I have come to believe and been convinced that they are doing everything to sort out and make an individual determination for all of us—something that must satisfy us. Perhaps it is not going to be a body right away, but it will be some I.D. to bring forward, to give to us to satisfy us.

I disagree with our gentleman from WOR over there (indicating). I see no purpose—at the time my son was shot down he was only a first lieutenant. I do not see any reason to release commanders and hold a first lieutenant. I see no reason to hold even enlisted men and release higher ranking officers. They would be more valuable if they were going to hold some of these men.

Mr. FELDMAN. Just a point of correction.

A lot of the people that were held—this man was on his first mission, he was on his first combat mission, and other people were held who were enlisted men and they were held for two years.

Mrs. SCHMIDT. Are you saying my son was on his first mission?

Mr. FELDMAN. I am speaking about the Korean War. There was a first lieutenant on his first mission and he was held for two years as a prisoner.

Representative WOLFF. I am sorry. But if you do not mind. I would appreciate your letting Mrs. Schmidt finish.

Mrs. SCHMIDT. I will try to hurry along. There is just one more point I want to bring out.

Most recently, at the beginning of May, I believe the first weekend of May, the family group met up in Massachusetts and a statement was made at that time by Dr. Roger Shields that there were no live men in Southeast Asia.

Representative WOLFF. Could you identify Dr. Shields, please?

Mrs. SCHMIDT. Yes. I believe he is the psychologist that was working with the team on the Operation Homecoming.

Representative RANGEL. Might I add that he was brought in especially to deal with prisoners of war. He was not with the Department of State before that. He came from a university.

Mrs. SCHMIDT. That is right. He comes out of a university. But he did work with us on the original Operation Homecoming.

Representative RANGEL. Right.

Mrs. SCHMIDT. Yes. I called Dr. Shields and I asked him—you know, now we have come to believe or try to accept a determination of debt and now he is contradicting this—does he really believe there are live men over there?

He said he was sorry to have made such a blanket statement, that there is no way of knowing that there may not be one or two stragglers.

So you cannot wipe every man off. And if we get one or two stragglers out we will be very lucky.

But he said they have the knowledge of the camp in China that was spoken about before. They knew about the camp in China before it was emptied. Every American has been taken out of there.

There was also a statement that the men that were held by the Pathet Laos and the V.C. were not held for any length of time. They were systematically executed after a period of three or four days for the simple reason that the Pathet Laos had no food and no medication with which to maintain the American men.

Representative RANGEL. May I interrupt you?

This information did not come from Dr. Shields.

Mrs. SCHMIDT. Not the basic information. But we did discuss this on the telephone.

Representative RANGEL. Because it would be very interesting, that is, what a sharp conflict it is, because Dr. Shields informed me on numerous occasions that there is no evidence that any prisoners were killed in captivity, with the possible exception of three. And it is very interesting if he informed you of something else.

Mrs. SCHMIDT. Well, now, I do not know the number three. I had the idea that there were many more than that killed in captivity.

Representative RANGEL. I got the idea, too, that there were many more killed than that, but not from Dr. Shields.

Mrs. SCHMIDT. Well, I may stand corrected on that if I am misquoting him.

Representative RANGEL. I did not mean to correct you.

Mrs. SCHMIDT. No. That information may have come out of the Marine Corps——

Representative RANGEL. Or some place else.

Mrs. SCHMIDT. Washington team.

At the particular moment I think I am the other side of the coin here. I am accepting the determination of death for my son. I feel that if he does come out it will be a most welcome miracle.

But I do think that the families cannot be asked any more to live in limbo. Our case alone has been five years. We must try to find a way to adjust ourselves and come back to some kind of demure.

Representative WOLFF. I thank you very much, Mrs. Schmidt for coming here today.

Mrs. SCHMIDT. Thank you.

Representative WOLFF. I have known of your situation, having worked on it.

I think one of the most touching experiences that I have had as a Member of Congress is a call that I received a number of years ago, four or five years ago, from a family who had just been informed that their son was missing in action. It was from a family in my own district.

The mother got on the phone. All she wanted to know was whether or not he was dead. She started to cry and the husband took the phone away from her. And at that point he got on the phone and he said he just wanted to find out what was happening to his son's body, to see to it that it is not rotting in some field and wouldn't I do something about it?

Unfortunately, the same frustrations are still with us: the fact that we do not have a final determination of the status of many of the young men who went over to Indochina.

I would like to again go out of order here because it follows a logical sequence of some of the disputed areas that have been brought forth today.

I call Mr. Jerry Dennis to the stand.

Mr. Dennis is a brother of an MIA who was declared dead in 1966 but status changed by court order on discovery that the body shipped home was not his.

Would you further identify yourself, Mr. Dennis, and give us some of the information that you are prepared to bring to this Committee today?

Mr. DENNIS. Yes. I am Jerry Dennis. I am presently a Captain with the Miamisburg, Ohio Fire Department. My occupation involves not only fire fighting but investigation of fires, arson investigations.

My brother was listed as killed July 15th of 1966. And the entire issue we are now fighting started on November 25, 1970 when the November 30th Newsweek magazine came out with a picture of an unknown POW which dad and I felt to be Mark. The entire family felt sure it was Mark. We had calls from neighbors, people all over the United States, when that came out expressing the same thing.

My investigation started at that point. We sent every photograph we had of Mark to the United States Navy and Navy Intelligence. After six weeks they could not disprove that it was Mark's photo. They also said the photograph was out of focus, it was blurred, and, therefore, they could not prove it was him.

At that point I released it to the newspapers. They refused to change Mark's status based on the photograph.

I released a story to the newspapers and I received a call that evening from a medic stating that the recovery of bodies from an aircraft carrier in July of 1966—that there were bodies missing, that sixteen men took off in the helicopter, they were hit with incendiary shells, that the pilot tried to go ahead and land it, there was a crash, an explosion, and the pilot, co-pilot and one crew member walked away from the crash with third degree burns and the other thirteen men had been listed as killed in action. But from this medic it was indicated that at least two bodies were missing. But at the time he said the bodies were blown apart and burnt beyond recognition, they could not tell who got out, so they waited a week and no one came back and all thirteen men were listed killed in action.

I have photographs of the actual crash and the statements by the Navy that the thirteen men were killed. So I started an investigation after this medic called the house.

I fought with the Navy until July 9th of 1971 and received no satisfaction whatsoever and no sympathy at all.

On July 9th I exhumed the body we had in Miamisburg. We had Dr. Bobby, an Ohio State archeologist, who was sent to exhume Amelia Earhart's remains, and at that time he was supposed to be a competent archeologist, but when he worked for us—and he was supposed to be competent—he came up with listing the body as five three and a half to five foot four. Mark was five eleven. The body was that of a man of age thirty. Mark was nineteen. The body was burned with regular gasoline, leaded type. The helicopter carried J.P. 4 non-leaded kerosene. The entire body was full of grenade shrapnel. The fire was found in the sinus area of the skull. The dogtags that were bound to a blanket wrapped around the body, the laboratory results showed that they were burned by holding paper matches under the dogtags. There was one tooth in the body. The tooth that appeared in the body showed on Mark's medical records to have been extracted one year prior to that crash, so the Navy said another tooth moved into its slot.

I located the dental technician, Mr. Steve Wilcocks, who is a teacher in Hamilton, Ohio at present. He was a medical technician when Mark had the filling put in his tooth. The tooth that they said moved into the open slot still does not compare with Mark's fillings.

So I tried to locate Dr. Charles A. Brown

who puts the fillings in at the camp. In July we exhumed the body, on July 9th. When the Navy came in on July 30th—on July 31st Dr. Charles A. Brown was transferred unexpectedly to Roda, Spain. At that time we called Roda, Spain by transatlantic cable and he had been put on the U.S.S. HOLLAND and is still out in the Mediterranean.

We have talked to the pilot, who is now from Columbus, Indiana, of Mark's helicopter. He stated the original reports that he received after getting out of the aircraft were that there were some men missing that had jumped. Another pilot who followed that aircraft in states there were definitely men jumping, that the last two who jumped out at treetop level were on fire when they jumped.

After the exhumation we had the American Legion rebury that body back in Miamisburg as an unknown soldier.

We have fought with the Navy on May 12th of last year. They have suddenly changed the number of men killed in that crash to eleven. This is in a letter from the Secretary of the Navy. For five years it had been carried as thirteen.

I have worked on the case and taken complete charge. I have been assigned the power of attorney in Mark's case. His mother has been sick since 1966 when they buried that body. His father has been of failing health since he saw the picture. I have worked on this case with no help from anyone else.

I would like to correct one statement made here: that all the MIA's family members speaking today were collecting the salary. There is no salary being received for Mark. There is no reimbursement for the expenses we have paid. And we are still in Federal Court.

All we ask is that our government be humanitarian and account for a man that volunteered his services to this country.

I have been very bitter. And contrary to some of the people here, I feel there were two parties involved in this war and they are both wrong, damn wrong. We cannot ask Hanoi to account for our men and be humanitarian when our own government is not.

If anyone wants to question me on any of the facts, I have 482 pages of the lab records and doctor reports which are open to the public. I would be willing to answer any questions in this case.

Representative WOLFF. I wonder if you would tell us, Mr. Dennis, what is the exact status of the situation now. Your brother has been declared as MIA; is that correct?

Mr. DENNIS. He was declared by a federal judge in Dayton, Ohio as MIA strictly for the purpose of accounting, to be accounted for as any other MIA. It does not include his back pay, any payment of attorney fees or anything else.

Representative WOLFF. Why have you been given to understand that you do not get the financial remuneration that is due?

Mr. DENNIS. The restraining order changing Mark's status to MIA is a temporary restraining order until such time as a hearing can be held in Federal Court.

Representative RANGEL. Is the government contesting this action?

Mr. DENNIS. Yes. But the problem we have—they have been ordered by the Federal Court to account for Mark quote as any other MIA.

And, to my knowledge, we are damn sure they are not accounting for the other MIA's either. So I feel the Federal Court action is a beautiful piece of paper which doesn't mean a damn thing.

Representative RANGEL. Well, let us attempt to help you as we deal with the agency, without getting involved in the court action.

I think that what you have done on behalf of your brother has helped hundreds if not thousands of Americans. You are really working for them.

Mr. DENNIS. I will not stop. I have offered my services to any other families who need help and are in the same situation. I do investigations for a living and I have offered to do anything I can for them, including going to Southeast Asia, if it takes it, with one of these committees to make damn sure they do the job right.

Representative WOLFF. We thank you very much for being here today, and thank you especially since you came all the way from Ohio. We appreciate you bringing this to our attention and I assure you we will bring this matter to the attention of the committee during the hearings that follow.

Mr. DENNIS. Thank you very much.

Representative WOLFF. I would next like to call Mr. Joseph McCain, son of Admiral McCain, USN retired, brother of Navy Commander John McCain, a former POW, and Director of the National League of Families.

Mr. MCCAIN. My name is Joseph McCain. I am thirty-one. I am from Southern California and Washington, D.C. I appreciate the privilege to speak here this morning.

I think here the issue which we are talking about today has been much obscured by some of the more prominent facts: one, the cease fire; two, the return of prisoners of war; and, three, other things that seem to be taking place in the national news today.

I think, however, that the focus of the hearings thus far this morning are something that I do not really quite agree with, frankly. I think that there is no question in anyone's mind who has ever been a taxpayer or a member of the Military—you called yourself a dogfaced Congressman—I was a swab jockey, I was an enlisted man in the Navy.

There is no question that the government of the United States of America and bureaucracies from your offices to the Defense Department to the IRS makes mistakes. I, however, believe that the matter of what we are talking about here is intent. I think the intent of the United States government and the Defense Department in particular, from my observations—and I just made a visit with them yesterday—has been confused, perhaps. It has been dogged by a lot of criticism from many quarters, but it has been honorable. After all, these men in the Defense Department are fellow officers. All of the men who staff the POW task force, whose direct responsibility is these men, they are all flyers, they have an empathy with these men.

And I do not think there is any attempt on the part of the United States government to shove something under the rug. And, as a matter of fact, I would turn the question toward the members of Congress, because I think I can remember during the years of 1969, 1970, 1971 and 1972, when I knocked on door after door after door in Congress and the Senate and received no attention whatsoever except from a handful of gentlemen. I was thrown out of one Senator's office. I was asked not to bother another Senator and so on.

So I think that if we are going to talk about responsibility, the responsibility is all of ours. It is the family members who, perhaps, have not done enough.

Representative RANGEL. Would you clarify——

Mr. MCCAIN. May I continue, please?

Representative RANGEL. I want you to continue, but I would like you first to clarify——

Mr. MCCAIN. Let me continue, because there is a statement that you made that I really do not think is fair.

Your focus, apparently, this morning was to talk about the paucity of the number of enlisted men returned.

I can tell you that half of the men missing in North Viet Nam or Southeast Asia, North Viet Nam particularly, everyone was a pilot. You have to be an officer. In Laos one-sixth of those men, in other words, two-thirds of the entire men lost in Southeast Asia, Laos and North Viet Nam, they are officers.

I do not think there was any conscientious attempt—I do not know what the innuendos are that—

Representative RANGEL. There is no innuendo. But you seem perfectly satisfied to believe that pilots, that this represents those that were involved in Southeast Asia, and certainly your thinking and the Department of Defense's is exactly similar.

Mr. MCCAIN. I am saying that because of the nature of this conflict, Mr. Rangel, I think that almost all of the men missing in action were pilots and, therefore, were officers.

A VOICE. No.

Mr. MCCAIN. I beg your pardon.

A VOICE. You are wrong, Joe.

Mr. MCCAIN. I have got figures, if you want to look at them.

Representative RANGEL. And those figures were prepared by someone who reached a conclusion. And I am just saying that if you find that the overwhelming majority of the killed in action were enlisted men, how do you reach your conclusion that the overwhelming majority of the MIA's should be officers?

Mr. MCCAIN. Because most of the men killed in action were on the ground, which is South Viet Nam, and most of the men missing in action were in the air space over North Viet Nam.

Representative RANGEL. You cannot include that a ground soldier would be a prisoner of war, you ignore it and write it off. And let's get on with the business of the pilots.

Mr. MCCAIN. I am saying a large part of the killed in action were on the ground in battlefields and recovered.

Representative RANGEL. Can't you consider that some of them on the ground could have been captured? Can't you just consider that?

Mr. MCCAIN. As a matter of fact, the majority carried in South Viet Nam are enlisted.

Representative RANGEL. There are no prisoners of war that are enlisted men?

Mr. MCCAIN. I am telling you that most of the missing in action carried in South Viet Nam are listed. Almost all of the MIA's in Laos and North Viet Nam are officers.

Representative RANGEL. Then you have statistical data that differs from that as was given to me from the Department of Defense.

Mr. MCCAIN. Most of the seventy-seven prisoners of war returned from the south were enlisted, Congressman.

Representative RANGEL. We have here the MIA from the Department of Defense. And the statistics show for South Viet Nam only that the enlisted was 161 and the officers was sixty-two. And I submit that this is not the proper ratio in terms of what you have that went over.

Mr. MCCAIN. I am not sure what the proper ratio is.

Representative RANGEL. That is the difference.

Mr. MCCAIN. The ratio would be a lot greater.

Representative RANGEL. That is the difference between the Navy and the Army.

I do not want to debate it. I want to hear what you have to say.

Mr. MCCAIN. Well, anyway, I feel that perhaps the emphasis should be placed upon where the responsibility really lies, and I think it is with those countries in Southeast Asia that have either captured or identified these men.

You have heard testimony of various kinds alluding to the fact that all of the men have not been accounted for. And I shall at this time, rather than just deluge you with words, I brought specific evidence relating to the accounting of prisoners of war which I hope that you gentlemen will become interested in and perhaps be able to approach not

as an argumentative thing, not as philosophical, but as strict gospel.

Representative RANGEL. We are interested in the missing in action.

Mr. MCCAIN. These are missing in action.

Representative RANGEL. You said "prisoners of war."

Mr. MCCAIN. Because I consider them prisoners of war. I do not call them "missing in action," which you say is dead, right?

A VOICE. No, they are not dead.

Mr. MCCAIN. That is right. So I call them all "prisoners of war."

(At this particular time slides were shown.)

Mr. MCCAIN. I am going to run through these briefly because I know that we are running short of time.

This first man is a Navy lieutenant named Ron Dodge. He was shot down May 1967, captured and taken to an anti-aircraft site where this photograph was taken by a Dutch freelance photographer. In turn he sold it to Paris Match, which is the Life Magazine of Paris. Of course, they ran this photograph September 1967. This photograph was essentially identifiable. It was identified by different varieties, from his family to the Defense Department.

When the official list came out in December 1970, which purported to be all the prisoners in Hanoi, this man was not on it. We made a so-called official inquiry to the Government of Sweden—that was the only way that North Viet Nam would reply to our inquiries—and they sent back a telegram saying quote never detained in North Viet Nam.

In other words, not that he died, not that he was taken to Laos, not that he was still held prisoner someplace, but that this man who is essentially identifiable did not exist.

In addition, there have been a lot of different things that we have attempted to do, plus putting this man's photograph on the peace table in Paris, and on two separate occasions the North Vietnamese refused to talk about it.

Representative WOLFF. With all this information that you had, did you approach the DOD with this information?

Mr. MCCAIN. Certainly. As a matter of fact, I spoke to Mr. Porter—

Representative WOLFF. Ambassador Porter.

Mr. MCCAIN. I spoke to Ambassador Porter who, of course, was the chief negotiator in Paris, and to Ambassador Isham, who is No. 2.

Both of them said at separate occasions that this has been presented to the North Vietnamese and they refused to talk about it.

This particular piece of evidence is a blow-up of a North Vietnamese news release. You will notice that the caption underneath is in English. That is from the North Vietnamese obviously for our consumption. And underneath that is an AP wire photo where it was monitored by our Associated Press at Warsaw, Poland.

November 21st is the date of this news release. This shows the photographs of four pilots, and underneath there are the names and after each individual named are the words "Captured in Haiphong," repeated four separate times. When the official list came out in December 1970 the top two men were listed among the men and the bottom two were not.

We made official inquiry and the North Vietnamese only reply was quote never retained in North Viet Nam. In other words, they are saying in 1967 that these two men are captured, and in 1971, 1972 and 1973 they are saying they never heard of these men.

This is a photograph that is typical of the entire missing in action situation which includes something over 1300 families. This photograph appeared in a magazine, in a newspaper, rather, called Nhan Dan, which is the official military house organ for Hanoi. Underneath this photograph was an extension about the pilot begging to surrender. The only piece of information we were interested in was his name and it was not on it.

A VOICE. What is his name?

Mr. MCCAIN. We made inquiry of the North Vietnamese and the North Vietnamese would not tell us who it is. We compared it to the official list of 339 men in December of 1970. That man was not one of those, so we sent it around to the different family members throughout the country.

Now, we hoped that some family member somewhere would be able to say, that is my son, husband, brother, and so forth. Mr Congressman, I can tell you that twenty-eight different families came back and said, that is my husband, that is my son, because he is not positively identifiable.

Now, the North Vietnamese have refused to reply to any questions concerning this photograph, even though it appeared in one of their official military publications.

This is a case I merely have to—well, we will do this very briefly, but this is a photograph of an article that appeared after a lawyer named Henry Aaron visited North Viet Nam in December 1971. He was interested in the prisoner of war program, although the North Vietnamese thought he was there as a peace lawyer. He took an official list of the North Vietnamese prisoners of war and he was shown, in turn, in Hanoi, a billboard display of prisoners captured called their War Crimes Commission, in a rather lengthy title. He noticed that two of the names on their official display were not on their official list. And he went through the entire list. He said, is this complete?

They said, yes.

He said, have there been any changes?

They said, no.

He said, are all of the men who were captured alive? He said, are all the men who were captured and on this list alive? He noticed, you have two men on display, who are not on this list.

The Hanoiee who was—I forget his name—but he is head of the American Committee for Solidarity or Solidarity with America. The Hanoiee looked embarrassed, took him away from the display and nobody since has seen the display again.

Here we have again two pieces of North Vietnamese propaganda which disagree.

These other photographs, these are men, some of whom are unidentifiable.

This particular pilot was captured in Laos, was taken to North Viet Nam. This is typical of men who are shot down in Laos, captured by the North Vietnamese and taken to Hanoi.

This is a picture—the man on the bottom is a Colonel Ted Guy, who was also shot down in Laos. His co-pilot was also shot down in Laos. There is no word of them even though they were shot down.

These are typical civilians. Two men—all of these, by the way, up until the time the official list came out most recently, before its release in March 1972, these men were unidentified. Their families have not heard from them. The Viet Cong refused to talk about them. Two of the men returned. They refused to talk about the other man who was a pilot on an Air American aircraft.

This is a case where this particular man, a Major William Grubb, was shot down January 1966. The photograph was taken of his capture scene. As you can see, he has, apparently, a slight knee wound. The reason we can say, apparently, the slide is correct is because the other pictures show him walking toward the camera without apparent effort.

The North Vietnamese released these photographs piecemeal for three and a half years. We got these pictures in Canada, Algeria, France and other nations, in Hungary, and each of the captions reflect the fact that he was in good condition, that he was being treated humanely, thus the emphasis——

Representative RANGEL. What is his status now?

Mr. MCCAIN. When the official list came out December 1970 Hanoi said he was dead.

Now, we asked for further inquiries and the North Vietnamese claimed through a series of events that later this man had died nine days after capture and died of grievous wounds received.

One, he is not grievously wounded.

Two, he was not in a plane crash.

Note that caption, which is North Vietnamese, and it refers to him jumping out of his plane.

Third, there is no sign of serious injury. There has been no death certificate, one of the things that——

Representative RANGEL. How is he officially listed now?

Mr. MCCAIN. He is still carried as a POW because the Defense Department has not received satisfactory information that he is dead.

These other photographs I will not identify, but these are examples of men who seem on the ground, who parachuted or who had radioed in saying they are being captured but, nevertheless, it was obvious they were captured. None of the men have appeared on any official list. These are merely examples of attempts to identify men, that a family provides a picture. The person in the picture on the right, he has been identified as a different man now.

That is all I have.

When these men were returned it was considered that one of the most crucial things they had was to try and identify the men missing in action, to briefly recount them. They sat down with all these films and gradually all these men were identified.

Now, the second question we have is—there is no question that, you know, I hope, after looking at these pictures—and I can just tell you that I would not show them to you, but the files are full of them, of people who are unaccounted for by the North Vietnamese, the Viet Cong, and the Pathet Laos. There is no question that they were alive and in their hands at one time. The question is, whether they are still alive today.

And if I may refer to another Congressional investigation much like this one—it will take me about two minutes to read two short excerpts—I think we can get into the problems here and perhaps be able to work out a solution. These were similar hearings about the problems of accounting.

The first excerpt says—and this is an official of the Defense Department testifying before a Congressional committee.

Representative RANGEL. Would you identify the committee?

Mr. MCCAIN. I will be glad to. I was going to do it. This is the Subcommittee on the Far East and the Pacific of the Committee on Foreign Affairs, House of Representatives.

Representative WOLFF. That must be Clement Zablocki. However, he has not been chairman of that committee for 4 years.

Mr. MCCAIN. Our belief that the Communists should have knowledge of these individuals was based upon several sources of information:

First, interviews with repatriated personnel who stated that they had seen certain named individuals who had not been repatriated, who had not been otherwise accounted for, and who had been alive and in Communist hands;

Secondly, Communist radio broadcasts giving the names of certain U.N. Command personnel and admitting that they were under Communist control;

Thirdly, propaganda pictures in our possession which had been taken by the Communists and circulated for propaganda purposes showing American military personnel on forced marches, taking part in parades in Communist-held cities, undoubtedly against their will;

Fourthly, mail which had been written by POW's to their friends and relatives in the United States attesting to the fact that they were in a POW status;

Fifthly, air crews who had seen our airmen parachute from disabled aircraft and, after safe landings, surrounded by enemy forces or civilians. In addition, other intelligence reporting supported our contentions.

In other words, exact similar cases to what we have here has happened. This is about Korean. It is the same problem over again.

Now, just three individual cases is the last excerpt I am going to read.

A. An Air Force major, pilot of a B–29 that was shot down on September 9, 1950. He was taken prisoner and held for a time in a jail in Pyongyang, the capital of North Korea. Later the same year the agency, "Soviet Picture," released a picture of this flyer together with the statement that he had been taken prisoner by Communist forces. In one of the inadequate accountings furnished by the Communist side, they stated that they had no data regarding the fate of this pilot.

Now, that data, it sounds very similar to "never detailed in North Viet Nam."

C. A United States Army private, taken prisoner by the Communists in August 1950. Several months later a Communist radio station broadcast a number of messages to mothers in the United States from POW's held by their side. The Army private's mother was one of those to whom such a message was addressed. In the so-called accounting the Communists stated they had no data regarding the fate of this soldier.

"Never detailed in North Viet Nam."

Representative RANGEL. You are using Korea as an example. But would you agree that the overwhelming number of prisoners of war in Korea were enlisted men?

Mr. MCCAIN. Yes. I am just comparing it to ground combat.

B. A United States Army captain, pilot of a liaison plane shot down October 1952. This captain was taken prisoner and held by the Communists. From the statements of fellow prisoners later repatriated, we know that he had lost one leg when shot down, and by November 1952 his other leg had been amputated. In the so-called accounting given by the Communists, it was stated that this captain had escaped. Note that by this time the captain was a double amputee.

Now, one further reference to these hearings. Gentlemen, as we have all seen so far, it is the same thing we had in a slide projector, that is, the men were alive at one time. We do not know whether they are alive now.

But in September 1953, the Chinese Government and the North Korean Government publicly stated that all American servicemen detained in both countries had been released, all prisoners had been released.

The Communists in June 1954, for the first time, formally admitted holding fifteen American servicemen, four of them fighter pilots, and the remaining eleven members of a bomber crew.

And I can tell you that Ambassador U. Alexis Johnson, who was in charge of the negotiations, went to Dag Hammarskjold and demanded the immediate release of these men.

Dag Hammarskjold—it says that Secretary General Hammarskjold went to Peking in January 1955. Through diplomatic channels, we sought and obtained the willing cooperation of various free-world nations having relations with the Chinese Communists.

In other words, it came up to the point where there was about to be a diplomatic thing, so the four fighter pilots were released on May 31, 1955. The eleven B–29 airmen were released on the eve of the renewal of the ambassadorial talks with the Chinese Communists in Geneva on August 1, 1965.

So nere we have the first historical example of a nation saying that we have released all of the prisoners of war and two years later fifteen more come out, fifteen out of these 289.

And I think I will close here because obviously we still have more people to hear from.

But Kurt Waldheim, who is now Secretary General of the U.N. said he was an Austrian soldier on the Russian front in 1944. He was so badly wounded that they brought him back to Vienna and put him in the hospital. He was badly wounded again. They did not return him to the front. So because of that he became accidentally a diplomat.

One of his responsibilities after World War II was to try to negotiate with the Russians for the return of Austrian prisoners. He said that the Russians frequently refused to talk about the situation. They were the victors, of course, and he said that even though the Russians at one point made a statement saying they had released all Austrian and German men, that there were German prisoners coming back to Austria as late as 1950, five years after the end of the war.

Now a similar situation occurred, of course, in our own situation, as, you know, in Korea.

Now as far as I can determine from talking to diplomats there seems to be two reasons that a nation frequently holds on to prisoners:

One is for negotiating purposes.

In Korea and in Viet Nam, the North Vietnamese, the Pathet Laos, the Viet Cong in the present situation, and in Korea, the North Koreans and the Chinese Communists found out that that not only was the return of our prisoners important to us but his name.

And we went through a series of machinations, which I invite you to read in these hearings, concerning some attempts we made to get prisoners back, including, finally, Admiral Turner Joy, our chief negotiator, coming back recommended to the United States Government that they make an issue of this deceitful situation and the government saying no, they don't want any difficulty, and in the best interests of these men, no issue was made of this, and no Congressional hearing was held until 1957, no public issue.

Secondarily, the second reason seems to be besides negotiations, as has happened so frequently, that once a man is captured by a victor, the detaining country will consider this man's proper punishment to not return him home. He invaded the country and he is to stay there.

We can see how this philosophy worked with the Russians holding on to Austrian soldiers for as much as five years.

This is how they philosophize the whole thing of apparently 90,000 Bangladesh prisoners by India—excuse me—West Pakistani prisoners by India, and there is no reason for that.

He also philosophizes that in other wars, when prisoners have been detained, or even, as a matter of fact, if I can draw another parallel, the hesitancy of the Russians to release Jews, unless there is a lot of public pressure brought to bear.

This is the way it has gone.

So we are faced with this, and I think particularly—there is one thing to my footnote—that there are 318 men listed as missing in action, seven of those returned, all of those seven had been taken immediately to Hanoi, there is no word what happened to those 311 men.

So I would suggest to this committee that I do not know of any such men, but the possibility exists that these men are being held in the same way that the Russians held on to the Germans, the same way that the North Koreans and the Chinese held on to their prisoners until there was a public stink about it.

I think also that we can see that there have been mistakes. I have had many a hassle with the Defense Department over differences, and the real issue that there is apparently a willfulness on the part of the country who has signed and formally agreed to a cease fire, and which not only does not honor the agreement for the return of the prisoners and whatever other identification was specifically stated that they have thus far refused to do so.

Representative WOLFF. Do you have any recommendations that you think the Congress can agree to in order to try to bring to light a resolution of what you have just discussed here?

Mr. MCCAIN. Yes, Congressman, briefly. I can say this, that the hope on the part of the families is that we can use the carrot and stick approach with the Vietnamese, that after the October peace at hand agreement, which you know we don't have to talk about the discussions, but what happened at that time, according to Dr. Kissinger, is that the North Vietnamese, the Viet Cong and the Pathet Laos have agreed to account for all the prisoners.

Within a week there was a statement made by Madam Binh, who said, we will change our minds, these prisoners will not be released until the civilian prisoners, and the North Vietnamese said that we are going to cut down on these from five to 250, that they will not have their own equipment.

These men, of course, were of direct interest to us because they were going to be responsible for the accounting.

The Pathet Laos said we don't have any agreement at all.

So many of us feel that the December and January bombings is the only reason that these men came home because once you showed the North Vietnamese we were willing to lean on them, that the carrot and stick approach apparently has been removed.

I think, I doubt, as you would philosophize it, the theory is that it is going to be very unlikely if we are going to use that approach in Southeast Asia, the carrot approach of two and a half billion dollars.

We said to the North Vietnamese that we will make the basic criteria for any aid from our country is that you release these prisoners.

Perhaps this has been removed now because, of course, there are the conservatives who say that we don't think that Hanoi should get this two and a half billion dollars because it will go to the military arms.

The liberals in Congress have said if we are not going to spend this money on our own domestic programs in America, that they have no business in Southeast Asia.

I am not arguing the politics. I am just saying that these seem to me to join together to make it impossible for us to even use the carrot and stick approach.

Let me continue on with this thing, that is the Congressmen who oppose the war, the Congressmen who support the war, the Congressmen who have made an issue of pollution, the Congressmen who have made an issue of civil rights, the Congressmen who have made an issue of various things for which they, themselves, have become known or have espoused, if there is a joining together in this one media, because I think this is the only place where there is representative democracy in the world, frankly, except for England, it is parliamentary, but if in this area the Congressmen and the Senators who have a plethora of activities and interests, that they join together and then perhaps this is the only hope that we have, that the North Vietnamese realize that peaceful relations with the United States is impossible, and that they will not join the world community of respected nations, then perhaps we have some hope there.

What I am telling you, Congressmen, is that without the carrot and stick approach there is only that one slim hope, and if you gentlemen, if you 535 gentlemen that meet within those two august halls, if you get up and you start talking about what Mr. Feldman asked me to say earlier, even if you realize that the life of one of these human beings is so important, if you will get on top of your desk and talk about it.

Representative WOLFF. As I indicated to you before, this hearing was conceived before the hearings were set up in Washington.

It took several weeks in order to gather the people that we have here today.

It is an effort to focus attention and to focus a spotlight on the plight of the families that are involved.

I don't know whether I can agree with you as to the "carrot and stick approach," but I do think that we can agree on the one area, and that is the fact that we will leave no stone unturned until such time as there is a resolution of this problem and a final determination that there are no more people left in North Viet Nam, China, or wherever else they may be.

I do feel that one of the reasons for having such a hearing as this is to expose the variety of opinions on the same subject in order for the American people to make a decision as to what position and what course the Congress and their representatives shall take.

We appreciate very much your coming in before us.

Do you have any questions, Mr. Rangel?

Representative RANGEL. No.

Mr. MCCAIN. One more sentence, if I may?

I appreciate your interest. And I am sure that that is why this hearing was held today, and I am asking you, Congressman, even though we may disagree on certain details, I think all of us here are saying unless there is something done, and hopefully by Congress, those men are going to remain as slides in that machine, and in those photographs, and they are just going to remain question marks.

And I think it is crucially urgent, particularly for families like myself who have sons and brothers and husbands returned for us to get in this fight together, otherwise these men will disappear.

Representative WOLFF. I appreciate your comments.

I wonder—do you have duplicate copies of the slides that you have?

Mr. MCCAIN. I could give you some photo prints, or I could even lend you the slides.

Representative WOLFF. That would help us because I would like to show these slides to the committee.

Mr. MCCAIN. Yes.

Representative WOLFF. Thank you.

(Witness excused.)

Representative WOLFF. The next gentleman we have is Mr. Thomas Gleason.

Mr. Gleason is President of the International Longshoreman's Association and has been active in the National League of Families.

We will have one more witness after Mr. Gleason, and that will be Mrs. Mary L. Payne.

Mr. THOMAS GLEASON. Thank you.

Representative WOLFF. Mr. Gleason, we want to thank you for coming down here.

Would you please identify yourself?

Mr. GLEASON. My name is Teddy Gleason.

I am President of the International Longshoreman's Association.

I did not prepare a long statement here this morning, but after listening to all of the speakers here this morning I think there is a lot of anxiety amongst these people that have their brothers and sisters, and what have you, missing in action and not accountable for them.

How the Association over a period of years has taken a very determined stand, and we have been accused over a period of years of being hawks, and all this kind of stuff, but I believe in the last summation by Joe McCain here that the only way that you are going to do anything is by putting your foot down. That is the way we got where we are today, by meaning what we say.

For twenty years we have been talking to the Russians about doing something about the shipping business that we were in. From 1970 until 1973 we were playing the part in this release of the prisoners of war because we refused to work the Russian ships until we got a decision on the prisoners of war.

And when the grain shipments were made we refused to load those grain shipments until we had some knowledge of a deal being made with Russia, with China, that they will work in cooperation with our government to force the release and the identity of those missing in action and the prisoners of war.

And in December when we had mined the harbor and bombed Hanoi, we were 100 percent behind it, because we believed that this is the only way that they could be brought home from Viet Nam.

It is very easy for me to talk because I am on social security. I am seventy-three years of age. I won't have to go to war.

But I have three sons that did serve their country, and one gave a leg in Southeast Asia. And none of us wants to see war, but if we go in there, the only way we should go in there is to go in to win and not play around the way the hell we did the last thing here.

I worked in Saigon and in DaNang in 1965, 1966, 1967, and I know some things that were going on there.

I worked there on the docks, not for my government, but for the union, for the International Longshoreman's Union. We wouldn't accept any money off the United States government because we felt that we wanted to be free to make decisions as we saw them.

And I feel again that something has to be done to unite Congress down there. The war is supposedly over.

Those of us who disagree with each other about the war, whether it was moral or not, or whether we were in a war, we shouldn't have been there in the first place, and now we should get together in trying to make a peace and make the peace work.

I think that the only way to do this is the way that Joe said here a little while ago, that we should use the carrot and stick approach.

We talked about the grain. I think you are familiar, Mr. Congressman, that after making the deal with the Russians on the grain, that now they are coming back for renegotiations on the grain because we wanted American ships subsidized, and we wouldn't load them unless the American Merchant Marine got a certain percentage of the shipping.

They are tough people to do business with. They will talk for fifteen or eighteen years. They just talked for five years with the committee that is over there trying to work out some kind of a solution between East and West Europe over there, and it took them five years to agree, our country to agree to Hungary was not part of the discussion.

So if we keep talking about those poor boys that are left over there, then we are going to be talking for the next fourteen or fifteen years again.

So my part in coming here this morning was to introduce a resolution that was passed by the Council, the Council for Civilized Treatment of Prisoners of War.

And if I may read this? This is the resolution that was passed, and also a joint one in our own state here in New York.

"Whereas, The people of the United States of America and of the entire civilized world have been shocked by the inhumane treatment accorded our captured and missing Americans by the government of North Viet Nam and here Communist allies; and

"Whereas, The failure of these governments to identify, return and account for all of these men including eighty men known to be captured and 311 men downed in Laos; and

"Whereas, The government of North Viet Nam and its allies have blatantly ignored the provisions of the Geneva Convention Relative to the Treatment of Prisoners of War for the entire period of the conflict; and

"Whereas, Some members of the House and Senate have encouraged Hanoi's intransigence by introducing legislation limiting our country's ability to take effective action, or by statements inevitably construed by Hanoi as divisive and weakening to the United States; and

"Whereas, There is an abundance of evidence available in the Library of Congress clearly depicting the failure of the Communist enemy in the past in both Korea and North Viet Nam to honor their agreements covering the accounting of missing men including known prisoners of war; and

"Whereas, The precedent which we insist upon now for our captured Americans will determine the treatment accorded future generations, who become the prisoners of war in any further conflict into which the United States may be drawn; now therefore, be it

"Resolved, By the 'Council For Civilized Treatment of POW's' in regular meeting held in New York, N.Y., May 9, 1973, That the Congress of the United States declare a moratorium on any action that will limit the United States from carrying out its unlimited obligation not to abandon a single captured American and to obtain a complete, authenticated accounting of every missing American; and be it

"Further resolved, That no funds for reconstruction or other purposes be provided for North Viet Nam and her allies until and unless this prompt release and complete accounting is carried out; and be it

"Finally resolved, That the Congress of the United States unite in taking whatever measures are necessary for this prompt release of all captured Americans and complete authenticated accounting of all missing Americans."

That was the resolution that was adopted by the Council for the Civilized Treatment of Prisoners of War.

And after the resolution was passed by the Joint Committee, the Legislature of the State of New York goes on,

"Whereas, a peace agreement has been instituted to officially end the armed conflict in Viet Nam"——

Representative WOLFF. Excuse me. Could I interrupt you for a moment, Mr. Gleason?

Could we have those statements for inclusion in the record?

Mr. GLEASON. Yes.

Representative WOLFF. Then I don't think you have to proceed on to read those. We will include them in the record, and if there is something that is in addition to that that you would like to put in, that would be fine.

Mr. GLEASON. No, I will give it to you.

I didn't come here to make a long statement about the damn thing.

If we can get you guys together, as you know here in New York State we have been trying to bring everybody together, if we can get all the Congressmen together down there in Washington to fight this case—

Representative WOLFF. I am sure you realize that it is difficult for so many Congressmen, because they are running for Mayor.

(Laughter.)

Mr. GLEASON. Yes, and also with television programs going on.

(The following statement was included in the testimony:)

"Whereas, a peace agreement has been instituted to officially end the armed conflict in Viet Nam; and

"Whereas, Exchanged prisoners of war have returned to rejoicing families leaving behind unaccounted for MIA's; and

"Whereas, In excess of thirteen hundred men serving throughout the United States and men of over one hundred families in New York State remain listed as missing in action due to the past hostilities; and

"Whereas, Aggrieved families of these homeless soldiers and suffering loved ones have not received nor are given any promise of information disclosing their existence; and

"Whereas, The people of New York State have not and will not forget the sacrifices and undertakings so honorably endured by our MIA's; and

"Whereas, The fortitude and tolerance of our missing men behooves their recognition by every free-living citizen of our state; and

"Whereas, The people of New York State commit themselves to maintain faith with our MIA's and their patient families and resolve to pursue any and all indications leading to a determination of their fate, and vow a relentless campaign until all are accounted for; now therefore, be it

"Resolved, That the Legislature of the State of New York acknowledges the contributions made to the peace of our state and our nation by the young men who valiantly offered themselves in the Armed Forces during the "Viet Nam Conflict" by commemorating the third day of June, nineteen hundred seventy-three as "Missing in Action Recognition Day."

(By order of the Assembly.")

Mr. GLEASON. So far as we are concerned, if something is not done with this then we won't load one pound of cargo that is going over to Viet Nam. Under no circumstances. You can go to sleep with that, we will take that position, that not one pound leaves these shores. It may leave other shores but not ours. That is our position.

We have supported the President in his determination to end the damn thing.

We have supported his mission to Moscow. We have supported his mission to Peking, but the simple reason is that we believe that this was the only way that we could get pressure on North Viet Nam to bring this conflict to an end, and myself and Johnny Bowers, who went down there and helped him in his meetings, and got classified information and knew what was going on, and we felt that this was the reason, and this is the only reason why we never worked the Russian ships in this port.

Representative WOLFF. Thank you very much, Mr. Gleason.

Mr. GLEASON. Thank you.

Representative WOLFF. Maybe you can provide us with some of the information.

Mr. GLEASON. Here it is. You don't have all that pressure, too. That was without executive clemency, too.

Representative WOLFF. Thank you.

(Witness excused.)

Representative WOLFF. I would like to call Mrs. Mary L. Payne.

Mrs. Payne, I wonder whether you could identify yourself, please.

Mrs. PAYNE. I am Mrs. Mary L. Payne from Bay Ridge, Brooklyn.

My son, John Allan Payne was drafted the 8th of March 1968.

He was a passenger aboard a helicopter in South Viet Nam that disappeared. There were seven men on helicopter.

It left at 11:00 A.M., the 4th of November, 1969, twelve hundred and ninety-eight days and twelve hundred and ninety-eight nights, all seven of the young men are still missing. They are listed as missing in action.

And when Major Sprough came to my house on January 27, 1973 to tell me that John's name was not on the list, we had a meeting of all the people to see if the helicopter had been found. It had not been found.

I am a Catholic, so I knelt down on my knees and I said, look, God, the young man has suffered now. Would you take his soul to heaven? Would you just let him be at peace? This would be such a relief that he is in heaven.

But he said to me, mother, don't give me up.

Incidentally, I have great reason to remember that week of November 3, 1969. President Nixon came back from abroad, he had just met with General De Gaulle and I said to my boss, I've got to get home, and I've got to hear this man speak tonight because we are going to have peace. I knew that De Gaulle would say, get out.

So when he didn't declare peace, I cried all night and so my son's helicopter disappeared that night.

Anyhow, I do not want to be dramatic, but I am the voice of one little guy in Viet Nam because then, you know yourself, a couple of months ago Phyllis Allard, a missing in action mother, stated that she had gone to—was on television first—had televised passport with all the visas where she had gone to Cambodia and seen her son in Cambodia with twenty-five other missing in action men.

So I called Phyllis in Chicago and I said, Phyllis, when did you go?

She said January, 1972.

I said, why didn't you tell us that you had gone?

She said, because the Army had told me to keep quiet. They would follow it up.

I said, Phyllis, did you really see your son?

Yes, she said.

I said, how did you get there?

She said, I bought a ticket on Northwest Orient Airlines, the officials helped me and it cost me $2,000. But I will work the rest of my life to see him.

So I called Washington and I said, Phyllis Allard did go to see her son. Why weren't we told?

Why weren't we told, Congressman?

Why won't they tell us that—well, anyhow, to make a long story short and a short story sweet, I went to Boston a couple of weeks ago and I met Dr. Shields and I said, you know, Doctor, Phyllis Allard saw her son, and approximately twenty-five missing in action in Cambodia.

And he said, you know, she is a bit—I don't know—I can't remember his words but he implied she was strange.

I said, Congressman, a mother is not strange. Don't write her off because I believe that she went.

He said, do you think they would let you in?

I said, no, they wouldn't because if they let me in it would be two MIA's. I wouldn't leave him there.

So I presume Phyllis will testify next week. I am hoping she will. Because I am going down there to hear her, because I do believe that we have an awful lot of men in Cambodia, but we are still bombing but you can't get in and this thing goes on and on.

If I may quote Senator Brooks, I asked Senator Brooks, I said, do you think our bombing is helping?

He said it is a waste. We are bombing rice paddies, but I do believe we have a lot.

And, you know, Gladys Brooks, she is convinced that her son is in Laos.

We have all the mothers, we really just won't give them up.

And as far as Joe's carrot and stick, I believe a lot in the brotherhood approach, the war is over. The war should never have been.

And, you know, in Bay Ridge, Brooklyn, we had a big quota, and we have right in my area, we have three missing in action.

We have a civilian, which is one of the most tragic aspects of the thing, her son is missing and Ann Cherrillo, the three of us, we just talk and we never give up.

We listen to everything that goes on—I get up at 5:00 o'clock, I put on the news. I could write the column between working.

And I have become a pain in the neck. My boss says, what good are you doing?

I have been to Paris. We have been to Geneva. I run back and forth to Washington. I have not accomplished anything.

But I am ready to go to Viet Nam. And I do believe that if we used the brotherhood approach, I do believe that it would work.

Our Holy Father, the Pope, has advocated it and we are all brothers.

And, you know, these little Viet Nam people, that seventy-three percent of the casualties in South Viet Nam were from our bombs.

And, you know, we have an awful lot of little—we have an awful lot to do.

My son, John, who is a humanitarian always said, mother, you should see these little people. You never knew what underprivileged meant. So I don't know——

Representative WOLFF. Mrs. Payne, again we want to thank you for coming here and giving us the benefit of your experiences.

I assure you, as I have done with the others, that we will continue to search to try to find some resolution for the MIA's.

It is certainly in everyone's interest to determine the fate of the young men who are involved.

As I indicated before, there are a variety of opinions that have been expressed by Members of Congress, people in this country, regarding the war itself.

But I think that we are united in one final effort, and that is to see to it that there is an end to the "limbo" in which you find yourselves.

Representative RANGEL. Thank you.

Mrs. PAYNE. I am lucky. Thank you, sir. Thank you for having this hearing. It has really been very beneficial.

Representative WOLFF. Thank you very much.

This hearing is now adjourned.

(Witness excused.)

(Whereupon, at 12:45 o'clock P.M. the hearing was adjourned.)

RURAL MEDICAL PRACTICE INCENTIVE ACT

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

Mr. SEBELIUS. Mr. Speaker, as every American citizen knows, the task of making health care accessible to all Americans in a fair and equitable manner has become an issue of national importance.

In some communities, especially in rural and isolated areas, citizens face the problem of inadequate health care. This problem stems from a lack of health manpower or the inability of rural communities to attract young doctors.

No one in my congressional district needs to be told that we have an acute doctor shortage. Virtually every county seat community in the 57-county area I am privileged to represent is experiencing problems in health care services. It has reached the point in some areas where communities openly compete for the services of young general practitioners much in the same fashion as professional sports organizations compete for quality athletes.

In Kansas, the latest figures show there are 2,173 practicing physicians. However, 54 percent of these doctors practice in four of my State's most populated counties, leaving the remaining 902 physicians to serve the other 101 counties. In short, it is the rural areas of our country that have the greatest problems in providing adequate health care services. While the problem is simply stated—rural Kansas communities are losing their physicians through retirement and death and the younger generation of doctors are not moving in at an adequate rate to replace them—the answers are complex.

One approach to meeting this problem has been suggested by my good friend

and colleague, Senator ROBERT DOLE, who has introduced legislation in the other body that would create incentives to encourage health professionals to develop practices in critical health manpower shortage areas.

In introducing this legislation, Senator DOLE recently outlined the bill's purpose and intent. His remarks, I think, put this matter into proper perspective and summarize the issue very well. I am today introducing this legislation which is identical to the bill introduced by Senator DOLE and ask that my colleagues who have an interest in improving health care in all areas of critical manpower shortage join in sponsoring this measure. The Senator's remarks follow:

The first portion of the bill authorizes the transfer of military physicians to the National Health Service Corps, provided they make a commitment to serve for a period of time equal to their military obligation in an area of critical health manpower needs. The basic premise behind this provision of the bill is that physicians who have incurred a Federal service obligation should be used to help meet the Nation's greatest health needs, regardless of whether they exist in the military or civilian sector.

The bill specifically authorizes the transfer of physicians to the National Health Service Corps who have incurred a military obligation under the Barry plan, the Armed Forces health professions scholarship program, or through the University of the Health Sciences—once it becomes operational. By permitting these physicians to serve in the National Health Service Corps, the bill would provide a great and essential service to many rural communities.

The National Health Service Corps was established by legislation in the 92d Congress to improve the delivery of health care and services to persons residing in areas which have critical health manpower shortages. Corps physicians, dentists, or nurses, depending on the need of the applicant community, are assigned to areas upon the request of the State or local public health agencies or any other public or nonprofit health entity in the area. The request must have the approval of State and local medical, dental, and nursing societies. The community requesting such a health team must demonstrate a need for such manpower assistance and a financial commitment to sustain their services, as well as show how the health team would be integrated into the community and the existing health delivery system.

In Kansas there are currently six designated critical health manpower shortage areas which have an approved National Health Service Corps application and are awaiting assignment of a physician. The Haven, Kans., community has already been assured a physician placement, but the applications of Yates Center, Coldwater, Phillipsburg, Nemar, and Valley Falls are still awaiting physician assignments. Other communities have expressed urgent need for physicians and will be developing applications. Because the number of approved applications exceeds the number of Corps physicians, not every approved community can be assured of physician placement this July. This legislation I am today introducing would hopefully make an adequate number of Corps physicians available to meet the needs of all of the approved communities.

There are currently 6,617 physicians enrolled in the Barry plan who are completing residency requirements and will enter the military sometime between now and 1980. In addition, 1,421 medical students receiving scholarship assistance now will be entering the service in the next 4 years. If only a small portion of these physicians were diverted to serve in designated critical health manpower shortage areas, it would be an important step in helping to solve the rural health care crisis.

Taking into consideration the cessation of American military combat activity since the Vietnam cease-fire and the prospects for passage of a bill which would readjust pay rates for uniformed service physicians and dentists, I feel that the Armed Forces physicians corps could afford the losses which would result from this legislation. Using the figures provided by the Department of Defense, my office has learned that the doctor/patient ratio in the military is more than 120 patients per doctor lower than in the civilian sector and 3 times as low as in many of the rural Kansas communities. In addition, military physicians have the benefit of serving a population which resides in a compact area and thus is not faced with the health care delivery problems associated with rural medical practice. Also, the military physician has the benefit of a larger number of technicians and corpsmen to assist him in serving his patients. Although I recognize the needs to sustain a high level of medical care in the military, statistics indicate that some of the physicians currently serving in the military could be transferred to areas of critical civilian need without jeopardizing the level of military health care.

The second portion of the bill would provide a financial incentive for any physician practicing in designated health manpower shortage areas, whether he is serving in the National Health Service Corps or not. The bill would permit any physician serving in a designated area to exempt for Federal tax purposes $20,000 of his adjusted gross practice income the first year; $15,000 the second year; $10,000 the third year, $7,500 the fourth year; and $5,000 the fifth year. This provision would have the impact of providing a Federal incentive for establishing a practice in areas of critical need and phase out the assistance over a period of 5 years as the practice becomes established.

It is recognized that this provision is not a cure-all for the rural health care needs since the financial aspects are only one of several problems facing rural practitioners. However, to any extent that it would induce the development of medical practices, it is a wise dollar investment by the Federal Government.

DEVINE RELEASES POLL RESULTS

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

Mr. DEVINE. Mr. Speaker, I am glad to announce the results of my 12th Ohio District constituent poll. Questionnaires were mailed to 182,000 during the first week in April and nearly 40,000 persons responded from Delaware County, Morrow County, and the eastern portion of Franklin County.

Although the subject of capital punishment has been highly controversial, 85 percent urged restoration of the death penalty for premeditated murder, treason, or skyjacking.

In the foreign policy field, 70 percent want less U.S. aid to the United Nations, only 5 percent an increase, with 25 percent undecided. Less foreign aid is demanded by 86 percent and again, a mere 5 percent favor more.

As far as U.S. contributions for North Vietnam reconstruction is concerned, 6 percent say yes, with an overwhelming 85 percent in opposition.

Amnesty for deserters and draft dodgers is favored by 18 percent, with 77 percent saying no.

The total poll results are as follows:

[In percent]

	Yes	No	Undecided
1. Should the United States contribute to reconstruction of North Vietnam?	6	85	9
2. Amnesty for deserters and draft dodgers?	18	77	5
3. Economic and cultural trade with China and the U.S.S.R.?	69	21	10
4. President Nixon lifted controls on food, health care, and construction, and substituted voluntary controls. Do you agree?	30	57	13
5. Do you approve the Government's effort to lower spending by freezing funds appropriated by Congress?	67	23	10
	More	Less	Same
6. Federal spending involves your tax dollars. Should we spend more, less, or the same as presently on the following:			
Defense	28	40	32
Education	45	20	35
Space program	12	58	30
Crime control and prevention	76	4	21
Foreign aid	5	86	9
Pollution control	42	26	32
Aid to U.N.	5	70	25
Mass transportation	55	22	23
Consumer protection	53	15	32
Housing for poor and elderly	47	13	40
Farm program	23	35	42
	Yes	No	Undecided
7a. Should parents get tax credit for tuition?	52	43	5
7b. Do you favor Federal aid to private and parochial schools?	30	65	5
7c. Would you pay more taxes to raise Federal aid to education?	17	77	6
8. Should death penalty be restored for premeditated murder, treason, or hijacking?	85	11	4
9. Should reporters have the right to refuse to reveal sources?	51	42	7
10. Which of the below describes your feeling about gun control (check only 1):			
(a) All guns should be registered and controlled	55		
(b) No guns should be registered or controlled	16		
(c) Saturday Night Specials should be outlawed	27		
(d) Undecided	2		

Of those responding, 52 percent identified themselves as Republicans, 30 percent Democrats, and 18 percent independents. Only .012 percent of the returns were from the 18 to 21 age group and most answers were in the 35 to 50 group.

GENERAL LEAVE

Mr. BRECKINRIDGE. 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 given by the gentleman from Indiana (Mr. BRADEMAS).

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KETCHUM (at the request of Mr.

GERALD R. FORD), for today, on account of official business.

Mr. PARRIS, for the balance of today's session, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HUBER) and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 15 minutes, today.

Mr. WYMAN, for 15 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE) and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.

Mr. ROONEY of Pennsylvania, for 15 minutes, today.

Mr. VANIK, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. REES, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. DANIELSON, for 10 minutes, today.

Mr. DOMINICK V. DANIELS, for 10 minutes, today.

Mr. HOLIFIELD, for 10 minutes, today.

Mr. FULTON, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. MALLARY in connection with the amendment to H.R. 7724.

Mr. WOLFF to revise and extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,167.

(The following Members (at the request of Mr. HUBER) and to include extraneous matter:)

Mr. COLLIER in three instances.

Mr. BELL in two instances.

Mr. BLACKBURN in two instances.

Mr. YOUNG of Alaska in two instances.

Mr. SNYDER.

Mr. WHITEHURST.

Mr. HOGAN in two instances.

Mr. RAILSBACK in two instances.

Mr. RINALDO.

Mr. DUNCAN.

Mr. WYMAN in two instances.

Mr. LUJAN in two instances.

Mr. FISH.

Mr. CARTER in two instances.

Mr. YOUNG of Florida.

Mr. DERWINSKI in three instances.

Mr. COHEN in three instances.

Mr. SYMMS in two instances.

Mr. HOSMER in three instances.

Mr. DENNIS.

Mr. BROWN of Ohio.

Mr. GOLDWATER.

Mr. PRITCHARD in five instances.

Mr. ANDERSON of Illinois in three instances.

Mr. MCCLOSKEY.

Mr. WYDLER.

Mr. DU PONT.

Mr. FROEHLICH.

(The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous matter:)

Mr. ROY in four instances.

Mr. HAMILTON.

Mr. WOLFF in two instances.

Mr. ANNUNZIO in 10 instances.

Mr. HOWARD.

Mr. MCFALL.

Mr. HARRINGTON.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. THOMPSON of New Jersey.

Mr. BURKE of Massachusetts.

Mr. BOLAND in two instances.

Mr. BLATNIK in five instances.

Mr. MEZVINSKY.

Mr. VANIK in two instances.

Mr. BRINKLEY.

Mr. JONES of Oklahoma.

Mr. REES in five instances.

Mr. STUDDS.

Mr. DONOHUE.

Mr. EDWARDS of California.

Mr. ANDERSON of California in two instances.

Mr. DRINAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1317. An act to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

S. 1501. An act to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1235. An act to amend Public Law 90–553 authorizing an additional appropriation for an International Center for Foreign Chanceries

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, June 4, 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:

981. A letter from the Under Secretary of Agriculture, transmitting a report covering calendar year 1972 on the administration of the Laboratory Animal Welfare Act, pursuant to section 25 of Public Law 91–579 (84 Stat. 1565); to the Committee on Agriculture.

982. A letter from the Acting Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the destroyer escort ex-U.S.S. *Stewart* (DE 238) to the U.S. Submarine Veterans World War II—Texas, Inc., Galveston, Tex., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

983. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 25th annual report of the Service, covering fiscal year 1972, pursuant to section 202(c) of the Labor-Management Relations Act, 1947; to the Committee on Education and Labor.

984. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting the texts of International Labor Organization Convention No. 131 and ILO Recommendation No. 135, concerning minimum wage fixing with special reference to developing countries (H. Doc. 93–108); to the Committee on Foreign Affairs and ordered to be printed.

985. A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting the annual report on progress in the prevention and control of air pollution, covering calendar year 1972, pursuant to section 313 of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

986. A letter from the secretary, Aviation Hall of Fame, Inc., transmitting the audit of the organization for calendar year 1972, pursuant to section 15(b) of Public Law 88–372; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 1820. A bill to direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes; with amendments (Rept. No. 93–241). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 3620. A bill to establish the Great Dismal Swamp National Wildlife Refuge; with an amendment (Rept. No. 92–242). Referred to the Committee of the Whole House on the State of the Union.

Mr. GRAY: Committee on House Administration. House Resolution 398. Resolution providing for the promotions to positions of a supervisory capacity on the U.S. Capitol Police force authorized for duty under the House of Representatives, to reduce by 15 positions the total number of positions on such force under the House, and for other purposes (Rept. No. 93–243). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO (for himself and Mr. HARRINGTON):

H.R. 8264. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 8265. A bill to further amend the Internal Revenue Code of 1954 (as amended) so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations and the United Nations Children's Fund, to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself and Mr. VAN DEERLIN):

H.R. 8266. A bill to amend section 303 of the Communications Act of 1934 to require that radio receivers be technically equipped

to receive and amplify both amplitude modulated (AM) and frequency modulated (FM) broadcasts; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina:

H.R. 8267. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. CAREY of New York (for himself, Mr. BURKE of Massachusetts, Mr. KOCH, Mr. WON PAT, Mr. STARK, Mr. YATRON, Mr. HICKS, Mr. HOWARD, Mrs. GRASSO, Mr. HANLEY, Mr. PODELL, Mr. DAVIS of South Carolina, Miss JORDAN, Mr. WHITEHURST, Mr. MITCHELL of Maryland, Mr. DRINAN, Mr. JONES of North Carolina, Mr. DAVIS of Georgia, Mr. KYROS, Mr. MCSPADDEN, Mr. CRONIN, Mr. FLOOD, Mr. HAWKINS, Mr. HARRINGTON, and Mr. JOHNSON of California):

H.R. 8268. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mr. BURKE of Massachusetts, Mr. MCKINNEY, Mr. MOAKLEY, Mr. REES, Mr. STUDDS, and Ms. ABZUG):

H.R. 8269. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mr. PEYSER, Mr. PERKINS, Ms. ABZUG, Mr. ANDERSON of Illinois, Mr. SARBANES, Mr. BRECKINRIDGE, Mr. BURTON, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DERWINSKI, Mr. WILLIAM D. FORD, Mr. FRASER, Ms. GRASSO, Mrs. GREEN of Oregon, Mr. HARRINGTON, Mr. HAWKINS, Mr. HOWARD, Mr. METCALFE, Mr. PODELL, Mr. REES, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, and Mr. SARASIN):

H.R. 8270. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. DONOHUE:

H.R. 8271. A bill to establish a Joint Committee on Energy, and for other purposes; to the Committee on Rules.

By Mr. FRASER (for himself, Mr. DIGGS, Mr. STUDDS, Mr. MATSUNAGA, Mr. KOCH, Mr. RODINO, Mr. MOSS, Mr. EILBERG, Mr. FORSYTHE, and Mr. PODELL):

H.R. 8272. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FULTON:

H.R. 8273. A bill to repeal section 411 of the Social Security Amendments of 1972, thereby restoring the right of aged, blind, and disabled individuals who receive assistance under title XVI of the Social Security Act after 1973 to participate in the food stamp and surplus commodities programs; to the Committee on Ways and Means.

By Mr. HANRAHAN:

H.R. 8274. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of "food supplements," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER (for himself and Mr. RIEGLE):

H.R. 8275. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.R. 8276. A bill relating to lands in the Middle Rio Grande Conservancy District, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. MARAZITI:

H.R. 8277. A bill to amend the Federal Aviation Act of 1958 to provide effective program to prevent aircraft piracy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS of Georgia:

H.R. 8278. A bill to amend the Internal Revenue Code of 1954 to prohibit inspection of income tax records by the Department of Agriculture and to allow certain limited information from such records to be furnished to the Department; to the Committee on Ways and Means.

By Mr. MILLER:

H.R. 8279. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of "food supplements," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 8280. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate transportation for young people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 8281. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. ADAMS, Mr. Moss, and Mr. THOMPSON of New Jersey):

H.R. 8282. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by repealing certain provisions relating to the allowance for depreciation; to the Committee on Ways and Means.

H.R. 8283. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by increasing the amount of minimum tax imposed on tax preferences; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 8284. A bill to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes; to the Committee on the Judiciary.

H.R. 8285. A bill to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Mr. ADDABBO, Mr. DRINAN, Mr. EDWARDS of California, Mr. FRASER, Mr. GILMAN, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. MCKINNEY, Mr. PEPPER, Mr. ROONEY of Pennsylvania, Mr. WON PAT, and Mr. WYDLER):

H.R. 8286. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 8287. A bill to amend the National Housing Act to provide that real property owned by the Secretary of Housing and Urban Development shall be subject to local code requirements in the same way as privately owned property; to the Committee on Banking and Currency.

By Mr. STARK (for himself, Mr. WON PAT, Mr. ROSENTHAL, Mr. HECHLER of of West Virginia, Mr. DRINAN, Mr. YATES, Mr. NIX, Mr. DELLUMS, Mr. ROE, Mr. PODELL, Mr. STOKES, Mr. WALDIE, Mr. EILBERG, Mr. ADAMS, Mr. YATRON, Mr. ANDERSON of California, Mr. LEHMAN, Mr. RIEGLE, Mr. HARRINGTON, Mrs. GRASSO, Mr. BINGHAM, Ms. JORDAN, Mr. HELSTOSKI, Mr. EDWARDS of California, and Mr. FLOOD):

H.R. 8288. A bill to amend the Small Business Act to provide that a small business concern shall include a nonprofit organization providing economic benefit or valuable service to its members; to the Committee on Banking and Currency.

By Mr. STEELMAN (for himself, Mr. WYLIE, Mr. ERLENBORN, Mr. ANDERSON of Illinois, Mr. DENNIS, Mr. GROSS, Mr. FOUNTAIN, Mr. DERWINSKI, Mr. THONE, Mr. TEAGUE of California, Mr. WYATT, Mr. ARMSTRONG, Mr. PRITCHARD, Mr. ARCHER, Mr. STEIGER of Wisconsin, Mr. WON PAT, Mr. MINSHALL of Ohio, Mr. JONES of North Carolina, Mr. BROWN of California, Mr. DELLENBACK, Mr. MCCLOSKEY, Mr. MELCHER, Mr. MOSHER, Mr. COHEN, and Mr. WALSH):

H.R. 8289. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. WYLIE (for himself, Mr. STEELMAN, Mr. SCHERLE, Mr. RUPPE, Mr. DENHOLM, Mr. BOLAND, Mr. FAUNTROY, Mr. FINDLEY, Mr. CLEVELAND, Mr. PARRIS, Mr. BEARD, Mr. FORSYTHE, Mr. MALLARY, Mr. GUDE, Mr. BUCHANAN, Mr. WARE, Mr. MAZZOLI, Mr. HARRINGTON, Mr. CHARLES H. WILSON of California, Mr. BROTZMAN, Mr. HUDNUT, Mr. JOHNSON of Colorado, Ms. HECKLER of Massachusetts, Mr. SARASIN, and Mr. MARTIN of North Carolina):

H.R. 8290. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. STEELMAN (for himself, Mr. WYLIE, Mr. MADIGAN, Mr. BELL, Mr. RIEGLE, Mr. GUNTER, Mr. LENT, Mr. STEIGER of Arizona, Mr. FISH, Mr. GOLDWATER, Mr. COCHRAN, Mr. MCCOLLISTER, Mr. YOUNG of Florida, Mr. ROUSSELOT, Mr. PODELL, Mr. RANGEL, Mr. BURGENER, Mr. ZWACH, Mr. O'BRIEN, Mr. RAILSBACK, Mr. GILMAN, Mr. YOUNG of Alaska, Mr. MONTGOMERY, and Mr. HANRAHAN):

H.R. 8291. A bill to provide that appointments to the offices of Director and Deputy Directors of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. STEIGER of Arizona:

H.R. 8292. A bill to provide for the orderly administration of special land-use permits regarding Federal lands; to the Committee on Interior and Insular Affairs.

By Mr. STEPHENS:

H.R. 8293. A bill to provide for the establishment of the Kettle Creek National Monument; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 8294. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself, Ms. ABZUG, Mr. MOAKLEY, and Mr. WOLFF):

H.R. 8295. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. BOB WILSON:

H.R. 8296. A bill to amend section 1034 of the Internal Revenue Code of 1954 (relating to nontaxable sale or exchange of taxpayer's residence) to provide an extended period for the purchase of a new residence in the case of certain temporary foreign assignments; to the Committee on Ways and Means.

By Mr. ZABLOCKI (for himself, Mr. CULVER, Mr. KAZEN, and Mr. STEELE):

H.R. 8297. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois:

H.R. 8298. A bill to promote economic stability in the construction industry; to provide legislative authorization for the Construction Industry Stabilization Committee and its wage stabilization activities; and to mandate the Construction Industry Stabilization Committee to prepare a plan for construction industry bargaining reform within 12 months of the date of enactment of this act; to the Committee on Education and Labor.

By Mr. ANDERSON of Illinois (for himself and Mr. UDALL):

H.R. 8299. A bill to improve the conduct and regulation of Federal election campaign activities; to the Committee on House Administration.

By Mr. BEVILL:

H.R. 8300. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK:

H.R. 8301. A bill to amend section 107 of the River and Harbor Act of 1970; to the Committee on Public Works.

H.R. 8302. A bill to provide for the conversion of the United States to the metric system; to the Committee on Science and Adtronautics.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. HANSEN of Idaho, and Mr. PEYSER):

H.R. 8303. A bill to authorize grants for vocational rehabilitation services, and for other purposes; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. FUQUA, Mr. QUIE, Mr. WAGGONNER, and Mr. ANDERSON of Illinois):

H.R. 8304. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates prescribed by that act, to expand employment opportunities for youths, and for other purposes; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 8305. A bill to enact the provisions of Reorganization Plan No. 2 of 1973 with certain amendments; to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 8306. A bill to help preserve and improve low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. HARRINGTON:

H.R. 8307. A bill to authorize the President of the United States to allocate energy and fuels when he determines and declares that extraordinary shortages or dislocations in the distribution of energy and fuels exist or are imminent and that the public health, safety, or welfare is thereby jeopardized; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Banking and Currency.

H.R. 8308. A bill to provide for the continued sale of gasoline to independent gasoline wholesalers and retailers and State and local governments and governmental agencies thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MARAZITI:

H.R. 8309. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H.R. 8310. A bill to modify the authorization for the project for flood protection on the Minnesota River at Mankato-North Mankato, Minn.; to the Committee on Public Works.

By Mr. PARRIS:

H.R. 8311. A bill to make small businesses and/or employees that are detrimentally affected by new Federal law, rules issued thereunder, contract cancellations by the Federal Government, or the closing of Federal facilities or installations eligible for disaster relief assistance through the Office of Emergency Preparedness; to the Committee on Banking and Currency.

By Mr. PEYSER (for himself, Mr. DOMINICK V. DANIELS, Mr. ANDERSON of Illinois, Mr. EILBERG, Mr. GILMAN, Mr. MCDADE, Mr. MCKINNEY, Mr. MURPHY of New York, Mr. NIX, Mr. RIEGLE, Mr. RONCALLO of New York, Mr. YATRON, Mr. BURKE of Massachusetts, Mr. MATSUNAGA, Mr. SISK, Mr. KARTH, Mr. DENT, Mr. DULSKI, Mr. HELSTOSKI, Mr. BRASCO, Mr. MINISH, Mr. GAYDOS, Mr. CAREY of New York, Mr. CHARLES H. WILSON of California, and Mr. WALDIE):

H.R. 8312. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. RINALDO:

H.R. 8313. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself, Mr. ASPIN, Mr. BELL, Mr. BROWN of California, Mr. BURGENER, Ms. BURKE of California, Mr. DANIELSON, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. HANNA, Mr. HAWKINS, Mr. MCCLOSKEY, Mr. OWENS, Mr. REES, Mr. ROY, Ms. SCHROEDER, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALDIE, and Mr. WHITE):

H.R. 8314. A bill to authorize financial assistance for service, employment, and redevelopment (SER) centers; to the Committee on Education and Labor.

By Mr. SEBELIUS:

H.R. 8315. A bill to encourage health professionals to practice in critical health manpower shortage areas; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. FRASER, Mr. STUDDS, Mrs. CHISHOLM, Mr. SARBANES, Mr. ADAMS, Mr. MITCHELL of Maryland, Mr. ROYBAL, Mr. HAWKINS, and Ms. ABZUG):

H.R. 8316. A bill to amend the Small Business Act to provide that a small business concern shall include a nonprofit organization providing economic benefit or valuable service to its members; to the Committee on Banking and Currency.

By Mr. STUDDS:

H.R. 8317. A bill to amend the Northwest Atlantic Fisheries Act of 1950; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself and Mr. BOLAND):

H.R. 8318. A bill to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts, to declare certain national policies essential to the preservation and conservation of the lands and waters in the trust area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYMMS (for himself and Mr. HANSEN of Idaho):

H.R. 8319. A bill to provide for the coinage and issuance of coins to commemorate the bicentennial of the American Revolution; to the Committee on Banking and Currency.

By Mr. WYMAN:

H.R. 8320. A bill to extend the fisheries zone of the United States to a distance of 200 miles from the shore of the United States or beyond in certain instances to a point where the sea's depth is more than 200 meters; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.J. Res. 591. Resolution to designate February 17 to 23, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. PATTEN (for himself, Ms. ABZUG, Mr. BINGHAM, Mr. BROWN of California, Mr. CAREY of New York, Ms. CHISHOLM, Mr. DAVIS of South Carolina, Mr. DENHOLM, Mr. DONOHUE, Mr. EILBERG, Mr. FISH, Mr. FORSYTHE, Mr. FULTON, Mrs. GRASSO, Mr. HANLEY, Mr. HARRINGTON, Mr. HELSTOSKI, Mrs. HOLT, Mr. MADDEN, Mr. MAYNE, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MELCHER, Mr. MOAKLEY, and Mr. MURPHY of Illinois):

H.J. Res. 592. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. PATTEN (for himself, Mr. MYERS, Mr. PODELL, Mr. RINALDO, Mr. ROE, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SIKES, Mr. VANIK, Mr. WINN, Mr. WOLFF, Mr. WON PAT, Mr. WYATT, and Mr. YATRON):

H.J. Res. 593. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. HOGAN (for himself Mr. BRASCO, Mr. DERWINSKI, Mr. FORSYTHE, Mrs. GRASSO, Mrs. HECKLER of Massachusetts, Mr. HORTON, Mr. HUNT, Mr. KEMP, Mr. LANDGREBE, Mr. MELCHER, Mr. MINSHALL of Ohio, Mr. PEPPER, Mr. ROE, Mr. ROUSSELOT, Mr. SCHERLE, and Mr. YATRON):

H. Con. Res. 232. Concurrent resolution expressing the sense of Congress that the Holy Crown of St. Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEARD:

H.R. 8321. A bill for the relief of C.M. Sgt. Donald E. Rudy, U.S. Air Force; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 8322. A bill for the relief of William L. Cameron, Jr.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 8323. A bill for the relief of Richard K. Brehl; to the Committee on the Judiciary.