Maj. Gen. Thomas M. Tarpley, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel V. Wilson, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Ira A. Hunt, Jr. xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard L. West, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Sylvan E. Salter, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. William R. Wolfe, Jr., xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Joseph C. McDonough, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. Wilbur H. Vinson, Jr., xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Gordon Sumner, Jr., xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert E. Wolff, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert A. Schulke, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Oliver D. Street, III, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles R. Myer, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert M. Shoemaker, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal E. Hallgren xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles J. Simmons, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Sam S. Walker xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Daniel O. Graham xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John R. Thurman, III, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles D. Daniel, Jr., xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles M. Hall, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer R. Ochs xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Pat. W. Crizer xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. George S. Patton, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Bert A. David, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. William J. Maddox, Jr. xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry R. Del Mar, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Proudfoot, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. D. Cleveland, Jr. xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Orville L. Tobiason, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

HOUSE OF REPRESENTATIVES—*Monday, June 18, 1973*

The House met at 12 o'clock noon.

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

Where there is no vision, the people perish.—Proverbs 29: 18.

Our Father God, whose law is truth and whose life is love, we lift our hearts in gratitude unto Thee. We thank Thee for the gift of freedom which is ours and by Thy grace may we hand it on unstained and untarnished, held higher in the minds of our citizens by our devotion to liberty and justice.

Strengthen Thou our hands and our hearts that as the representatives of our people we may be ever mindful of our high privilege to serve our country in this present age and to mold her future by what we do in this Chamber.

May the goals of enduring justice, abiding peace, and true freedom challenge the best in us as we live and labor during these difficult days.

Hear our prayer, O Lord, and help us. 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 agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 27. Concurrent resolution to observe a period of 21 days to honor America.

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

H.R. 3867. An act to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; and

H.R. 7357. An act to amend section 5(1)(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.

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

S. 1413. An act to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

SKYLAB SETS SPACE RECORD

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

Mr. FUQUA. Mr. Speaker, Astronauts Charles "Pete" Conrad, Jr., Dr. Joseph P. Kerwin, and Paul J. Weitz of Skylab have established yet another record on this historic flight of the Nation's first space station. At 3:22 a.m. eastern standard time on June 18, 1973, these three outstanding Americans became the world's longest voyagers in space. This exceeds the Soviet record of Soyuz 11 with Cosmonauts Volkov, Dobrovolsky, and Patsayev set on June 30, 1971, of 23 days, 18 hours, and 22 minutes.

Skylab will now complete its first of three missions with a total of 28 days of scientific and practical accomplishments and high adventure This flight of Skylab, troubled as it was from its beginning, has demonstrated to all of the world that man can function and has an important role in space. The repair of Skylab and the recovery of the mission will rank with the other important firsts in our national space program over the past decade.

The astronauts and the National Aeronautics and Space Administration are to be congratulated for their outstanding performance on this mission. I am sure that we can look forward to even greater accomplishments on the remaining two visits to Skylab.

MAJORITY LEADER THOMAS P. O'NEILL, JR., COMMENDS NEW CBS POLICY OF FREE AIR TIME TO REPLY TO PRESIDENT

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

Mr. O'NEILL. Mr. Speaker, the Columbia Broadcasting System has announced that it will provide free air time for replies to some of President Nixon's broadcasts.

The aims of this new policy are commendable. In many instances, President Nixon has abused his privilege of free air time to introduce partisan political matter into his "state of the Union" and other messages.

He has tried to go over the heads of Congress directly to the people—to pressure Congress into accepting his recommendations even before we have a chance to examine them.

This one-sided approach threatened to make the networks the handmaiden of the administration. It threatened to jeopardize the media's position as an impartial third party responsible for reporting public affairs.

The new policy by CBS is a welcome attempt to redress the balance. But I think CBS is making a mistake in discontinuing its postbroadcast analyses of Presidential messages. These discussions provide the best opportunity for experienced news

reporters to examine the address and to place it within the context of current events. Unfortunately, the President's statements and assertions this past year have hardly been unassailable—a fact CBS correspondents have pointed out with crushing regularity. I hope that CBS's action is not a capitulation to administration pressure.

CONSENT CALENDAR

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

TUNG NUT PRICE SUPPORTS

The Clerk called the bill (H.R. 2303) to continue mandatory price support for tung nuts only through the 1976 crop.

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

H.R. 2303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(b) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(b) The price of honey shall be supported through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 60 per centum of the parity price thereof; and the price of tung nuts for each crop of tung nuts through the 1976 crop shall be supported through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 60 per centum of the parity price therefor: *Provided,* That in any crop year through the 1976 crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 per centum of the parity price therefor."

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.

AMENDING TITLE 5, UNITED STATES CODE

The Clerk called the bill (H.R. 5692) to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308.

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

H.R. 5692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1308 of title 5, United States Code, is amended to read as follows:

"(b) The Commission shall annually provide an analysis to Congress of the administration and operation of chapter 41 of this title.".

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

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

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. O'NEILL. 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. 231]

Adams	Dorn	Owens
Alexander	Eckhardt	Passman
Andrews, N. Dak.	Edwards, Ala.	Pickle
	Esch	Podell
Ashbrook	Fisher	Quillen
Badillo	Flynt	Rangel
Bevill	Fraser	Rarick
Blatnik	Frelinghuysen	Reid
Boland	Gray	Riegle
Brasco	Green, Oreg.	Rooney, N.Y.
Brown, Calif.	Gubser	Rosenthal
Buchanan	Gude	Runnels
Burke, Calif.	Harsha	Ruppe
Byron	Hawkins	Sandman
Carey, N.Y.	Hébert	Schroeder
Carter	Jones, Okla.	Smith, N.Y.
Chappell	Karth	Stanton, James V.
Chisholm	Landgrebe	
Clark	Latta	Stratton
Clay	Lehman	Stuckey
Cochran	Litton	Taylor, Mo.
Coughlin	McKinney	Thompson, N.J.
Culver	Mailliard	Van Deerlin
Daniels, Dominick V.	Maraziti	Waggonner
	Mathias, Calif.	Whitehurst
Danielson	Minish	Wiggins
Davis, Ga.	Minshall, Ohio	Wilson, Bob
Davis, S.C.	Mosher	Wright
Dellums	Moss	Young, Fla.
Denholm	Murphy, N.Y.	Young, S.C.
Devine	Nix	

The SPEAKER. On this rollcall 344 Members have recorded their presence by electronic device, a quorum.

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

DISTRICT OF COLUMBIA APPROPRIATIONS, 1974

Mr. NATCHER. 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. 8658) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. McEWEN), and myself.

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

There was no objection.

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

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. 8658, with Mr. FASCELL 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 unanimous-consent agreement, the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from New York (Mr. McEWEN) will will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1974.

As chairman of the Subcommittee on the District of Columbia budget it is a distinct honor for me to serve with all of the members of this subcommittee. We have a number of new members on our subcommittee this year, and they are Mr. TIERNAN, of Rhode Island; Mr. CHAPPELL, of Florida; Mr. BURLISON, of Missouri; Mr. ROUSH, of Indiana; Mr. VEYSEY, of California; and Mr. COUGHLIN, of Pennsylvania. All of these new members are outstanding Members of the House of Representatives and have made good members not only of this subcommittee, but of the Committee on Appropriations. It is a pleasure for me to serve with Mr. STOKES, of Ohio; Mr. McKAY, of Utah; Mr. McEWEN, of New York; and Mr. MYERS, of Indiana, all Members who have served now for some time on this subcommittee. Mr. Chairman, Mr. McEWEN of New York is now the ranking minority member on our subcommittee, and has performed yeoman service in carrying out the duties of this assignment.

For the 10th consecutive year the Congress has been presented a budget for the District of Columbia that is out of balance. We submit to the House of Representatives a balanced budget.

Mr. Chairman, at this time I want to point out to you and the members of the committee a number of matters that are of great importance to our Capital City. In the last 10 years the capital outlay budget has increased from $52,251,000 for fiscal year 1963 to $94,281,000 for fiscal year 1973, exclusive of the supplemental items that we considered in our second supplemental appropriations bill for fiscal year 1973. For 1964 the capital outlay budget totaled $46,536,500; for 1965 the amount was $58,662,000; for 1966 it was $53,800,800; for 1967 it was $71,558,000; for 1968 it was $112,750,500; for 1970 it was $120,682,300; for 1971 it was $70,984,393 and in 1972 it totaled $323,713,000. These amounts included appropriations for the Metropolitan Area Transit Authority payment which was $72,486,000, the water pollution control plant $70 million of which $10,200,000 was for the Potomac River interceptor operation payable from the Metropolitan Area Sanitary Sewage Works fund, and the correctional facilities at Lorton, $67,635,000.

Mr. Chairman, we constructed the new Central Library at a cost of a little over $17 million. Here is one project where the city really got its money's worth. This is one building that was properly designed with a fixed cost estimate and with the plans drawn by one of the great architects of this country. It is one of the most beautiful buildings in Washington. If this building had been constructed under the system now in use in the District of Columbia it would have cost $50 million.

The people in our Nation's Capital are

well acquainted with all of the difficulties that we have experienced concerning the District of Columbia stadium. This stadium cost $19,800,000 and at the time it was authorized the Congress was advised that the cost would be in the neighborhood of $6 million. Not a single bond has been retired and with the exception of 2 years we have had to borrow the interest to pay on the indebtedness since the income from the stadium has failed to even pay the interest.

A convention center has been authorized and I do hope, Mr. Chairman, that before this project is started under construction a fixed cost estimate is agreed upon together with a design which will give the taxpayers of this District some idea as to whether or not they have a project which will end up the same as the stadium and some others that I could name.

The rapid rail transit system which this committee started under construction in the year 1969 is having difficulties. As you will recall, Mr. Chairman, the system was changed from a 25-mile rapid transit system to a system which will contain 98 miles. When finally authorized for 98 miles, Congress was advised by those who are now in charge of constructing this system that it would cost $2.5 billion. At that time, Mr. Chairman, I said that I believed sincerely that it would cost $4 billion and I still maintain that it will cost $4 billion or more. As you will recall the bonds could not be sold because the bankers and brokers in this country knew full well that these bonds could not be retired out of the fare box. They refused to purchase the bonds and another law had to be passed which provided for the issuance of $1,200,000,000 worth of rapid transit bonds which would be guaranteed by the Federal Government.

Up to this time $445 million worth of bonds have been sold, and according to the newspapers on Friday, June 15, 1973, the Secretary of the Treasury and the Department of Transportation are now demanding assurances that the Washington Metropolitan Area Transit Authority can meet both principal and interest payments on the 40-year bonds before any more bonds can be sold. Those in charge of this project know, Mr. Chairman, in 1969 that the $1,200,000,000 of bonds could not be retired out of the fare box and they know today that all of these bonds will have to be paid by the Federal Government when they become due. I have said now for several years that the officials should start telling the truth and be fair and frank with the taxpayers of our Nation's Capital and with the Congress of the United States.

At the time the Washington Metropolitan Area Transit Authority started making moves to take over the bus systems here in our Nation's Capital, the proper committee in the Congress was advised that a subsidy would not be necessary. They knew at the time the statements were made concerning subsidies that this was not true and it now develops that the officials of the Washington Metropolitan Transit Authority say that the subsidy for the operation of the bus system will go as high as $11 million for the fiscal year 1974. During the hearings on this bill, even though no funding was requested, we were advised that a $6 million subsidy would be required to operate the bus system by the Washington Metropolitan Area Transit Authority for the fiscal year 1974 to make up the losses in the operation of the system. Now the figure, Mr. Chairman, according to the press on Friday, June 15, 1973, is $11 million. Metro comptroller Schuyler Lowe informed the Board of Directors, according to the newspaper, Metro faces a $149.5 million deficit for rail and bus operations over the next 5 years. This is more than twice the $60 million bus deficit for the same period announced by Schuyler Lowe some 4 months ago.

According to the press, the officials of the Metropolitan Area Transit Authority finally decided to inform the Board members of the situation as it exists at this time. Mr. Lowe informed the board that fare reductions, increased fuel costs, and new contracts for Metro busdrivers had all helped push the fiscal year 1974 deficit from $6 million to $11 million. Here, Mr. Chairman, is another instance where the representatives of our Nation's Capital who are in charge of the transit system should start telling the truth to the people and apparently from the press stories that have been carried recently even the Board members of the Washington Metropolitan Area Transit Authority are not being advised as to the true situation that we have confronting us today.

I voted for the bills authorizing the operation of the Federal City College and the Washington Technical Institute. We are now advised that college officials are talking about a permanent campus costing between $100 million and $200 million for one of the colleges and we are further advised that notwithstanding the fact that the Federal City College has graduated four classes the college still has not been accredited. It was the general understanding at the time the authorization bill passed for the new colleges that the District of Columbia Teachers College would be consolidated with the Federal City College. According to our information, the District of Columbia Teachers College is fully accredited, and since the Federal City College is not accredited it would be a serious mistake to consolidate at this time. There is considerable opposition now to consolidating these two colleges. Two of the officials of the Federal City College are now under indictment charged with embezzlement. According to the press, and according to the information furnished our committee, the amount involved was in the neighborhood of $230,000. Now we are advised that the amount will be considerably higher than the $230,000.

The General Accounting Office has severely criticized the operation of the District of Columbia Teachers College, and has pointed out a number of instances that are of a serious nature concerning the operation of this college. Certain objections were made also to the operation of the Washington Technical Institute, but I believe, Mr. Chairman, that the Washington Technical Institute can and has fully corrected the deficiencies set forth concerning its operation, and the board of this college, the President and all of the officials are striving to operate a good technical institute. A great many cities in this country have had to close down colleges and universities and in a number of instances States were forced to take over the operation of city colleges and universities. No longer can cities continue operating a number of large colleges and universities and fund them out of city budgets. This is a serious matter, Mr. Chairman, and is one that must be carefully considered by the District of Columbia officials and by the Congress and by the proper Committees in the Congress.

The crime situation in our Nation's Capital is still serious. No city comparable in size has a higher per capita expenditure for a metropolitan police department than we have in our Nation's Capital. When you consider the number of murder cases and rape cases during the past year you get a good idea of just how serious the crime situation is in our Nation's Capital. For years now we have made every move possible on this committee to see that our Metropolitan Police Department had everything necessary which would place it in a position where it could control the crime situation in our Nation's Capital and bring about the operation of a city where the people could walk on the streets at night and where our visitors from the 50 States and from around the world could come and feel free to go from place to place not only during the daytime but at night and be safe.

During our hearings we were advised that during the present fiscal year there are 116,000 people on welfare and this figure will go up to 120,000 during the fiscal year 1974. With only 748,000 people now in our Capital City this is a serious matter.

For fiscal year 1973 we had 140,700 pupils in our public schools. For fiscal year 1974 it is estimated that the figure will be 136,300. This is over 4,000 less than the number that we have at the present time. For fiscal year 1972 we had 143,400, or 7,100 more, than is estimated for fiscal year 1974. This indicates a number of things, Mr. Chairman, one of which is that the middle-income taxpayer is moving out of the District of Columbia. It also indicates that our children in our public schools here in our Nation's Capital are not being taught how to read and write. It further indicates that with all of the turmoil that we have had concerning the operation of our Board of Education and our school Superintendent that our public school system has suffered seriously. In addition to the $164,668,800 contained in this bill for public schools, the school system will receive $26,915,000 in Federal grants. We recommend more money in this bill than we had during the fiscal year 1973. The per capita expenditure for 1974 will be $1,358 which is one of the highest in the United States.

Mr. Chairman, we have a great many able people in our District of Columbia government. Our Commissioner Walter E. Washington, is, in my opinion, making

every effort to make an excellent Commissioner for our Nation's Capital. Mr. Yeldell, in the Department of Human Resources, is doing a good job, and, notwithstanding the fact that he is confronted with many serious problems, is trying to keep the Human Resources Department under control.

Mr. Back, and a great many others that I could name in the District government are excellent officials. The reason why the Department of Recreation received every dollar requested for its operation during the fiscal year 1974 is due to the fact that we believe Mr. Cole is doing a good job. The sum of $14,300,000 was requested and Mr. Chairman we recommend to the committee that $14,300,000 be approved. I could go on and name a great many other instances in this budget where we have departments that are operated in an excellent manner and where the interests of the people of our Nation's Capital are fully protected. Mr. Chairman, there are other instances that are not good and should be corrected.

We set a ceiling in this bill for personnel of 39,619. Under the provision of this appropriations bill actual employment will be restricted to 38,965. We do approve and recommend 1,494 new positions. The new positions will be a part of the figure of 38,965. With only 748,000 people in our Nation's Capital, certainly a total of 38,965 employees is more than adequate.

In presenting the budget to the Congress we believe that those in charge of preparing the budget for our Nation's Capital should make full disclosure of all of the facts and figures which go into making up the budget. Mr. Chairman, in the second supplemental appropriation bill for 1972 we had a right unusual matter to come before the committee. We discovered that the purported balanced budget submitted by the District officials would be in balance by virtue of obtaining the authorized, but nonappropriated Federal payment to the general fund which totaled $11,654,000. We discovered during the hearings that $4 million of this amount would not be required during the remainder of 1972 and there was no intention of using the money at that time notwithstanding the fact that it was requested and this $4 million would be carried forward into the next fiscal year as revenue in financing the 1973 budget.

Of course Congress did not approve of this procedure in acting upon the second supplemental appropriations bill for 1972 and such practice, Mr. Chairman, should be stopped immediately. In addition, during the time that we considered the second supplemental appropriations bill for 1972 it developed that the District officials were making transfers totaling $9,515,800 from the highway fund over into the general fund to finance a number of items and when we called this to the attention of the District officials they maintained positively that this action was proper and legal in every respect. We requested the corporation counsel to give us an opinion as to the action of the District officials and the corporation counsel advised our committee that $1,284,800 could not be legally transferred, and that this money should remain in the highway fund as provided for by law. This is another instance of presenting requests in budgets which does not comply with the law and certainly this procedure should be stopped by the District officials.

The District of Columbia owes the U.S. Treasury a total of $970 million. For the general fund the total is $685 million and as just stated, the overall total is $970 million. Mr. Chairman, here again is a serious matter, and if the debt of the District of Columbia to the U.S. Treasury continues to increase like it has in the last 10 years, the District government will never be able to pay its debt to the Treasury. In this bill that is before the Congress today we have an amount of $39,63?,000 which is required for debt service retirement. This amount is increasing every year and will unless controlled reach a point where the District government will find it exceedingly difficult to pay same.

For fiscal year 1974 we recommend a budget of $964,179,000. This amount is composed of $826,001,000 for operating expenses including debt service and $138,178,000 for capital outlay. It is estimated that a total of $1,207,298,800 will be available for the operation of the District of Columbia government during the next fiscal year. This amount includes the recommended appropriation of $964,179,000 in this bill, anticipated Federal grants totaling $232,784,100 and $10,335,700 in receipts and reimbursements to the District of Columbia agencies from Federal or other sources. As pointed out, Mr. Chairman, heretofore, we have an estimated population in our Nation's Capital at this time of 748,000. The census for 1970 showed that we had 756,510 people in the city of Washington. The amount that we recommend in this budget for fiscal year 1974 is fully adequate.

With the exception of the Federal grants the budget that we recommend today to the Congress is the largest budget ever recommended for our Nation's Capital.

Our committee recommends a Federal payment of $187,450,000. This is the largest Federal payment ever recommended to Congress. The Federal payment ceiling as you know, Mr. Chairman, is $190 million. Five years ago the Federal payment was $89,365,000 and 10 years ago the Federal payment was $37,500,000.

Loan appropriations totaling $236,184,000 are recommended to finance the capital outlay projects proposed in this bill. Two categories of loans are authorized for the District of Columbia. Loan appropriations to the general fund are for 30-year, interest-bearing loans from the U.S. Treasury to be made available for financing the construction of the general public works programs of the District. Appropriations for the various special funds—highway, water, sanitary sewage, and metropolitan area sanitary sewage works—are made available to assist in financing highway construction projects; expansion and improvement of the water system; and construction, operation, maintenance, and repair of the sanitary sewage works of the District of Columbia.

The District of Columbia participates as a State in the various Federal grant programs. As of the time the budget was submitted to our committee the District anticipated a total of $232,784,100 in grants from Federal sources.

The District of Columbia also participates as a State in the Federal revenue sharing program, although it is necessary for the Congress to appropriate the funds received from the U.S. Treasury Department which are deposited in the District Treasury. It is estimated a total of $59,400,000, including $2,000,000 interest, will be available to the District during the period January 1, 1972, through June 30, 1974. To date a total of $29,900,000 has been received. District officials proposed the use of $13,800,000 of this amount to partially finance supplemental requirements for 1973 with the remainder to be invested and carried over into fiscal year 1974. It was also proposed that the remaining authorized but unappropriated balance—$8,500,000—of the 1973 Federal payment be appropriated to further finance the 1973 supplementals. The committee did not concur in this latter proposal and provided $22,000,000 in revenue sharing funds, an increase of $8,200,000 over the budget proposal. Based on this action it is estimated $37,277,000 in revenue sharing funds will be available during 1974 and the appropriation of that amount is reflected in this bill. An adjustment has been made in the estimated availability to reflect the loss in interest on the funds originally planned for investment that will be used to finance a portion of the supplemental appropriations for fiscal year 1973.

The committee recommends a total of $66,491,000 for General Operating Expenses which are funded through this appropriation. This allowance is $1,662,000 above 1973 appropriations and $2,787,000 below the amount requested.

The recommended increases over 1973 include the mandatory pay items, the additional funds required for the compensation funds, and the additional staff requested for the Department of Finance and Revenue. The director of the Department predicted an increase in revenues of $3,850,000 annually with the additional auditing of returns and action on delinquent accounts by the 37 audit people requested and allowed. Staffing has been provided for two new police district station houses scheduled for completion during the year, and an additional $150,000 has been provided for emergency repairs to privately owned dwellings under a program administered by the Department of Economic Development under the authority of title 5–313 of the District of Columbia Code. The Assistant to the Commissioner for Housing Programs has been allowed funds to pick up the employees and programs currently carried on by a Federal grant that is expiring at the end of the current fiscal year. The same is true for an expiring grant to the Zoning Commission. The committee has allowed $100,000 to cover the expenses of the Board of Elections in conducting the School Board election and delegate primary during 1974. An increase of $374,000 has been allowed

for the school transit subsidy to cover an anticipated increase in ridership based on recent experience and projections for next year.

The committee has denied a number of workload, new, and improved programs requested including the additional staffing for the City Council, the Office of Budget and Financial Management, the Office of Planning and Management, and the establishment of an Office of Consumer Affairs. In the case of the latter, due to the limited resources available, it was not possible to approve this or any other new activities requested.

The request to reestablish the Management Improvement Account was not approved. The additional staffing requested for the Department of Economic Development, including those to implement the District of Columbia plan to attract new business and commercial enterprises to the District, is also denied. The increase of $250,000 for Bicentennial activities has not been allowed. The current level of $100,000 will continue to be available for that program in 1974. A reduction of $20,200 has been made to reflect the transfer of moving violation activities from the Office of the Corporation Counsel to the Superior Court. A base reduction of $60,000 has been made in the budget of the Alcoholic Beverage Control Board.

Our committee is greatly concerned about the manner in which the District of Columbia government is carrying out its capital improvements program. This concern is twofold: First, the magnitude of the capital program and projected impact on the District's dollar resources; and second, weakness in procedures for determining scope of work, initial cost estimates and the apparent lack of control over cost escalation.

We have been told the forces of inflation are largely responsible for increasing costs. Certainly this is a valid factor. But the committee is not of the opinion that escalation in construction costs have reached the point indicated by some of the project costs considered. We have reduced a number of construction requests accordingly. The District officials must develop a better process for building these inflationary pressures into cost estimates and they should shorten the time it now takes to complete a project so that inflationary pressures can be minimized.

During the course of the hearings we were advised again that certain cost increases are due to changes in the scope of the work performed. Again our committee is being asked to continue funding for a project that may differ substantially from the project the committee first approved. Our detention center costs were reduced during the hearings and this tremendous building that the judges in the District of Columbia had decided to build which would, under a Westinghouse study, have cost approximately $100 million was refused.

Again Mr. Chairman I want you to know that our committee is concerned with the scope and the magnitude of some of the projects planned. The District government must develop the capability to provide cost estimates that are more reliable than the ones now presented to the committee. The city must also improve the process for determining the features to be included in the new structures so that the trend of project scope changes is brought to a halt. Improvements must be made so that the committee will be able to base its decisions on reliable cost and project scope data. This committee looks to the Commissioner to establish better control over the capital improvements program and to insure that the problems that I have pointed out are corrected.

Our streets today in our Nation's Capital are not in good repair. We have added funds from time to time over and above the amounts requested for street maintenance and repair hoping that our District officials would bring our streets up to a good reasonable repair stage. They are worse today than they have been at anytime during the past several years.

Mr. Chairman, the I–95 connecting link construction project of the Center Leg Freeway almost directly behind the House Office Buildings is now in its seventh year. This is absolutely an outrage. The contractor blames the District officials for a great many changes that were made after the original contract was let. The highway officials blame the contractor, but Mr. Chairman regardless of who is at fault this is one of the best examples that I can give you of the inefficiency that we have in our Nation's Capital today concerning our capital outlay projects.

Mr. Chairman, I am still of the opinion that we must have a balanced transportation system for our Nation's Capital. During the hearings the Washington Metropolitan Area Transit Authority officials appeared before our subcommittee. Again I inquired if the officials still maintain that the rapid transit system could be constructed for the revised figure which we finally obtained last year of $2,980,000,000. The system was authorized for $2.5 billion and finally General Jackson Graham, the Manager of the Washington Metropolitan Area Transit Authority, admitted that the cost had gone up to the $2,980,000,000 figure. Mr. Chairman, I wish it were possible for every citizen in our Nation's Capital to have the opportunity and the time to read that portion of our hearings in part 1 beginning on page 939 and extending through page 991. Here, Mr. Chairman, we review the problem concerning a balanced transportation system in our Nation's Capital.

During the hearings with the Washington Metropolitan Area Transit Authority officials I inquired if they still maintained that the subway system could be completed at a total cost of $2,980,000,000. Again General Graham admitted that the cost had increased and we find beginning on page 940 of part 1 of the hearings and continuing through the fourth paragraph on page 943 the following questions and answers:

General Graham, do you still say to the committee that you will be able to complete the rapid rail transit system at a total cost of $2,980 million?

Mr. GRAHAM. The indications are pretty good, Mr. Chairman, that we can complete it for substantially that cost.

I would like to give you the current status of costs. We have been able, with several different approaches, to compare how we are doing currently with the myriad line estimates that made up the $2.98 billion. In the past year we have gone from being a percent in the black to a percent in the red on substantially the first billion dollars that has been obligated of the $3 billion cost. We felt quite confident that we were staying substantially within our estimates.

At the present, the latest reading, as we have just now practically obligated $1 billion for construction alone, is that we are right now about a percent and a half over that billion dollars. In other words, we are running about $15 million in the red at this time.

We have also looked at all potential claims which we may be facing due to changed conditions and changed orders and modifications. We see there a potential additional cost of 2 to 3 percent on the billion dollars, which is another $20 to $30 million. It appears right now that we are somewhere in the range of $35 to $45 million, in effect, over that estimate.

It's quite difficult to look down the road and see whether that is going to get any worse. We hope it won't. Mr. Chairman, in the last few months we have gotten a little concerned about the lack of teeth apparently in the phase 3 program. Last year we had a good year. We stayed right on the estimates nearly all year. Just lately there are indications that the escalation of prices is taking another jump up, and particularly in the construction field. Last year most of the industries indicated that construction costs in our field went up about 9.3 percent. In our financial plan we had allowed 8.68 percent for last year. So we have lost a little ground due to that.

We hold monthly meetings with all of our prime contractors. In the last monthly meeting, they indicated to us some difficulty in obtaining certain construction materials. They are particularly unhappy about the heavy structural timber which we use a great deal of in the system, that the supplies are short in that field. We are having some trouble with cement and reinforcing bars. Shortages of these materials tend to increase the prices of the materials.

One other area is in fuel. I think you have read about the so-called energy crisis. This impacts on the contractors, too, because all of their construction equipment uses gasoline or diesel fuel of some sort or another. They are finding these shortages and increases of price there. These, of course, are contracts that have been let which we are talking about here. But it does indicate in the contracts we are about to let that prices are going to take a jump.

We continue, on the good side, to have fine competition on these major contracts from all over the country. Many of the fine firms that have gotten aboard in the system are continuing to bid on repeat contracts.

The outlook is that we feel we have done well on staying within our estimates. We are looking for some help in reducing the rate of escalation from here on out. How we finally do is going to depend really entirely on how the economy does.

Mr. NATCHER. General Graham, as you know, in the beginning I said to you that I did not believe that you would be able to construct this system for $2.5 billion. I am not an engineer, General, and you know that, but I didn't believe it at that time. I was reasonably sure. Then later, the next time you appeared before the committee, on being questioned you very frankly stated to the committee, as you always have, General, that the cost had gone up to $2.98 bil-

lion. Some $480 million over the $2.5 billion figure.

At that time, General Graham, I said to you, and I still say to you this morning—and I hope I am just as wrong as I can be—that it's going to cost you about $4 billion to build this rapid rail transit system in the city of Washington and the surrounding metropolitan area. I was positive you couldn't do it for your original estimate of $2.5 billion. I am hoping now that you do stay within this present estimate of $2.98 billion.

We discussed in the past, as you will remember, the question of the sale of the bonds. I did not believe that the bonds could be sold and retired out of the farebox or out of revenues from the operation of the system. I think down deep in your heart, General Graham, you didn't believe that, either, even though you didn't tell me that. Later it turned out that the bonds could not be sold and we had to pass a bill through the House and the Senate, signed into law by the President—and I voted for it, General—that provided that the federal government would guarantee payment of the $1.2 billion worth of bonds. That made the bonds salable, of course. Anyone would buy them with the government guaranteeing them.

General Graham, the question I am going to ask you is my usual question that you have heard before. Do you believe, General, now that you can retire these bonds out of the farebox? Or do you agree with me, General Graham, that the federal government will pay every dollar of the $1.2 billion worth of bonds?

Mr. GRAHAM. This is a difficult question to answer, Mr. Chairman. We based those estimates on a financial plan which made assumptions as to the fare package that would be charged for people on the trains. We have a perfect city here for a rapid rail system, with a very large population coming downtown every morning and going back to the suburbs in the evening. We put these rail lines in the corridors that will serve those people best.

The financial plan that was drawn up had the participation of many able consultants in it, as well as our staff. And our Board participated in it. At this time we are prepared to stand by that financial plan, which says that not $1.2 billion worth of bonds but approximately $882 million worth of bonds can be repaid. If you will recall, about $300 million was added in the form of an interest subsidy in the federal legislation.

Mr. NATCHER. Do you feel reasonably sure that under the plan they can be retired as you have expected all along?

Mr. GRAHAM. Yes, sir. The one thing that has changed, Mr. Chairman, that makes it difficult to answer this with finality is that our Board of Directors has indicated a willingness—and we find this particularly with the bus acquisition—to try to hold fares level. Our assumptions in that financial plan for the rail system were that, as operating costs of the rail system went up, so would the fare system go up.

If they take the same view on the rail system after we are in operation that they have taken on the bus system thus far, then there will have to be under present circumstances a subsidy from the local governments to make up that difference.

They have elected, with regard to the bus system, to provide that subsidy, which is going to amount to $1.5 million in this fiscal year and $6 million next year. And it goes on up from there.

In final terms it's going to depend on attitudes of the heads of the local governments who constitute the members of the Board of the Authority.

The financial plan assumed a base fare on the rail system of only 20 cents for the first 3 miles and a 5 cents-a-mile fare thereafter and 20 cents on the first zone of the bus system and 15 cents for approximately a 3-mile zone thereafter.

Using those assumptions at that time, but assuming that fares would increase as operating costs went up, we had a viable financial plan, one in which I can state confidently that the bonds could have been repaid. Even our financial advisers on Wall Street, who said that the bonds were not salable without some kind of a backup, said that they still had confidence that the bonds could be repaid. It was a problem of convincing the financial community of this.

Before the federal government agreed to back up the bonds, the locals were entirely willing to do this, and did take steps to do this, both in Virginia and Maryland as well as in the District.

What happened? What caused the changes of plans was an adverse decision by the Virginia Court of Appeals, that in Virginia they could not give an open-ended commitment to the bonds that would be sold in Virginia.

Mr. NATCHER. General, I hope the bonds can be retired out of the fare box. I have served on this committee a long time. I would like the record to show that I believe the federal government will retire all of the bonds that are issued. I think they will have to. And, as you say, as far as the governments are concerned in the metropolitan area, if they are talking in terms of fares of 20 cents and 40 cents, then that is bound to be the situation.

We now have discussions underway, as you know much better than I do, in regard to the bus system whereby there will be a $6 million subsidy. The most we have ever considered on this committee as far as buses are concerned ranged between $2 million and $3.7 million. That was for the school subsidy. As far as these school children are concerned, it's an investment well made of tax funds when you help these children get to school.

We are talking in terms of $6 million for a subsidy for the bus system. To me, it's clear out of reason. If the bus and rapid rail system is going to be operated properly, as it should be, the people who use it will have to pay. And it will have to be a reasonable fare. Certainly you are right about it. I agree with that. I think that is the only way that it will be successful.

At the time of the hearings on the District of Columbia budget for fiscal year 1974 we were advised that a subsidy of some $6 million would be necessary for the operation of the bus system for the fiscal year 1974. No request was contained in the budget for this amount but we were advised that this would come later.

At that time, Mr. Chairman, I informed the District of Columbia officials that I could not recommend to the committee that a subsidy of $6 million be used for operation of the bus system. At the time the bus system was taken over it was emphatically stated to the proper committee in the Congress that no subsidy would be necessary.

Here again, Mr. Chairman, is an instance of where the officials of the Washington Metropolitan Area Transit Authority should have simply been frank, honest and fair with their answers. In order to accomplish their purpose of taking over the bus system they were anything but honest with their answers.

It now appears, according to an article which was in the June 15, 1973, Evening Star and Daily News, that Schuyler Lowe, the Metro comptroller, is now of the opinion that instead of the losses being $6 million for 1974 the figure is $11 million. This is almost double the amount we received during the hearings on our bill.

In addition, Mr. Lowe now states that for the next 5-year period a $149.5 million deficit will occur for rail and bus operations. This is one of the reasons why the Treasury Department and the Department of Transportation, according to the press, have refused to permit the issuance of additional bonds under the Federal Guaranty Law whereby $1,200,000,000 could be issued until the two departments received assurances that Metro can meet both the principal and interest payments on the 40-year bonds.

Mr. Chairman, this is a serious matter, and the officials in the District Building should be following same carefully. According to the press, one of the board members accused Mr. Lowe of knowing earlier this year that the loss would exceed $6 million. This member is a banker in the State of Virginia and stated, according to the press, that he never had been involved with a corporation that has been as far off with their figures as the Washington Metropolitan Area Transit Authority.

According to the press, Mr. Lowe replied that he did not blame the member and added that it was the Metro's staff decision not to bother the Metro board every 2 weeks when something happened to push the deficit up. Then we find that the board member replied that it would be difficult to sell a system that makes such miscalculatons. Mr. Chairman, this seems to be par for the course.

Mr. ANDREWS of North Carolina. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

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

[Roll No. 232]

Adams	Fraser	O'Brien
Alexander	Frelinghuysen	Owens
Archer	Frenzel	Passman
Ashbrook	Frey	Pepper
Badillo	Fulton	Pettis
Blackburn	Gray	Podell
Blatnik	Gubser	Quillen
Brasco	Gude	Railsback
Burke, Calif.	Hanna	Rarick
Byron	Harsha	Rees
Carey, N.Y.	Hawkins	Reid
Carter	Hébert	Riegle
Cederberg	Jones, Okla.	Rooney, N.Y.
Chisholm	Karth	Rosenthal
Clark	Kemp	Runnels
Cochran	Landgrebe	Ruppe
Coughlin	Landrum	Ruth
Culver	Leggett	Sandman
Daniels, Dominick V.	Lehman	Schroeder
	McKinney	Smith, N.Y.
Danielson	Mailliard	Stephens
Davis, Ga.	Mathias, Calif.	Stratton
Davis, S.C.	Melcher	Stuckey
Devine	Minshall, Ohio	Thompson, N.J.
Dickinson	Montgomery	Van Deerlin
Dingell	Mosher	Wiggins
Dorn	Moss	Wilson, Bob
Edwards, Ala.	Murphy, Ill.	Wright
Erlenborn	Murphy, N.Y.	Young, Fla.
Fisher	Nix	Young, Ga.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, 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. 8658, and finding itself without a

quorum, he had directed the Members to record their presence by electronic device, when 344 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made the Chair had recognized the gentleman from Kentucky, who had consumed 10 minutes and is now recognized for an additional 5 minutes.

Mr. NATCHER. Mr. Chairman, for public safety our Committee recommends a total of $210,960,000 for fiscal year 1974. This allowance is $10,731,000 over current year appropriations and $2,490,000 less than requested.

For the Metropolitan Police Department we recommend a total of $110,669,000. For our Fire Department we recommend a total of $36,184,500. For the courts we recommend $32,481,700. For the Department of Corrections we recommend $31,346,300. For the National Guard we recommend $278,500.

The Committee recommends the appropriation of $196,567,000 for the public educational activities of the District government during the fiscal year 1974. This allowance is $8,667,000 more than was appropriated for the fiscal year 1973 and $4,269,000 less than requested. We recommend a total of $164,668,800 for public schools for fiscal year 1974. This is an increase of $9,986,400 over 1973 and $3,653,300 less than the amount requested.

We recommend the sum of $80,000 for the Board of Higher Education. We approve of the authorization of six permanent positions for the Board of Higher Education. This board has functioned with no permanent staff and only with borrowed personnel. We recommend $3,297,800 for the District of Columbia Teachers College and $19,542,800 for the Federal City College. We recommend that the committee approve $8,977,600 for the Washington Technical Institute.

Mr. Chairman, 29,709 panes were broken out of the windows of our school buildings during the past year, and it cost $535,682.30 for these window panes restored. Here we have vandalism at its worst and you will be interested to know, Mr. Chairman, that in no school buildings where we have the community school program underway we have had to replace broken panes.

For recreation we recommend the full amount of $14,300,000.

For human resources we recommend a total of $216,401,000.

For highways and traffic we recommend $23,274,000.

For environmental services we recommend $44,593,000.

For personal services we recommend approval of the request for $13,782,000.

Our committee recommends the appropriation of $39,633,000 for the repayment of principal and interest on loans borrowed from the U.S. Treasury.

A total of $138,178,000 is recommended for the 1974 construction program. This allowance is $15,197,000 more than was available in 1973 and $11,822,000 less than requested. Of this decrease $11,373,500 was volunteered or withdrawn by District officials.

For Public Schools we recommend a total of $37,459,700 for 19 school projects. We recommend to the committee the projects set forth on pages 26, 27, and 28 of the report under capital outlay. The full amount requested for the District of Columbia share of the construction costs for the rapid rail transit system totaling $24,636,000 is recommended.

The request for $3 million for construction services for a new District of Columbia court building was withdrawn during the hearings. The judges decided that a $71 million building should be constructed. This consisted of a $71 million building with equipment. After the project was turned down last year we again refused to go along with this request and urged that the District officials along with the judges agree upon a fixed cost estimate which we can rely upon with a design which will give us some idea as to the kind of a building which would be constructed and which would cost in the neighborhood of $40 million. It is our information that the officials are now working along this line and that a fixed cost estimate which can be relied upon with a design will be submitted at the proper time.

Mr. Chairman, we recommend this bill to the committee.

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

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

Mr. GROSS. Mr. Chairman, is there any good reason why the District of Columbia should not take some of the revenue sharing money, on which it is drawing interest, and do something about the bonded debt situation it is in?

Mr. NATCHER. The bond situation? As the gentleman from Iowa knows, the city of Washington now owes the Federal Treasury $970 million in money borrowed down through the years. In addition we have the rapid transit system under construction and the bonds issued for that purpose will have to be paid by the Federal Government.

Mr. Chairman, let me say to my distinguished friend, the gentleman from Iowa, and he is my friend and all down through the years he has been a Member of the Congress he has been interested in the District and has followed all matters of the District of Columbia very carefully, I think this money could be expended for that purpose. That is a matter which is up to the City Council and up to the Commissioner to determine.

Mr. McEWEN. Mr. Chairman, again this subcommittee brings a bill to the floor in which all the Members of this subcommittee are in agreement. I would at the outset add that I know it is safe and correct to say all the members of this subcommittee share a great appreciation and regard for our chairman, the gentleman from Kentucky, who just spoke in the well. We have conducted hearings now for many weeks. The gentleman from Kentucky, the chairman, was ever present, ever courteous, and ever lenient in seeing that there was ample time for witnesses to make their statements and for members of this subcommittee to conduct their questioning of those witnesses. So I would say in behalf of all of us on the committee that we are deeply grateful to our chairman, the gentleman from Kentucky, and for the work he put into bringing this bill to the floor.

As has been pointed out, it is estimated a total of approximately $1.2 billion will be available for the operation of the District of Columbia government during the next fiscal year, and this is about $28 million more than for the current year. The District of Columbia money comes from Federal appropriations, Federal grants-in-aid—which are not a part of this bill—revenue sharing, receipts from D.C. taxes, and reimbursements to D.C. agencies from Federal or other sources.

Federal funds provided in this bill amount to $427,717,000, and represent a cut of $5,281,000, split about equally between the Federal payment and loans for capital outlay.

Compared with 1973, there is an increase of $6 million in the Federal payment and $105.4 million in loans for capital outlay. Most of the increase in loans—$100 million—is for the general fund for public building construction, primarily schools.

The total appropriation in this bill including Federal funds is $964,179,000—a cut of $27 million from the budget and an increase of $61.2 million over 1973; $11.8 million of the budget cut is in capital outlay and the balance of $15 million is scattered through operating expenses.

The increase over 1973 is represented by pay increases of $13.8 million, repayment of loans and interest to the United States, $11.5 million, and capital outlay, $15.2 million. The District of Columbia participates as a state in various Federal grant-in-aid programs. It is estimated it will receive $232,784,100 in 1974.

The District of Columbia also participates as a state in Federal revenue sharing. It is estimated a total of $59.4 million, including $2 million interest, will be available to the District for the period of January 1, 1972, through June 30, 1974. Committee action will result in $37,277,000 revenue-sharing funds available during 1974 and appropriation of that amount is reflected in this bill.

Mr. Chairman, I would particularly like to associate myself with the remarks made by the gentleman from Kentucky (Mr. NATCHER), the chairman of the subcommittee, and of the concern he expressed. I know it is shared by this member of the committee, and I am sure others, over the proposed subsidy to the operation of our buses in this city and of what we are facing on Metro.

I think, Mr. Chairman, these are serious matters; something we were assured was not going to happen when the takeover of these buses was authorized and when we authorized the construction of the Metro system.

Overall, Mr. Chairman, I am also concerned about the amount of debt for

capital construction that is being piled up by this District government. We hear from time to time proposals for changes in the structure of this government for home rule. Mr. Chairman, if that day should arrive, I wonder just what sort of debt we will bequeath to the people of this District and to those who would assume this responsibility.

Finally, Mr. Chairman, I would also like to associate myself with the remarks of the gentleman from Kentucky, with regard to the Mayor-Commissioner, Mr. Walter Washington. I think that Mr. Washington is an able man, that he is doing a good job in a difficult position. I think that had he a little more cooperation from some of the people in his own District government, and tighter and more exacting methods of accounting for the expenditure of moneys, some of the problems he and we have faced might be eliminated.

Mr. Chairman, I support this bill and urge its enactment.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, I thank my distinguished colleague from New York, the ranking minority member (Mr. McEWEN) for yielding me this time to clarify one item about the report which may have intrigued and mystified some members; that being additional views by myself at the back of the report.

Before I go to that, let me say that this has been my first experience upon the District of Columbia Appropriations Committee, and it has been a most interesting and enlightening one for me. As a member I had not taken particular interest in the governance of the District up until this year. I have enjoyed distinctly working with our distinguished chairman, the gentleman from Kentucky (Mr. NATCHER) who is a delightful chairman to work under. I think he has done a very workmanlike job in bringing out this report and this bill to us today.

The additional views which I have placed in the report, with the cooperation of Mr. NATCHER and Mr. McEWEN, are not in any sense dissenting views or minority views, but are indeed additional views to explain one perplexing item which came to the attention of the committee. That relates to the program of day care centers operated by the Human Resources Division of the District of Columbia. It came to our attention early in the hearings that an amount of money equal to about $2,800 per child was being spent on day-care centers. At least that was the testimony which came to the committee at that time, and was clearly on the record. This disturbed me somewhat, because this seemed to be an exceptionally high figure.

Mr. NATCHER. Mr. Chairman, will the gentleman yield at that point?

Mr. VEYSEY. I yield to my chairman.

Mr. NATCHER. I want to say to my distinguished friend from California it is a distinct pleasure, as I said a few moments ago, to serve with the gentleman on this subcommittee.

Mr. Chairman, during the hearings the distinguishetd gentleman in the well, the gentleman from California (Mr. VEYSEY), and the distinguished gentleman from Rhode Island (Mr. TIERNAN), who is sitting to my right, went into detail concerning day-care matters.

I say to the Members that their views are sound, Mr. Chairman. And I want it to be a matter of record.

I thank the gentleman for yielding.

Mr. VEYSEY. I thank the chairman.

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

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

Mr. McEWEN. I, too, would like to commend the gentleman from California and the gentleman from Rhode Island, both of whom took a considerable interest in this subject.

Mr. Chairman, the gentleman from California is quite correct in pointing out that these are not minority views; to the contrary, they are additional views, as so labeled in the report, and views shared by all of us on the subcommittee.

I commend the gentleman in the well for the interest he has taken in this matter.

Mr. VEYSEY. I thank the gentleman from New York.

Mr. Chairman, the figures given to us were in error. They were high. They were startling.

Further research indicates—and I bring these figures to the committee—that the actual cost at the present time of the program, which extends to 2,500 young people of the District of Columbia, is $2,143 per child, with a total of $5,362,000 being spent at this time.

Now, the program is in transition, and is in a condition of rapid growth and expansion. It is the intention of the Human Resources Department to expand this program to 6,000 young people during the next fiscal year, with a total expenditure of $9,704,000.

Members will see that there will be a decrease in the cost per child as this expansion takes place, the new figure at the end of the year being under $1,640 per child. I believe this is most commendable. Mr. Joseph P. Yeldell, the Director of the Human Resources Department, is in fact pressing down and squeezing for efficiency at the time he extends these programs.

These programs have a very real purpose, in making it possible for women with small children to become self-sufficient, to go off the public assistance rolls, or to obtain training which will take them off the public assistance rolls. It is indeed our objective and the objective of Mr. Yeldell to produce this result.

I might mention further that these funds all come from revenue sharing sources to the District of Columbia. I believe this is a most appropriate way to be using revenue sharing money.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. McEWEN. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

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

Mr. VEYSEY. I yield to the gentleman from Ohio.

Mr. WYLIE. I listened to the gentleman's explanation with reference to the Department of Human Resources, and I did not find an answer to a question I have regarding language on page 21 of the report, which says:

DAY CARE

The Committee is advised that the Department of Human Resources has the power to change the structure of day care services without any public scrutiny or apparent conscious planning. It is the recommendation of the Committee that the Department should develop a comprehensive and specific statement of policy and objectives for day care with public input in the form of hearings.

What is the necessity for that language in the report?

Mr. VEYSEY. Let me respond in part, and then I should like to ask the gentleman from Rhode Island (Mr. TIERNAN) also to reply.

The programs, as I have mentioned, are in a state of transition, being picked up on revenue-sharing funds out of a number of programs now being shut down. It seems to me there is a need for clarification by means of public hearings of the policy that should be followed in these day-care programs. That is essentially what these words say.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. McEWEN. Mr. Chairman, I yield 3 additional minutes to the gentleman from California.

Mr. VEYSEY. I thank the gentleman.

Mr. TIERNAN. Mr. Chairman, will the gentleman from California (Mr. VEYSEY) yield?

Mr. VEYSEY. I yield to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I thank my colleague, the gentleman from California (Mr. VEYSEY) for yielding at this point.

I would like to say that I join in the views the gentleman has expressed in the report, and I think, as far as the report is concerned, this is one of the significant things that developed in the course of the hearings.

I also want to associate myself at this time with the remarks of the ranking minority member in congratulating our chairman, who has been an outstanding chairman, and I think all the members of the committee have found it very worthwhile to serve under him.

Mr. Chairman, I think, to explain what developed during the course of the hearings with regard to day care centers, the Department of Human Resources had been attempting to make a change, and this is the concern we had. There was some criticism and some disturbance within the community that the Department was undertaking the change without taking into account the views of those within the community which it serves, and that was the reason for the language being put into the report.

I think also there was the concern of

my colleague, the gentleman from California (Mr. VEYSEY), as shared by myself and others, that the cost of the program should be very carefully scrutinized, and I think the Department has tried to do that. They are trying to involve the people in the community, because these programs will not work unless those who are going to have their children in the program do have some input into how the programs are run.

And that, Mr. Chairman, is the reason for the language.

Mr. WYLIE. Mr. Chairman, will the gentleman yield further?

Mr. VEYSEY. I yield to the gentleman from Ohio (Mr. WYLIE).

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

As I understand it, there has been no change in the basic law by which the Department of Human Resources was established; the change in operations was made by the persons in charge of the Department of Human Resources on their own, so to speak?

Mr. VEYSEY. Yes, I believe the gentleman is correct. The Department has that authority and is now in the process, I believe, of settling on a definite course to follow.

Mr. TIERNAN. Mr. Chairman, will the gentleman from California (Mr. VEYSEY) yield?

Mr. VEYSEY. I yield to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I appreciate the gentleman yielding at this point.

HEW set forth some guidelines with regard to the type of facilities needed in operating day care centers. As a result of that, the government of the District found many of the present facilities being used did not meet HEW standards, and, therefore, it was necessary for them to make the changes in order to meet the guidelines set forth by HEW.

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

Mr. VEYSEY. I yield to the gentleman from Ohio (Mr. WYLIE).

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

Then is it the gentleman's understanding that there will be some change in the basic law which authorizes the Department of Human Resources, or is the change in structure going to be by agreement between members of the District Committee and personnel of the Department of Human Resources?

Mr. VEYSEY. Mr. Chairman, it was not my understanding that course would be followed, and I say in reply that there will be a basic change in the direction of the program. But I think it will be in the nature of the evolvement of a direction for these programs, which, as we point out in the report, should be decided after careful public hearings.

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

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. DIGGS), the chairman of the Committee on the District of Columbia.

Mr. DIGGS. Mr. Chairman, I am new in the position of chairman of the authorizing committee, and if there has been any success resulting from my assumption of that role, part of it is attributable to the kind of cooperation and wisdom which has been shared with me by this highly respected chairman of the Subcommittee on Appropriations for the District of Columbia.

So I rise, not because it is traditional for this kind of comment to be made on the floor under these kinds of circumstances, but out of my genuine high respect for the understanding that he has of the problems of the District and for his genuine efforts to protect the Federal interests mandated by the Constitution. The gentleman was, as a matter of fact, modest in reflecting what this bill actually does, because, in addition to providing for the normal operating expenses, there is new ground broken in the construction program requested by the District, security is being tightened out at the Lorton complex, the quality of hospital service in the District of Columbia General is being improved and a hundred closed beds are being reopened at District of Columbia Village, which provides care for the elderly.

This is in addition to the accommodations for pay raises, higher rents, supplies, equipment, loan repayments as reflected in the budgetary demands on the District.

Of course, Mr. Chairman, there were some things that were requested by the local government that were not approved in the measure as it presently stands, but the legislative process on this measure has not been completed. They are important things, and they ought to be mentioned; namely, a cost of living increase in benefits.

Additional funds relative to certain aspects of the public school system and the Office of Consumer Affairs in the Mayor's office went down the drain.

Overall, however, I think we must commend Chairman NATCHER for his consideration and compassion.

There is one other point, Mr. Chairman, which I think we ought to recognize: Just as this represents a new high for a District budget, it also represents a high for the District of Columbia government and the District of Columbia people themselves in sharing its financing. As the chairman indicates, this represents a Federal payment of 21.24 percent, which means on the reverse side that 78.76 percent of the District of Columbia budget is being paid from the taxes of local people. Oftentimes people get the impression that the Federal payment covers all of the expenditures. I do not think we should leave that kind of an impression. When you look over the figures on page 6 of the committee report, from 1921 through 1974, you will find on the average that District of Columbia citizens have financed some 82.9 percent of the expenditures over that 53-year period and during the latter part of World War II and during the Korean conflict the District taxpayers share was about 90 percent.

In closing, I have one other point I would like to get a clarification of from our distinguished chairman.

I noted in section 6 of the bill a prohibition again against the use of funds for studies on meters in taxicabs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. DIGGS. Last Monday, June 11, you will recall the House voted overwhelmingly 268 to 84 in favor of a bill which among other things authorizes a comprehensive study under local option of taxicab service in the District of Columbia, including the feasibility and desirability of installing meters.

I emphasize that it simply authorized a study. So I ask Chairman NATCHER if section 6 of the pending bill will still specifically prohibit a study of the meter system?

Mr. NATCHER. Will the gentleman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. NATCHER. I would like to say to my distinguished friend, the chairman of the legislative committee, that as far as the provision in the appropriation bill is concerned, there is nothing that conflicts with the provision carried in your bill from the legislative committee.

Mr. Chairman, I would like to call to my friend's attention one or two things concerning this matter.

This restriction has been carried in the bill for over 30 years. It was placed in the bill by a former chairman of the Committee on Appropriations, the distinguished gentleman from Missouri (Mr. CANNON) some 34 or 35 years ago. The operators of the taxicabs at that time were against meters. The people in our Nation's Capital were against meters. That provision has been carried on down through the years.

I have received letters in the last 2 weeks from the taxicab industry group—and I know that my distinguished friend, the gentleman from Michigan (Mr. DIGGS) has also received these letters—in which this organization says they are against meters, and the only ones that they know of who are for the meters are the people interested in selling the meters.

Four or five years ago one company that manufactures meters—and these meters sell from $300 to $500 each—made up its mind that they were going to force this committee to delete this provision.

Mr. Chairman, this was not in the best interests of our Nation's Capital, and we refused to do so, and we have carried the provision on down to this point.

As I understand, the Public Service Commission will make a study. No additional funds will be involved. There is no limitation as far as what they may do. But I would like to say to my distinguished friend, the gentleman from Michigan (Mr. DIGGS), that I hope after the Public Service Commission starts its study that at least they will let the people who operate the taxicabs, be heard, and if they are against meters, Mr. Chairman, then I do not think they ought to be installed.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. NATCHER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. DIGGS).

Mr. DIGGS. I thank the gentleman for yielding me this additional time.

Mr. NATCHER. If the gentleman will yield further, I would like to say that as far as the companies who make the meters are concerned, Mr. Chairman, they do not control this matter, although they have tried all down through the years. There is no conflict here. I think the procedure the distinguished gentleman from Michigan is following is good, it is proper procedure. But I would like to make one suggestion, and that is if the Public Service Commission recommends meters, I think that the distinguished gentleman from Michigan and his committee ought to bring a bill back to the House and let the House vote on it. I say that to the gentleman in all frankness. I might add that I voted for the gentleman's bill the other day. There is no conflict here, and I think the gentleman is proceeding correctly.

Mr. DIGGS. Mr. Chairman, I thank the gentleman from Kentucky (Mr. NATCHER) for his contributions.

Mr. McEWEN. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, our good friend, the gentleman from Kentucky (Mr. NATCHER) made reference to the Federal City College. I want to put in the RECORD the history of the legislation on land-grand funds because obviously some who talk loud, fast, and long but are short on facts are unaware of what the legislative intent was in enacting the District of Columbia Public Education Act of 1968 and providing for the District of Columbia to receive the benefits of land-grant funding.

We find that land-grant moneys are usually distributed through a 4-year college according to a long-standing public policy. But the institutions for whom the 4-year colleges serve as fiscal agents are normally agricultural and technical schools.

It was the consideration of our committee in 1968, when we passed the District of Columbia Public Education Act that the WTI—that is, the Washington Technical Institute—was the type of school that, under existing practice, should be the legitimate and natural final recipient of land-grant moneys. However, we were told the procedure historically had been to go through a liberal arts college or a university, for example, the University of Minnesota, and the latter institution would in turn allocate the money out of the various activities that come under the definition of land-grant activities.

We also learned in 1968 in the committee that, nationwide, no longer was land-grant money used only for rural areas, but that such funds were being utilized in the larger cities with such programs as the extension service, 4–H Clubs, and other things.

It was my feeling if this be true then some of the land-grant money ought to go to the District of Columbia, which would relieve some of the financial pressures on the city, and there are many.

We proceeded with legislation in the House District Committee to make the District of Columbia the recipient of land-grant moneys, with the idea that the Washington Technical Institute should be the natural recipient of this money. So when we were considering the land-grant bill in the full committee in 1968 we were told that we had to go through the Federal City College first as the named recipient, and then in turn Federal City College and the Washington Technical Institute could share it. What happened? It took about a year before Federal City College loosened up with any of it. Then finally what happened? The Federal City College demanded half of it, plus an administrative charge. So the intent of the Congress was totally ignored, in spite of our pleas. This is fully documented in House Report No. 91–1672, 91st Congress, second session—pages 42–47—which I insert for your information:

FUNDS FOR HIGHER EDUCATION

SECTION 401—EQUAL SHARING OF LAND GRANT FUNDS BY FEDERAL CITY COLLEGE AND THE WASHINGTON TECHNICAL INSTITUTE

Sec. 401 of this bill would amend the District of Columbia Public Education Act of 1968, D.C. Code, Tit. 31, Sec. 1607) so as to add the Washington Technical Institute, to the already-named Federal City College, as an entity that shall receive the benefits of the Land-Grant College Acts.

Since the passage of in 1968 P.L. 90–354 which amended the D.C. Public Education Act by designating the Federal City College as the land-grant college for the District, the Washington Technical Institute has not participated as a principal party with the Federal City College in the sharing of land-grant funds or in providing certain land-grant activities for the District residents, contrary to the clearly-expressed intent of Congress, and despite the explicit "Statement of Cooperative participation between the Washington Technical Institute and the Federal City College in Land Grant College Programs" entered into March 29, 1968 and appended hereto. That statement and agreement between the two institutions was a condition precedent to the approval of the land grant legislation by Subcommittee No. 5 of your Committee and by the full Committee. Without such agreement, there would have been no such legislation.

Further, it is a fact that the Washington Technical Institute was the only institution named in the initial legislation and designated to receive the benefits of the Land-Grant College Act, and the Federal City College was subsequently substituted for the reasons set forth in your Committee's legislative report in support of the bill which became P.L. 90–354.

The colloquy between Congressman Ancher P. Nelsen, sponsor of the original legislation, and Doctors Randolph and Dennard, presidents respectively of the Federal City College and The Washington Technical Institute, with regard to the distribution of the Land Grant funds, as discussed during the hearings of Subcommittee No. 4 in this Congress, are quite pertinent and are submitted for the information of the House:

(Excerpts from Hearings, Subcommittee No. 4, House Committee on the District of Columbia, 91st Cong., 2d Sess., on "Revenue Proposals", pp. 207–208, 223)

"Mr. NELSEN. Thank you, Mr. Chairman. I want to welcome Dr. Randolph and Dr. Dennard to the hearings.

* * * * * *

"I hope that the formula for the Land Grant moneys has been worked out. Have you any comment on that, Dr. Randolph, because early in the stages of the Land Grant Bill we were concerned about what kind of a division, and is it fair and have we mutually agreed on a plan looking out ahead?

"Dr. RANDOLPH. The position of the Board and the position of administration is that a method for sharing those funds which the Department of Health, Education, and Welfare and the Department of Agriculture have indicated to us can be shared is to be worked out between the College and the Washington Technical Institute. That position still holds and is still firm. I think our principal difficulty has been the schedules of Dr. Dennard and myself trying to find the correct hour at which we can sit down and make those decisions.

"Mr. NELSEN. Now, as with the Land Grant money nationwide, I think some of us sort of felt it should be more directly associated with a technical or vocational school, but we found that under the law you had to route it through a Liberal Arts college on down. I just want to make it very clear that we want to be very sure that the Washington Technical Institute, Vocational Education, gets generous consideration, because I think this is an area that nation-wide we have found we have neglected, training people in crafts, as industry is just begging for the product of our schools. In fact, in our own State my son teaches in a vocational school or trade school and that is their experience, so I just want to make that observation.

* * * * * *

"Mr. FUQUA. Mr. Nelsen?

"Mr. NELSEN. Yes; thank you. I wish to welcome our very competent friend, Dr. Dennard, to the hearing and congratulate him on the job he has done. I want to comment about the next to the last paragraph on page 5. There is a lot of wallop in that paragraph about what the Washington Technical Institute seeks to do, and I commend the statement because I believe it has done exactly that.

"LAND GRANT FUNDS

"Now, you mentioned something about your not participating in the Land Grant funds, and I ask the question, why, and what is your problem this year? Is it the budget in the current year in which you are not participating?

"Dr. DENNARD. I suppose the reason, Mr. Nelsen, is simply, that, with the existing agreement between the two Boards, as of today's date we have not been able to get together to decide how much of the resources are going to be allocated to the Institute for what purposes. I feel quite certain that this can be done within the next week or ten days, but as of today's date it just simply has not been done.

"Mr. NELSEN. I see. It should be done in my judgment, and I hope it will be. Now, how are the Land Grant funds handled in the States? Do they go to the State treasury to be allocated or how is it handled in the States?

"Dr. DENNARD. In the several States the State Legislature usually designates which institutions would carry out what functions and then the moneys go into the State treasury, are either routed directly to the institution for the institution to invest them in governmental securities or they are invested in governmental securities by the Finance Department of the State, and the proceeds that accrue then go directly to the institution for Land Grant functions."

The legislative history of P.L. 90–354, ap-

proved by 3 to 1 vote of the House, setting forth the contemplated cooperative participation which was to occur between the Washington Technical Institute and the Federal City College in the land-grant college programs appears in your Committee's Report No. 1465 90th Congress, 2nd Session, House of Representatives. Pertinent parts thereof follow.

(Excerpts from House Report 1465, 90th Cong., 2d Sess., pp. 12–14)

"THE FEDERAL CITY COLLEGE AS THE LAND-GRANT COLLEGE

"Similar legislation was introduced in the Senate to amend the District of Columbia Public Education Act and to designate the Washington Technical Institute as the institution in the District of Columbia to receive the benefits of the Land-Grant College Act. However, it was established in the Senate hearings that the Federal City Collegel, offering a 4-year program, was presently developing a curriculum of courses to be offered in September, 1968; that with its graduate programs and extension, the Federal City College would provide the broad base required to carry out the intention of the Morrill Act and would be able to enter into necessary agreements with the Department of Agriculture; and that to designate the Washington Technical Institute, having less than a 4-year program, would run contrary to the long-established public policy of designating 4-year institutions in the various States as land-grant recipients. Therefore, upon the recommendations of the Departments of Health, Education, and Welfare and Agriculture, and of the Bureau of the Budget, the legislation was changed to designate the Federal City College as the land-grant college for the District of Columbia.

"Your Committee concurs in this recommendation and the reported bill so provides. However, your Committee was duly concerned that the Washington Technical Institute participate in the land-grant programs to the extent possible. Since the Institute was established in the District of Columbia Public Education Act, which originated in your Committee (Public Law 89–791, approved November 7, 1966, 80 Stat. 1426), as a vocational and technical school to equip students for useful employment in recognized occupations, it seemed to your Committee only appropriate that the Washington Technical Institute participate in the benefits of the land-grant programs in order best to effectuate its vocational, technical, and occupational programs.

"It was developed in your Committee's hearings that in most States where only one institution is designated as the land-grant college of the State, customarily such designee, by agreement or practice, shares the programs of the land-grant activities with other institutions in the State. To this end, therefore, conferences were held between the Members of the Committee and the administrative officials of the Federal City College and the Washington Technical Institute to make certain that there would be cooperation and understanding between the two institutions as to sharing the land-grant programs.

"Testimony before the Committee offered assurances that there was ample authority for cooperative arrangements among the institutions under land-grant procedures, and the following statement was made by the President of the Federal City College:

"Our sister institution, the Washington Technical Institute would benefit also by having the Federal City College named the land grant college. The Federal City College would enter into a Memorandum of Participation with the Washington Technical Institute, under which the Washington Technical Institute would assume certain academic instruction and extension services in vocational and technical education. This would assure minimum duplication of instruction at the two public institutions. The Washington Technical Institute would be involved heavily in instruction in engineering and the mechanical arts. Other institutions could also be asked to participate in programs in which they have special strengths to contribute.

"Subsequently, the Presidents of the Washington Technical Institute and the Federal City College entered into a statement of cooperative participation which is appended hereto and made a part of this report.

"Statement of cooperative participation between the Washington Technical Institute and the Federal City College in land grant college programs

"The Federal City College shall annually, after receiving appropriated land grant college funds, and income from the Morrill Act, based on a plan agreed to by the two Boards, share with the Washington Technical Institute in providing for young people and adults of the District of Columbia educational opportunities in certain disciplines associated with extension service careers, community service careers, mechanical arts, community development services and environmental sciences.

"A. In order to effect the sharing referred to above, the following principles are established:

"1. Since the Washington Technical Institute is the principal partner of the Federal City College in land grant activities, the Boards of Higher Education and Vocational Education shall cooperate to assure that there shall be a maximum participation of Washington Technical Institute in all these programs to the extent either that its resources and capabilities permit or that its resources and capabilities should be developed to permit.

"2. The Federal City College will cooperate with the Washington Technical Institute in Cooperative Extension Service programs of the United States Department of Agriculture as agreed to and funded by the United States Department of Agriculture to the Federal City College.

"B. The Boards and Administrations agree that:

"1. Planning for periods of 3–4 years is essential.

"2. Annually, plans will be cooperatively developed by the Administrations.

"3. Annually, and before the plans are submitted to the United States Department of Agriculture and to the Department of Health, Education, and Welfare, the Boards will review the plans.

"4. Annually, and before the plans are submitted to the United States Department of Agriculture and the Department of Health, Education, and Welfare and after review by the Boards, the Boards will approve the plans as follows:

"(a) The Board of Vocational Education, that portion of the plan to be conducted by the Washington Technical Institute.

"(b) The Board of Higher Education, the entire plan.

"5. This process will be repeated annually.

"6. The Board of Higher Education would yearly, after receiving appropriated land grant college funds and income from the Morrill Act endowment, transfer funds to the Washington Technical Institute to carry out the plan as approved by the Boards.

CLEVELAND L. DENNARD,
President, The Washington Technical Institute,
FRANK FARNER,
President, The Federal City College.

"March 29, 1968."

As an illustration of the failure of the cooperative participation contemplated by the House in P.L. 90–354, the routing of Fiscal Year 1970 HEW funds to the Federal City College, consistent with the enabling legislation, was accompanied by a letter from the Assistant Commissioner of the Office of Education, HEW, raising statutory questions about the legality of the Federal City College sharing land-grant funds with the Washington Technical Institute, inasmuch as only the Federal City College is named in the legislation and cautioning the Federal City College that any sharing of funds would be considered illegal. Notwithstanding the fact, as noted above, that a statement of cooperative participation appeared in the House Report accompanying the enabling legislation, the legal opinion found sharing to be illegal and suggested corrective legislation be enacted if sharing were to be effected. Any suggestion that the enforcement of any such agreement, as entered into between the two schools, by civil action should be taken would appear to be ill-advised. Accordingly, this legislative oversight, as intended by P.L. 90–354, is corrected by this legislation.

As of recent date, my friends, we learn that some money has sort of disappeared. There even have been indictments relative to it.

I want to say that we are not trying to take away anything from anybody; we are trying to give to the particular institution what Congress intended it to have from the beginning.

May I say that I was out at the Washington Technical Institute for its commencement exercise. Heretofore we did not have in this great city something that duplicated what we have almost all over the country in the way of technical training to give people a skill, a job, and an opportunity to be able to hold a job. Their vocational educational opportunities here were sadly lacking, and some of us felt we ought to do something about it. I was the author of the bill that provided this opportunity, and that bill passed under unanimous consent in one of the last days of the session. We separated the liberal arts and the vocational school, with the idea that usually when there is vocational education tied to the other type of education, liberal arts, that vocational education gets what is left over. Now what do I find today? I suggest that my earlier judgment of where these funds should go totally is confirmed. So I suggest we in Congress do what we intended to do in the first place—give the land-grant funds to the vocational institution.

I hear in the news where my friend, the Delegate from the District of Columbia, says that NELSEN is irresponsible. That is a statesmanlike comment from someone who is here because I authored the bill providing for the Office of Delegate from the District of Columbia. I am glad the District of Columbia is represented here, but I wish the Delegate would look at the history of what he is talking about before he suggests that anybody is doing damage to the Federal City College. I am trying to do what we intended in the first place, and what we in Congress should have done in the first place, and what we should do now—place the land-grant funds in the hands of the vocational institution as they are in most States.

I read in the paper that 700 Federal City College students received their degrees, and in the benediction the Reverend Douglas Moore referred to the

plans by ANCHER NELSEN of Minnesota to cut land-grant moneys to Federal City College. Here is what he said:

I ask our people to pray that the Lord take care of Ancher Nelsen as he did . . . the new Pharoahs who got drowned at Watergate.

The Lord has taken good care of me. I have a fine family; I have got a good farm; I have the opportunity to serve in the Congress. I had the opportunity as author of the bill providing for the establishment of Federal City College to see it become law. I had the opportunity to be the author of the bill providing for the establishment of the Washington Technical Institute, where 87 percent of the young men and women who graduated had a job the day they received their diplomas. And the Institute is headed up by a great man and educator, Dr. Cleveland Dennard.

So the Lord has been kind of good to me, and I hope I enjoy the confidence of many of my colleagues, both Republicans and many Democrats, in this body for which I can thank the good Lord.

But the good Lord also prompts me to say that whenever the misdirection of our intention in Congress takes place, it is up to each of us to do what we think ought to be done to straighten out the procedure that has gone astray so as to frustrate our intent.

Mr. Chairman, I regret that we have to run into these kinds of situations.

I want to say this in my Nation's Capital, it is the Nation's Capital for those who live here, but it is also a Federal city, and I am willing to divide the responsibility and I am willing as a taxpayer in Minnesota to see that the people here have some of the benefits we have out there, but I do not like to see all of the verbal flak that gets us nowhere and produces nothing but misunderstanding. Frankly, I am willing to say I do not believe some of those who have been talking in this about the Federal City College and land-grant funds have looked at the history of what happened as it relates to this matter. I would suggest they talk to Dr. Dennard, president of the Washington Technical Institute, who will verify the facts I have related here and perhaps add significantly to them.

I am presently doing a little research job on the history of land grant and on how other States handle these funds. I will supply that for the RECORD at a later date, but this was the opportune time to make reference to it, now that it has already been discussed in the local press.

I want to say to my friend, the gentleman from Michigan, CHARLES DIGGS, we have served on the House District Committee for a long time, and today we discussed some proposals on legislation relating to education and how best to handle the whole educational process in the District. I think we are in agreement and I think the Members will find us proposing legislation that will move in the direction we discussed and I think we will make some headway with it.

I want to say too I have been jealously guarding the Nelsen Commission report so as not to get it attached to, and perhaps go down, with any other legislative measure. In that report we tried to do something for the District of Columbia that can stand on its own two feet legislatively and need not be tied to other legislation.

I may say that Mayor Washington has been referred to. I have never known a kinder man and I have never known a man who has the sort of calm that is needed when we have unrest, and I have never known a man more dedicated to his people than Walter Washington.

The chairman of our committee, the gentleman from Kentucky (Mr. NATCHER), over a period of many years, and this goes back when I was the REA Administrator and worked with him closely, I have always found him to be honest and fair, but he wants to know what is going on in agencies where he has legislative responsibility, and he is entitled to know.

So my friends, it is with some regret that I get up and speak off the cuff and sort of make a rebuttal. One of the things I have found is that sometimes a person goes to another person and says one thing and then somebody responds and we go back and forth and it makes a battle which is good reading but which accomplishes little. I think no one in this body can say that I move toward confrontation and look for it. I always look for answers and not confrontation. As a result I think we have made contributions to the District of Columbia that are extensive, such as the Federal City College and the Washington Technical Institute. We have done some work with Children's Hospital, and many, many other things for the District of Columbia. That is as it should be because this, as I have pointed out, is our Federal City and we should do everything we can to make it a better city.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise to offer some general comments and observations on the bill which is now before this House. I also rise to commend the distinguished gentleman from Kentucky who has spent many years seeking to understand the budgetary needs of the District of Columbia and to reconcile those needs with the available moneys and the sometimes seemingly conflicting interests of the national and local governments. He has a hard job but he does it well and for that we are all pleased.

Nonetheless, as the Delegate elected to this House by the people of this city over whom we rule much as a city council, I find myself obliged to examine with a critical eye each cut made, each item omitted and each item declined. I do it because I am the only individual in this Chamber who can speak with the consent of the governed in this city and who speaks against the background of experiences that come from living and working in and for the city for my entire life. My examination indicates to me that, once again, the committee has looked at certain items in a context which is substantially different from that which is the fact.

Let me just note them for the record. Once again the committee is expressing undue and unnecessary concern over public assistance. Now, all of us want our citizens to have jobs and all of us want our welfare rolls to decline. The method by which we achieve this goal, however, is not to be found in cutting back on public assistance payments.

The requested funding increase of $3,015,900 to raise public assistance payments from the 80 percent of the current standards cost of living standards of February 1970 to 90 percent of that standard on January 1, 1974, was not approved. This means that the already inadequate payment level will become even more inadequate. With inflationary increases in every sector of essential items, including food and shelter, the family of four which now receives $246 per month will have to face a standard of living which is substantially less than that they now have.

Already they are living at a standard which is 71 percent of that which they had in February of this year. At current inflation rates, they will be living at 50 percent of the February level in less than a year. They will have half as much food, clothing and shelter as they need and half as much as should be provided.

The kind of stringent requirements and reforms which the city is imposing can work only to the extent that the little funds which we hand out are adequate. When we provide inadequate funds, we build disrespect for the system and we show disrespect for the people. It is not conducive to good management to create a program that does not address itself to the legitimate needs of people and I am afraid that we have allowed ourselves to be sold a half loaf when what we really need is a whole loaf to end the pangs of hunger.

Another item over which I have concern is failure for the committee to establish the requested Office of Consumer Affairs. This program would have provided both extensive consumer education and protection services to Washington residents while coordinating the consumer programs carried out by a plethora of other agencies. It seems to me that funds spent to educate our citizens as to what constitutes a worthwhile purchase is recovered by lowered cost in other areas whether it is welfare, health, or legal services. The logic which would save this $180,000 for the great loss to our citizens escapes me completely.

Finally, I want to comment on the denial of the city's request for a central planning office. Effective planning is absolutely essential to the development of effective and responsive services to citizens of this city. We want to reduce costs wherever possible; but, it cannot be done without some degree of centralized administration which can project ahead. We have been involved in an enormous amount of patchwork programs which have worked well—but, that is not what this city or any city ought to be doing if there is an opportunity to build for the future at the very low cost of $100,000.

On the whole the bill is good. The exceptions that I mention while seriously limiting are also issues which have come to this body before and which have not been adequately addressed. I am hopeful

that by pointing them out in this setting we will be able to do something constructive about them at a later date.

These three items, of course, represent the major concerns that I have at this time. The other concerns which the city and I share are contained in a letter which has been addressed to me and which I will make a part of the record if there is no objection.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, with the Delegate from the District of Columbia (Mr. FAUNTROY), I, too, want to look at this bill with critical eye.

When I came to Congress in 1949 the taxpayers' handout to the kitty for the District of Columbia was $11 million. Many Members of Congress in that day thought that was high.

Today it is more than $187 million—going up each year. This is a city with probably the highest per capita payroll known to mankind, and the most constant. I doubt if there is another city of equal size with such a payroll, both as to size and constancy.

Yet in this city of Washington, D.C., 1 out of every 6 persons is on the welfare dole, and it has a so-called work force of 40,000 in the municipal government. That compares with something like 12,000 in St. Louis, Mo., and 11,000 in Cleveland, Ohio, and still they scream in this city for more money and more employees.

Incidentally, more than 400 of these municipal employees in Washington are on the payroll at salaries of grade 15 and on up. Name it; they get it. Are there any "Indians" working for this municipal government of the District of Columbia, or are they all "chiefs"?

Incidentally, I wonder whether the Mayor, or the Commissioner—he is variously addressed as "Mayor" and "Commissioner"—got his request that his chauffeur be paid more than $12,000. I understand he tried to convince the committee that he needed to pay his chauffeur $12,000 and overtime.

I would ask the gentleman from Kentucky, did he get his request satisfied in that department?

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

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

Mr. NATCHER. I should like to say to my distinguished friend from Iowa that his wish was not granted. We did not eliminate the provision in the bill as was requested. So far as overtime, the situation remains the same.

Mr. GROSS. How about Mr. Nevius, President of the City Council. He said it was "beneath his dignity" to have to drive his own car, and demanded a Cadillac and chauffeur. Did he get his wish?

Mr. NATCHER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. NATCHER. His wish was not granted. He gets no car and no chauffeur.

In the city of Washington, I should like to say to my distinguished friend, the Commissioner has an automobile and a chauffeur, the Chief of Police has an automobile, and the Chief of the Fire Department has an automobile; and that is all.

Mr. GROSS. I could not help but wonder whether the so-called Mayor had to have a chauffeur on standby and overtime pay to take his offspring to a private school. The last I read about it he was sending his youngster to a private school in the District of Columbia rather than a public school.

Now I would like to ask about the Three Sisters Bridge. Whatever developed with respect to that bridge? I do not see any signs of construction.

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

Mr. GROSS. I am glad to yield.

Mr. NATCHER. As the gentleman well knows, the Congress passed the Highway Act of 1968 and the Highway Act of 1970. President Nixon has directed two letters to me in which he has said that the Highway Act of 1968 will be complied with and the Highway Act of 1970 will be complied with.

As the gentleman knows, the District judge threw the case out of court. It went to the circuit court of appeals. Judge Bazelon, the Chief Judge, has set certain requirements that they are now attempting to comply with.

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

Mr. McEWEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. NATCHER. Mr. Chairman, since that time, as the gentleman has read in the press the request of Inland Steel for zoning to build its development in Georgetown was approved and some form of the freeway will have to be built. I say to the gentleman from Iowa that in my opinion the laws passed by this Congress which came out of the Committee on Public Works in the form of the Highway Acts of 1968 and 1970 will be complied with, and that is the intention of our committee.

Mr. GROSS. Mr. Chairman, I am glad to have that report from the gentleman and I compliment him on his tenacity in trying to get this bridge constructed.

Mr. Chairman, let me now ask about another bridge. Is it true that this city government is trying to reserve for its own use the new bridge across the Potomac adjacent to the 14th Street Bridge? Is the District government trying to reserve that for bus traffic into and out of the city, to the exclusion of the general public, a bridge that cost a good many million dollars, and was apparently financed out of Federal highway funds?

What is the story on that?

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

Mr. GROSS. Yes; I yield to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, I presume the gentleman is referring to that particular bridge where the request that it just be used for express buses was granted. That has been approved for such use now.

Mr. GROSS. Yes; it is being used now exclusively for buses, but the interstate highway which it is supposed to serve has not been completed.

Mr. NATCHER. The gentleman is correct.

Mr. GROSS. But when it is completed, is this to be reserved for the District of Columbia and buses into and out of the city?

Mr. NATCHER. I would like to advise the gentleman that during the hearings the Director of the Department of Highways and Traffic, Mr. Airis, informed the committee that he felt it would be.

Mr. GROSS. It would be?

Mr. NATCHER. It would be. That was the information given the committee.

Mr. GROSS. This six- or eight-lane bridge to be reserved for buses?

Mr. NATCHER. No. No, not for buses exclusively after the highway is completed.

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

Mr. NATCHER. The gentleman from Iowa (Mr. GROSS) has the time.

Mr. GROSS. Yes, I am glad to yield to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, on page 875 of the hearings, I asked the question of Mr. Airis: Will the 14th Street Bridge be open for general traffic?

Mr. Airis responded:

I don't know. This is something that has to be decided. Personally, professionally, my feeling is that we probably shouldn't open it to the general public.

Mr. GROSS. Mr. Chairman, do these leeches in the District of Columbia want the highways and everything else? How much more blood are the taxpayer of the entire country supposed to give them?

Mr. Chairman, the Federal contribution of $187 million to the municipal government of Washington, an increase of some $6 million over last year, is unconscionable. Add to this the millions for which the Federal Government is obligated and it adds up to near fiscal insanity. I am completely opposed to this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, this is an extensive and most complex piece of legislation. For example, the sewer and water improvements in the Potomac Basin, I believe, are well founded.

I would like to address myself, however, to just one point. The committee bill recommends a total operational cost budget for the Lorton penal complex of some $15.5 million. This figure funds 1,270 staff positions at the complex, which is an addition of some 400 over the preceding fiscal year, and represents an increase of about $3.4 million over fiscal year 1973 appropriations.

In addition, Mr. Chairman, this bill brings the number of correctional officers to be employed at Lorton from 675 to 900, or an increase of 225. Although this will

not in and of itself correct all of the recent problems, and there are remaining a number of inmate facility needs, it will be a substantial benefit and improvement.

Mr. Chairman, I would like to congratulate the committee on the recognition of some of the security problems which that institution has had in the recent past and congratulate them further on their efforts to improve that situation by these additional personnel increases.

Mr. Chairman, I hope it will be the will of the House to adopt the legislation as proposed.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Myers).

Mr. MYERS. Mr. Chairman, I thank my colleague, the gentleman from New York (Mr. McEwen) for giving me this opportunity to speak.

The subcommittee worked once again many, many hours listening to the testimony and trying to come up with a budget that would be acting in fairness to the taxpayers of this Nation and also treating our Nation's Capital with fairness in helping them to come up with a sensible budget.

I wish I could say I was completely satisfied with this budget, but far from it. In fact, this budget is, as our chairman earlier stated, the largest of any city by a longshot of comparable size in the Nation. In fact, disregarding comparable size, not many cities in this country have a larger budget than Washington, D.C.

For the past 3 years I have been looking for a place to cut this thing down. I see lots of places, but every time you talk about cutting this or that budget or this or that particular area they say no, it is a sacred cow and you cannot cut it.

In all fairness, I think Mayor Washington is trying to do a good job. I do not mean to impugn his motives or his abilities here. It is just that he needs lots of help from this committee and the Congress.

Mr. Chairman, the total budget, as our chairman stated earlier, is $1,207,298,800. That is the total amount of money the city will have available. Mr. Gross stated earlier some cities of comparable size with regard to employment. Let me give you another city that comes within 2,000 of the population of the city of Washington, Indianapolis, Ind. It is within 2,000.

The budget for the city of Indianapolis including schools is $288,463,800 or about one-fifth of what the city of Washington will have to spend this year. Or look at the employees for a moment. Authorized employees for the city of Washington in the bill is 41,898—authorized to fill 39,619. Let us look at the city of Indianapolis, again a city of comparable size: total employees 9,600. Adding the total number of employees for the State of Indiana, with a population of about 5.5 million and with a land mass of almost 600 times as much as the District of Columbia, we still come up with only 32,422 total employees, which is still considerably less than the District of Columbia.

Now let us look at the public schools. In student population Indianapolis has 97,880. Students in the District of Columbia, slightly larger, 136,300 estimated. They are not sure. Then again the total spent on the public schools in the District of Columbia is $191 million compared to $90 million in Indianapolis or a per capita investment of $1,358 in the District of Columbia to $924 in Indianapolis. I do not think our children in Indianapolis are being denied an adequate education, either.

For those who say that we do not do fairly by the District of Columbia, they have not looked at the record.

I am going to vote for this bill, Mr. Chairman, but I will not vote a nickel for an amendment, and I hope that in this Congress we can do a little bit better job of saving the taxpayers of this country some of our investment here.

Mr. Chairman, at a time when there are those in the District of Columbia who are trying to discourage people from coming to town by suggesting that we put a tax on parking and so forth, other cities are spending thousands of dollars in their tourist bureaus and convention bureaus trying to lure just a few of the daily traffic of your constituents who come into the District of Columbia and who help to spend money and make this great per capita income that Mr. Gross spoke about a minute ago.

Mr. Gross spoke about the unemployment in the District of Columbia being one of the lowest in the Nation. It has not reached over 3 percent in recent years. Yet we do have, as Mr. Gross stated, the higest number of people per capita on the welfare rolls.

I yield to the gentleman from Iowa.

Mr. GROSS. The statement of my friend from Indiana points up one of the worst contradictions imaginable. Here is this city of Washington, fleecing the taxpayers of the entire country and rolling in money, yet 1 in every 6 persons in the District of Columbia is on the Federal dole, and only two other cities in the United Sates, Newark, N.J., and Augusta, Ga., exceed that on a per capita basis.

Mr. MYERS. The number of employees working in the welfare rolls today is one for slightly over 50 recipients. One out of every 500 people in the District of Columbia works in the Welfare Department.

That is what astonishes me and, of course, they are getting high numbers of constituents.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NATCHER. Mr. Chairman, I yield such time as he may consume to my distinguished friend and a member of the subcommittee, the gentleman from Ohio (Mr. Stokes).

Mr. STOKES. Mr. Chairman, I want to join with my other colleagues in the Committee of the Whole this afternoon in commending the gentleman from Kentucky, the distinguished chairman of this subcommittee (Mr. Natcher) for the excellent presentation the gentleman has made regarding this bill that is now before us.

I have enjoyed serving on this subcommittee, Mr. Chairman, with the distinguished gentleman from Kentucky. He is always fair, he is always impartial, and he is a man who demonstrates a great commitment and conscientiousness regarding the appropriations of the District of Columbia.

Mr. Chairman, this is a very hard-working subcommittee. It is a committee that has assumed great responsibility regarding the problems of the District of Columbia which are, in and of themselves, very unique problems, and are perhaps problems that confront no other city in America. It is indeed to the credit of our distinguished chairman and the other members of the subcommittee, the fact that they work long and hard and assiduously in trying to resolve as best they can these problems which, as I say, are unique and confront us in our Nation's Capital.

Mr. Chairman, I too share some of the concern expressed by both of our colleagues, the chairman of the Committee on the District of Columbia, the gentleman from Michigan (Mr. Diggs) and our distinguished friend, the Delegate from the District of Columbia (Mr. Fauntroy). These were matters and items that were considered at long length in the committee. I am sure there are others, as well as myself, who wish that we would have been able to have provided more appropriations in some areas of the city, but I have seen great progress for the city during my term of office on this particular committee.

I think this is a good bill. It is a bill that I intend to vote for, and it is one that I can very readily commend to my colleagues in the House of Representatives.

I would like to add one other thought, and to give credit, and that is to say that we are helped on this subcommittee by the Commissioner of the District of Columbia who is one of the most distinguished mayors in America, the Honorable Walter Washington. He is a gentleman who articulates in a very eloquent manner the problems and the needs of the people of the District of Columbia. He is a man who conducts himself with a great deal of dignity, and our entire committee has always been very much impressed by the gentleman.

Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me this time. I hope that all of my colleagues will join me in support of this bill.

Mr. VANIK. Mr. Chairman, it is with some reluctance that I vote for this appropriations bill today. From all indications, the budget for the city government of the District of Columbia is grossly disproportionate to the level of aid which is provided to our Nation's other urban centers.

I realize that the District of Columbia has problems like every other big city. The area's daily newspapers cover

these problems: there are problems of inadequate facilities for juvenile delinquents and for foster children. There is litter in the streets; there are high crime and high drug areas. Seventh Street still bears the signs of the riots of April 1968. Boarded-up houses can be found throughout the inner city.

In the past, I have consistently supported every conceivable effort to try to improve the quality of life in our cities. The urban problems and urban needs of the District of Columbia are similar or even identical to the problems faced by every other major city. Yet, the per capita Government expenditures for the District of Columbia are much higher than for our Nation's other urban centers. They cannot be justified just on the basis of the District as the National Capital. It is not that the level of support for services for the District of Columbia is too high—it is that we have completely failed to provide enough support for our urban programs nationwide.

Constituents who visit my office almost always comment on what a beautiful city Washington is—how many beautiful buildings—so much open space and parkland—how clean it is. I always think what a beautiful city Cleveland could be if the same level of Federal support and aid were provided to Cleveland. It is the Federal tax dollars collected from cities such as Cleveland and spent here in Washington that makes this city so beautiful.

We have built a marble "Rome" on the banks of the Potomac—but it is built on the urban decay of most of the other major cities of America.

The discrepancy in District of Columbia governmental receipts and expenditures can be seen from the data in the Bureau of the Census publication on "Local Government Finances in Selected Metropolitan Areas and Large Counties, 1970–71."

PER CAPITA AMOUNTS OF LOCAL GOVERNMENT FINANCES FOR SMSA'S AND THEIR COUNTY AREAS, 1970–71

	Washington, D.C., SMSA	District of Columbia	Cleveland SMSA	Cuyahoga County (Cleveland)
Population, 1970	2,861,638	756,510	2,063,729	1,720,835
General revenue	$650.51	$1,154.94	$459.80	$473.30
Revenue from Federal Government	$143.59	$477.36	$17.74	$20.61
Direct general expenditure	$682.55	$1,208.22	$474.23	$488.29

In light of these figures, I feel that we have given too much preference to this one city, that it is time for a better and more equitable urban policy to all our citizens—not just to the citizens of this one city.

The District appropriation indicates what a city needs for survival and service. It also provides the Congress with a measure of the widening gap between available urban revenues and urban needs.

Mr. NATCHER. Mr. Chairman, we have no further requests for time on this side.

Mr. McEWEN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

There was no objection.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 3, line 11, which reads as follows:

Provided, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary:

Mr. Chairman, I make the point of order that this is not a limitation on an appropriations bill, and is not authorized.

The portion of the bill to which the point of order relates is as follows:

GENERAL OPERATING EXPENSES

General operating expenses, $66,491,000, of which $629,700 shall be payable from the highway fund (including $72,400 from the motor vehicle parking account), $94,500 from the water fund, and $67,300 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,475,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $125,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. GROSS)?

Mr. NATCHER. Mr. Chairman, I concede the point of order. As the Chair well knows, the bill that was before the House, I believe last week, took care of this matter. We concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is conceded, and the Chair sustains the point of order.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 11, lines 5 through 10, as not being a limitation upon an appropriation bill, and not authorized.

The portion of the bill to which the point of order relates is as follows:

SEC. 5. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109 and shall be available to the Office of the Corporation Counsel to retain the services of consultants including physicians, diagnosticians, therapists, engineers, and meteorologists at rates to be fixed by the Commissioner.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. GROSS)?

Mr. NATCHER. Mr. Chairman, I should like to say to the members of the Committee that this is a new provision that is carried in the bill at this time. This was sent up from downtown. We at this time, Mr. Chairman, concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is sustained.

Are there any amendments to be proposed to the bill? If not, the gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, 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. 8658) making apropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes, he reported the bill back to the House with the recommendation that the bill do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

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. McEWEN. 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 321, nays 64, not voting 48, as follows:

[Roll No. 233]

YEAS—321

Abdnor	Ford, Gerald R.	Mazzoli
Abzug	Forsythe	Meeds
Addabbo	Fountain	Melcher
Anderson, Calif.	Fraser	Metcalfe
	Frenzel	Mezvinsky
Anderson, Ill.	Frey	Michel
Andrews, N.C.	Fulton	Milford
Andrews, N. Dak.	Fuqua	Miller
	Gaydos	Mills, Ark.
Annunzio	Gettys	Minish
Arends	Giaimo	Mink
Armstrong	Gibbons	Mitchell, Md.
Ashley	Ginn	Mitchell, N.Y.
Barrett	Goldwater	Mizell
Bell	Gonzalez	Moakley
Bergland	Goodling	Mollohan
Bevill	Grasso	Moorhead, Pa.
Biaggi	Gray	Morgan
Biester	Green, Oreg.	Murphy, Ill.
Bingham	Green, Pa.	Murphy, N.Y.
Blatnik	Griffiths	Myers
Boggs	Grover	Natcher
Boiling	Gubser	Nedzi
Bowen	Gude	Nelsen
Brademas	Gunter	Nichols
Bray	Guyer	Obey
Breaux	Hamilton	O'Brien
Breckinridge	Hammer-schmidt	O'Hara
Brinkley		O'Neill
Brooks	Hanley	Parris
Broomfield	Hanna	Patman
Brotzman	Hansen, Idaho	Patten
Brown, Calif.	Hansen, Wash.	Pepper
Brown, Mich.	Harrington	Perkins
Brown, Ohio	Harsha	Pettis
Broyhill, N.C.	Harvey	Peyser
Broyhill, Va.	Hastings	Pickle
Buchanan	Hays	Pike
Burke, Fla.	Hébert	Poage
Burke, Mass.	Hechler, W. Va.	Podell
Burleson, Tex.	Heckler, Mass.	Preyer
Burlison, Mo.	Heinz	Price, Ill.
Burton	Helstoski	Pritchard
Butler	Henderson	Quie
Carey, N.Y.	Hillis	Railsback
Carney, Ohio	Hinshaw	Rangel
Casey, Tex.	Hogan	Rees
Cederberg	Holifield	Regula
Chamberlain	Holt	Reuss
Chappell	Holtzman	Rhodes
Clark	Horton	Rinaldo
Clausen, Don H.	Hosmer	Roberts
	Howard	Robinson, Va.
Clay	Hungate	Robison, N.Y.
Cleveland	Hunt	Rodino
Cohen	Ichord	Roe
Collier	Jarman	Rogers
Collins, Ill.	Johnson, Calif.	Roncalio, Wyo.
Conable	Johnson, Colo.	Roncalio, N.Y.
Conte	Johnson, Pa.	Rooney, Pa.
Conyers	Jones, Ala.	Rose
Corman	Jones, N.C.	Rosenthal
Cotter	Jordan	Rostenkowski
Daniels, Dominick V.	Karth	Roush
	Kastenmeier	Roy
Davis, Ga.	Kazen	Roybal
Davis, Wis.	Keating	Ryan
de la Garza	Kemp	St Germain
Delaney	King	Sarasin
Dellenback	Kluczynski	Sarbanes
Dellums	Koch	Seiberling
Denholm	Kuykendall	Shipley
Dent	Kyros	Shriver
Derwinski	Landrum	Sikes
Dickinson	Latta	Sisk
Diggs	Leggett	Slack
Dingell	Lent	Smith, Iowa
Donohue	Long, La.	Smith, N.Y.
Downing	McClory	Snyder
Drinan	McCloskey	Staggers
Dulski	McCormack	Stanton, J. William
Duncan	McDade	
du Pont	McEwen	Stanton, James V.
Eckhardt	McFall	
Edwards, Calif.	McKay	Stark
Eilberg	McKinney	Steed
Erlenborn	McSpadden	Steele
Esch	Macdonald	Steelman
Evans, Colo.	Madden	Steiger, Wis.
Evins, Tenn.	Madigan	Stephens
Fascell	Mahon	Stokes
Findley	Mallary	Stratton
Fish	Mann	Stubblefield
Flood	Maraziti	Studds
Flowers	Martin, Nebr.	Sullivan
Flynt	Martin, N.C.	Symington
Foley	Matsunaga	Talcott
Taylor, N.C.	Walsh	Wolff
Teague, Calif.	Wampler	Wright
Teague, Tex.	Whalen	Wyatt
Thomson, Wis.	White	Wydler
Thone	Whitehurst	Wyman
Thornton	Whitten	Yates
Tiernan	Widnall	Yatron
Udall	Williams	Young, Ill.
Ullman	Wilson, Charles H., Calif.	Young, Tex.
Vander Jagt		Zablocki
Vanik		Zion
Veysey	Wilson, Charles, Tex.	Zwach
Vigorito		
Waldie	Winn	

NAYS—64

Archer	Gross	Runnels
Bafalis	Haley	Ruth
Baker	Hanrahan	Satterfield
Beard	Hicks	Saylor
Bennett	Huber	Scherle
Blackburn	Hudnut	Schneebeli
Burgener	Hutchinson	Sebelius
Byron	Jones, Tenn.	Shoup
Camp	Ketchum	Shuster
Clancy	Long, Md.	Skubitz
Clawson, Del	Lott	Spence
Collins, Tex.	Lujan	Steiger, Ariz.
Conlan	McCollister	Symms
Crane	Mathis, Ga.	Taylor, Mo.
Cronin	Mayne	Towell, Nev.
Daniel, Dan	Montgomery	Treen
Daniel, Robert W., Jr.	Moorhead, Calif.	Waggonner
		Ware
Dennis	Powell, Ohio	Wylie
Eshleman	Price, Tex.	Young, Alaska
Froehlich	Randall	Young, Fla.
Gilman	Rousselot	Young, S.C.

NOT VOTING—48

Adams	Edwards, Ala.	Passman
Alexander	Fisher	Quillen
Ashbrook	Ford, William D.	Rarick
Aspin		Reid
Badillo	Frelinghuysen	Riegle
Boland	Hawkins	Rooney, N.Y.
Brasco	Jones, Okla.	Ruppe
Burke, Calif.	Landgrebe	Sandman
Carter	Lehman	Schroeder
Chisholm	Litton	Stuckey
Cochran	Mailliard	Thompson, N.J.
Coughlin	Mathias, Calif.	Van Deerlin
Culver	Minshall, Ohio	Wiggins
Danielson	Mosher	Wilson, Bob
Davis, S.C.	Moss	Young, Ga.
Devine	Nix	
Dorn	Owens	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Rarick against.

Until further notice:

Mr. Rooney of New York with Mr. Bob Wilson.
Mr. Adams with Mr. Frelinghuysen.
Mr. Moss with Mr. Mathias of California.
Mr. Nix with Mr. Coughlin.
Mr. Brasco with Mr. Sandman.
Mr. Culver with Mr. Devine.
Mr. Danielson with Mr. Mailliard.
Mr. William D. Ford with Mr. Mosher.
Mr. Van Deerlin with Mr. Landgrebe.
Mr. Young of Georgia with Mr. Badillo.
Mr. Davis of South Carolina with Mr. Lehman.
Mr. Hawkins with Mr. Aspin.
Mr. Boland with Mr. Minshall of Ohio.
Mr. Reid with Mr. Wiggins.
Mr. Riegle with Mr. Ruppe.
Mr. Fisher with Mr. Edwards of Alabama.
Mrs. Chisholm with Mr. Owens.
Mr. Litton with Mr. Ashbrook.
Mr. Dorn with Mr. Carter.
Mrs. Burke of California with Mrs. Schroeder.
Mr. Stuckey with Mr. Quillen.
Mr. Alexander with Mr. Passman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE AND AUTHORITY FOR CLERK TO CORRECT SECTION NUMBERS

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD and to include extraneous matter on the bill just passed; and further, Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers.

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

There was no objection.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Street Act of 1968 to improve law enforcement and criminal justice and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO).

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 further consideration of the bill H.R. 8152, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, June 14, 1973, the gentleman from New Jersey (Mr. RODINO), had 42 minutes remaining, and the gentleman from Michigan (Mr. HUTCHINSON), had 40 minutes remaining.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

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

Mr. Chairman, I extended my remarks in the RECORD during the general debate on Thursday, June 14. Those Members desiring to examine my views in greater detail will find them in the RECORD for that date.

Mr. Chairman, although I would prefer to add certain additional features to this bill, particularly provisions assuring that the bulk of the law enforcement assistance "pass through" funds would go to those metropolitan areas where the problem of crime is the greatest, I believe that this bill is a very substantial improvement over the present law. It provides for expediting the flow of LEA funds to local governments. It provides for citizen participation, reduced local matching funds, stronger audit and evaluation procedures, strengthened civil rights provision, and, in general, will provide for a much improved administration of our law enforcement assistance program.

The members of the Judiciary Committee and, in particular, the chairman, are

deserving of commendation for this excellent result.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I wish to congratulate the distinguished gentleman from New Jersey (Mr. RODINO) the chairman for the Committee on Judiciary, for his outstanding leadership in connection with the amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (H.R. 8152).

This bill represents a major contribution to the fight against crime. It expands Federal support to local law enforcement efforts and to the entire criminal justice system. It enables localities to upgrade their crime fighting efforts from the time a suspect is apprehended through the rehabilitation of criminals.

The problem of Federal assistance to local crime fighting efforts has been one that has greatly concerned me. I have spent a great deal of time analyzing the Safe Streets Act of 1968 as amended and as a result I have formulated my own proposals pertaining to the Federal assistance to local law enforcement agencies, which are embodied in H.R. 8021, a bill I introduced on this subject.

I am particularly pleased that the House Judiciary Committee accepted my amendment to eliminate redtape and speed up the flow of crime fighting funds to localities where they are desperately needed. The amendment requires states to establish procedures that would provide for action upon requests by localities within a 60-day period. One of the major problems under the existing legislation is that localities often have to wait as long as a year to receive funds from the State. This will mean more funds more quickly for New York City.

In addition, as the committee report makes clear, localities will not be able to apply for a package of programs instead of having to go through the time consuming and costly process of applying to the State on a project-by-project basis. This provision could be of enormous importance to high crime areas. Under the present law, for example, New York City is required to go through as many as 190 steps each time it applies for funds under the act.

The bill has substantially strengthened civil liberties safeguards. Under the previous legislation, Federal funds were used to disseminate arrest records, surveillance reports, and other intelligence data that invade the privacy of individuals. This bill prohibits this type of activity. It will permit improved law enforcement efforts without abridging individual rights.

The bill also contains a new provision prohibiting any discrimination on the basis of sex in the use of LEAA funds.

Finally, I am pleased that there is a 2-year authorization period for this bill. This will permit, if not mandate, the Judiciary Committee to oversee implementation of the act and to insure that Federal funds are being used effectively to fight crime and improve the entire criminal justice system.

Again, I wish to commend the gentleman from New Jersey (Mr. RODINO) for this very fine bill.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, I rise in support of the committee bill which extends and improves the Law Enforcement Assistance Administration. LEAA was created in 1968 to mount a massive Federal attack on crime. As we all know, that attack has not met with complete success, as the problem of crime still plagues cities and rural areas across the country. After rapid rises for years, serious crime finally declined by 3 percent in 1972. That news has to be met with muted enthusiasm, however, since several categories of crime have continued to increase, many areas have not yet seen reductions at all, and the overall level of crime remains at clearly intolerable levels.

Further, we cannot succumb to the temptation to measure LEAA's success simply in terms of its contribution to a reduction in crime. This is clearly a key objective, but success must also be measured in terms of improvements in the whole system of law enforcement and criminal justice, and in these terms, this Nation still has a long way to go. The prevailing conditions in the fields of criminal justice and law enforcement are still intolerable. Obsolete State criminal codes, congested courts, overburdened probation and parole systems, inhumane and ineffective correctional institutions and ineffective police departments are just a few of the deplorable characteristics of our crime control systems.

In this light, it was clear to the committee that LEAA must be allowed to continue, and hopefully, to improve its work. The distinguished chairman of your committee has already explained the major provisions and improvements in the bill before us today, so I will confine my comments to only a few of the major areas addressed, with varying degrees of success, by the committee bill.

The committee has, wisely I think, largely rejected the administration's proposed revenue sharing approach to law enforcement as an unwarranted relaxation of Federal direction and control. For example, the requirement for prior approval of State plans by LEAA before block grant awards are made has been retained and language added requiring LEAA to undertake a thorough review of these plans rather than acting simply as a rubber stamp. Although there is scant evidence that LEAA has used this authority effectively in the past, since no State plan has ever been rejected prior approval is the linchpin of the Federal role in the safe streets program. Without it, LEAA would be reduced to a mere accounting and checkwriting bureau with no influence over anticrime programs.

H.R. 8152 has also retained the special earmarks for the law enforcement education program and the part E corrections program in the belief that these national emphasis programs should not be left merely to the discretion of the States.

I would also like to call your attention to the time limits this bill places on the grant-making process for both the Federal-State block grants and the State-local project grants. A major portion of the testimony presented during the committee's hearings was directed at the deplorable delay and inefficiency in putting LEAA funds to work by a cumbersome bureaucracy. Local governments often wait 6 months to a year after submitting applications for LEAA funds to State agencies before the applications are approved and the grants made. The committee also wanted to assure that the strengthened requirements for LEAA prior approval of State plans did not result in further delays in allocating funds to State planning agencies. Consequently, a time limit of 90 days for the approval of State plans and a limit of 60 days for the approval of grant applications to State planning agencies by local units of government have been added to the bill.

The committee bill also contains the administration's recommendations for new civil rights language, together with an amendment which I offered.

It is now more than 5 years since the National Advisory Commission on Civil Disorders identified the lack of adequate representation of minorities in law-enforcement agencies as one of the key problems in the breakdown of communication between police and the citizens of the ghetto. While progress has been made in some areas in the employment of minorities and women in law agencies, many problems of discrimination remain. One need go no further than the reports of decided Federal cases to obtain evidence of the persistence and prevalence of racism in law enforcement.

For example, a Federal district court in Mississippi found in 1971 that the Mississippi Highway Patrol had never employed a single black officer. Of 743 persons employed by the department of public safety in 1971, only 17 were blacks and they were all employed as cooks or janitors. *Morrow* v. *Crisler*, 4 E.P.D. paragraph 7541 (S.D. Miss. 1971); aff'd.-F. 2d-(5th Cir.; April 18, 1973).

While the situation in Mississippi is perhaps the most blatant, similar problems of discrimination have been found by Federal courts to exist in Alabama, Massachusetts, and Bridgeport, Conn. See *NAACP* v. *Allen*, 340 F Supp. 703 (M.D. Ala. 1972); *Castro* v. *Beecher*, 459 F. 2d 725 (1st Cir. 1972); *Bridgeport Guardians Inc.* v. *Bridgeport Civil Service Commission* 5 CCH E.P.D. 8502 (D. Conn. 1973).

Other cases alleging discrimination are pending before Federal courts in Alabama, Pennsylvania, Georgia, Connecticut, Illinois, California, and Ohio, and before State commissions in Missouri, Kansas, Massachusetts, Indiana, Pennsylvania, and Connecticut.

The existing LEAA statutes contain no provisions designed to prevent discrimination in benefits or employment on the basis of race, color, national origin, or sex. As a result, LEAA has been particularly slow to develop an effective civil rights enforcement program. In fact, it was not until 2 years after its establishment that LEAA admitted it has a civil rights enforcement responsibility and created a civil rights compliance office and implementing regulations.

The administration suggested new language for this legislation, with what I hope was the intention of strengthening

LEAA's civil rights enforcement powers and responsibilities, which has largely been incorporated in section 518(b) of H.R. 8152. These provisions parallel the language of title VI of the Civil Rights Act 1964 with an added prohibition of discrimination on the basis of sex, but they also specify special procedures for enforcing those provisions. These special procedures are appropriate to the block grant nature of the LEAA program. They direct the administration, whenever it determines that a State or local unit of government has violated the civil rights provisions, to request the State's Governor to secure compliance. If within 60 days he has failed or refused to secure compliance, LEAA is required to begin its own enforcement procedures.

The effect of my amendment to the administration's suggested provisions is to require LEAA to first use the same enforcement procedure which applies to any other violation of LEAA regulations or statutes. That procedure of notification, hearings, and negotiations is spelled out in section 509, which provides the ultimate sanction of funding cutoff if compliance is not obtained. LEAA is also authorized to undertake civil action in any appropriate U.S. district court for such relief as may be appropriate.

This amendment was necessary to reverse LEAA's traditional reliance on court proceedings to correct discrimination, rather than undertaking administrative enforcement of civil rights requirements. Despite this declared preference for judicial remedies, which is not the procedure used for any other violation of LEAA guidelines or statutes, LEAA has not initiated a single action in court and has intervened in only a limited number of cases brought by private groups. Even these interventions were begun long after the suits were filed and usually as the result of external pressures of court order. In effect, LEAA has had no civil rights enforcement program. The civil rights provisions in this bill give LEAA the necessary powers and require the establishment of an effective civil rights program.

It is also worth noting the new requirements in this bill for LEAA to begin careful evaluation of the programs it funds so that the substantial Federal resources LEAA controls can be directed into effective efforts to control and reduce crime. The Attorney General admitted the weakness of LEAA's record in this regard, since only limited attempts have been made in the past 5 years to measure program effectiveness and to share information with the States about innovative ideas which work. The committee bill gives major new authority to the National Institute for Law Enforcement and Criminal Justice to evaluate LEAA programs and their success or failure, and to share the results of its own research and development activities.

It is the intention of the committee that the National Institute utilize wherever possible the report of the National Advisory Commission on Criminal Justice Standards and Goals in these evaluations. This Commission has produced a massive document which spells out in considerable detail what each segment of the criminal justice system should be striving to achieve. I hope that the National Institute will make major use of this new authority so that LEAA will no longer simply throw money at the problems of crime in the vague hope that something will work.

Mr. Chairman, all these improvements in the Law Enforcement Assistance Administration constitute a bill which is deserving of strong support. However, I was disappointed that one critical problem with the administration of the LEAA programs was not adequately resolved. Large urban areas, where the problems of crime are the most severe, still do not have a large enough role in the safe streets program.

City governments and local law enforcement agencies are not equal partners in the LEAA process, even though they are manning the front lines in the battle against crime. Their influence on the planning and priority setting process is minimal except in a very few States. They are faced with a multi-layered bureaucracy, delays, uncertainties, and frequent rejection of their own priorities for LEAA funds. They are forced to apply to State planning agencies for LEAA funds piecemeal, waiting as long as 12 months before funds are made available. The block grant philosophy of allowing maximum flexibility to State governments has not been applied, as logic and effectiveness require, to local governments. Instead, our crime-wracked urban areas are forced into an individual categorical grant process controlled by a set of priorities imposed by the State with scant consultation.

I am convinced that a more responsible role for our high crime urban areas can and should be created, without destroying the statewide priority setting role which is properly the responsibility of the State planning agency. Local criminal justice and law enforcement plans could be drawn up by local governments, in cooperation with State planning agencies, and block grants awarded to those local governments on the basis of those plans. Such an arrangement would greatly increase the efficiency of the entire LEAA process and get the money where the problems are quickly.

With this exception, Mr. Chairman, I strongly support the committee bill, and urge my colleagues in the House to support it as well.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman. it will be my intention to discuss primarily that part of the Law Enforcement Assistance Act which relates to the National Institute of Law Enforcement and Criminal Justice. This part of the bill is under part D, and is to be found on pages 21 to 24 of the measure (H. R. 8152) which is now pending for discussion before the committee.

Many in this Chamber will recall the amendment to the omnibus crime bill of 1968 by which we established the National Institute of Law Enforcement and Criminal Justice as a part of this overall Federal program directed against crime.

The overall concept of the National Institute is that it should be a professional high-level agency or institute for the purpose of giving guidance and direction in the overall attack on crime, without, however, endeavoring to provide any kind of Federal police force or domination or control of the broad law enforcement and criminal justice functions which belong to the State and to the local units of government. I should recall that this amendment to the 1968 act received substantial support from our former colleague, William Cramer of Florida, and was developed and adopted as the result of substantial bipartisan support in this Chamber.

Mr. Chairman, I will not go into the background of the dilution of the National Institute's authority. However, I should observe that its role was reduced substantially in the final version of the bill which we passed in 1968, and it has never been adequately funded since that time.

Mr. Chairman, in the measure before us, we undertake to correct the existing deficiency in the National Institute by establishing its intended role as a clearinghouse and evaluating agency with respect to research and development projects which are authorized under this legislation. It is further specified that the Institute shall disseminate the results of such efforts to State and local governments.

This should fulfill a great need which the testimony before our committee emphasizes. In other words, large sums of money are expended in developing new and advanced techniques, both with respect to the use of sophisticated equipment and in the administration of programs of crime prevention, apprehension, prosecution, rehabilitation and others. Yet there is still no method by which the best result obtained under these developments may be made available to all others who are charged with enforcing the law or otherwise working in our criminal justice system. Accordingly, the Institute will now have an augmented role as a clearinghouse to receive, and to disseminate information of vital importance in the reduction of crime in America.

A second role of the Institute which has been largely omitted up to the present time is that of training. The testimony from local and State law enforcement officials has reiterated time and time again that the most urgent need is that of training programs for their personnel.

The Institute, accordingly, is assigned the responsibility of assisting in training programs at the request of States or units of general local government—or a combination thereof. This authority applies with respect to all segments in the law enforcement and criminal justice field—not just police or prosecutions. While it is anticipated that many regional training programs may involve but a single State, it is likewise possible that several States may join in requesting the establishment of such training programs on a regional basis. Where smaller programs may be indicated, the Institute is authorized to carry out programs of institutional assistance consisting of research fellowships, and to present special work-

shops for the dissemination of information resulting from research, demonstrations and special projects. Finally, the Institute is authorized to establish its own research center to carry out programs described in this part of the new law.

Thus, a large responsibility is reposed in the National Institute to develop and administer that high-level type office which can identify and make available the most modern developments and techniques relating to law enforcement and criminal justice. The evaluation role is a particularly sensitive one, which I would expect the Institute to fulfill through the benefit of an advisory committee or other agency which was representative of every level of government as well as knowledgeable persons from the academic and civic segments of our society. In this connection, the Institute may wish to refer to recommendations of the National Advisory Commission on Criminal Justice Standards and Goals—although some of those may not be desirable.

Mr. Chairman, these provisions contained in the measure which extends the omnibus crime bill of 1968 for another 5 years are distinct improvements over the existing law, and like other parts of this measure which are being modified on the basis of our experience—are at the same time contributing to a greatly improved administration at the Federal level, which can serve to direct and inspire improvements in law enforcement and criminal justice at the local and State levels.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Chairman, the bill that the subcommittee has presented today is a great improvement over the present LEAA program. We have held extensive hearings and listened to representatives of all those involved in the LEAA programs. We have taken their criticisms and comments on the present program and numerous proposals and used them to restructure LEAA to give it the potential to target the crime dollar to the crime problem. Our subcommittee has worked hard on this bill, guided by our untiring Chairman, the distinguished gentleman from New Jersey, and we ask for your support of this most important piece of legislation.

This bill greatly improves the current LEAA program and I would like to mention briefly some specific changes which deserve your support.

First, the new LEAA has been devised to go beyond law enforcement in its narrow interpretation and can encompass the whole field of criminal justice. Our anticrime programs must not stop at the court room door but must follow through with rehabilitation of those convicted. As we all know, recidivism is one of the most serious crime problems and hopefully more emphasis on rehabilitation in this bill will help us begin to find some answers to combat the high rate of criminal repetition.

Another aspect of this bill which is noteworthy is its requirement for stricter auditing procedures and greater accountability of the individual programs to the LEAA. Appropriations of vast sums of money to combat crime will not work if the money does not get to the right places. During the hearings it was quite evident that LEAA money was being misspent. We have all heard of many instances where anticrime money was used to provide such things as riot equipment to towns of a few hundred people. In Iowa, for example, GAO is presently conducting an independent audit of LEAA money to find specific areas of waste or improperly expended funds. I hope that if this bill is passed today, such independent audits will be unnecessary because it will be possible to rely more heavily on the program's strict self-auditing procedures.

Another safeguard has been incorporated into the program by reducing the program authorization from 5 to 2 years. although 2 years may not produce great inroads into solving the problems of law enforcement and criminal justice, demanding more frequent congressional review and scrutiny of the program will increase our ability to perform our oversight function properly.

Another important improvement is the change we have made in the discretionary grants disbursed by the LEAA. Under our program funds can go to multistate planning units, to allow them to improve law enforcement and criminal justice in crime areas which do not confine themselves to a single state.

One example exists in my district. The Quad Cities is a metropolitan area divided by the Mississippi River. It would be naive for us to believe that the crime problem in Davenport, on the Iowa side, can be solved independently of the crime problem on the Illinois side of the river. Multistate areas must be given the resources to work together. Increased urbanization has made such an attack on crime imperative.

I believe by implementing this bill we can begin to better deal with crime in our country. For this reason, I urge you to support H.R. 8132.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have one amendment which at the appropriate time under the 5-minute rule I intend to offer to this bill. I take this time to briefly apprise those who are present as to what that amendment will be because I feel it is an important amendment which indeed goes to the very essence of the measure now before us.

There will be a committee amendment offered which will provide that in respect to the grants for law enforcement, under part C of the bill, not more than one-third of any such grant made under that section may be expended for the compensation of police.

My amendment will add to the committee amendment the words: "and other regular law enforcement and criminal justice personnel," so that the limitation would read that: "Not more than one-third of any grant made under this section"—that is for law enforcement purposes—"may be expended for the compensation of police and other regular law enforcement and criminal justice personnel."

This will put the law back essentially to where it is now. It is difficult to understand why the committee amendment should place this limitation of only up to one-third of the grant on police salaries only and exclude other law enforcement and criminal justice personnel.

The reason for the limitation in the first place is because here we have a program which is supposed to be a new, innovative program which will encourage States and localities to do things in the criminal law field and in the law enforcement field that they are not now doing. It was realized that if we allowed all the money to be used to pay salaries, the inevitable result would be that we would just be having a salary bill for local personnel, a revenue-sharing bill, if you will. That would destroy the purpose of this whole measure, and that was the reason for the limitation which had been there right along.

Now, why we should cut that down to police salaries only and permit this money to be used without limitation for all other law enforcement-criminal justice personnel, such as prosecuting attorneys, judges, public defenders, prison guards, wardens, probation and parole officers, it is very difficult to see. It goes a long way toward just transferring this into a local salary bill, and by that much destroying the very purpose of the measure; and the purpose which has been in it, I might add, from the beginning.

There is no reason for supporting such a provision in the law. This becomes especially important under the recent decisions of the Supreme Court, the Gideon case, and the Argersinger case, which quite properly require public defenders to be appointed both in felony and misdemeanor cases, and it costs a lot of money. The temptation is going to be almost inescapable to take practically all this Federal money and pay it out in legal fees, for instance, which is not what we passed this bill for.

Both under the committee amendment and under my amendment with the added words, the limitation will not apply—will not apply—to personnel who are engaged in conducting or undergoing training programs or who are engaged in research or development or demonstrations, all the innovative things which were supposed to be encouraged by this bill; but the limtation will keep us from spending all the money on salaries.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, it will avoid the inevitable competition which will result between city A, which tries to do the job we contemplate under the bill, and city B, which yields to temptation to use all the money for salaries, thereby forcing city A to do the same.

Therefore, I hope everyone, including even the majority of my distinguished committee, will support this amendment which goes right on with the basic idea this bill is supposed to be all about.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I rise

in support of H.R. 8152 as reported by the Committee on the Judiciary.

I believe that this bill is the product of a frank appraisal by the committee of just what the Federal leadership role in the fight against crime should be, and of just how that role has been undertaken pursuant to the congressional will expressed in 1968 by the Omnibus Crime Control and Safe Streets Act.

The law enforcement assistance program, as envisioned by the 1968 legislation, and as clarified and modified by H.R. 8152, strikes an appropriate balance between the need for Federal resources and expertise, and the need for responsible State and local planning to meet what are essentially State and local problems.

The committee had before it proposals to remove all Federal responsibility for the administration of this program. Such proposals were, as always, of course, tempting—they promise less bureaucracy and they seem to give those closest to the problems the exclusive right to solve them.

But the Congress explicitly recognized that the urgency of the fight against crime, and the nature of the efforts needed to upgrade our criminal justice system, required a "better coordinated, intensified, and more effective" attack by "all levels of government." The increasing intensity of the problem called for a sharing of responsibility as well as of revenue.

H.R. 8152 accomplishes that sharing of responsibility without depriving the States and localities of the right to set their own priorities, and to undertake their own planning. Perhaps most important the bill actually opens up and broadens the planning process to assure both accountability and increased citizen involvement.

I am particularly pleased, Mr. Chairman, to note that the bill addresses the past deficiencies in the LEAA program at all levels of the process. Federal responsibility is clarified by making more emphatic the importance of LEAA's prior approval of State plans function. At the same time, the problems that have hampered the States and localities are also fairly and effectively met—complicated matching requirements are simplified and made more realistic; unjustifiable delays in the flow of these funds to recipients are made directly contrary to new provisions added to the act. The intent of Congress is clearly shown to be the improvment of the whole criminal justice system, and the purposes of rehabilitating, as well as merely detecting and apprehending criminals are given due emphasis.

Mr. Chairman, the House today is being asked to authorize to this program appropriations of $1 billion for each of the next 2 fiscal years. I believe that is a reasonable and prudent authorization: A fund level allowing adequate resources to address the real needs and a time period giving the Congress a meaningful oversight role in the administration of this program. For those reasons, I urge the adoption of H.R. 8152.

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

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill to continue the operations of the Law Enforcement Assistance Administration. The committee on the Judiciary under the able leadership of its chairman, the gentleman from New Jersey (Mr. RODINO) has put together a bill which makes improvements in the legislation first enacted in 1968. The improvements should help make the LEAA a more effective unit in the fight against crime.

One improvement, however is missing. I intend to offer as an amendment my law enforcement officers' bill of rights legislation which has been cosponsored by over 100 Members of this body. This amendment is supported by thousands of people both in and out of law enforcement. It will guarantee basic civil rights to law enforcement officers just as we have granted these rights to every other citizen, including the felon he arrests.

Mr. Chairman, I would like to comment briefly on some of the provisions in the bill. The committee has rightly maintained Federal control over the program by rejecting the administration's proposal to convert LEAA into a "no strings" special revenue-sharing program. LEAA grants already go to the States with a minimum of Federal requirements and supervision. These grants offer the greatest possible latitude to the States and local governments, yet the taxpayer is assured that his money will not be wasted on frivolous programs.

The elimination of the three-man leadership arrangement was essential to smooth functioning of LEAA. One administrator with a deputy administrator now sets clear lines of responsibility and direction.

One particular reform stands out among the rest: The committee has emphasized the need to improve every aspect of the criminal justice system—not just law enforcement.

As a 23-year veteran of the New York police force, I am well aware that the fight against crime cannot be won with good law enforcement alone. Corrections programs, court procedures and crime prevention measures all enter into the formula for public safety.

During my years in Congress, I have worked to keep alive a rehabilitation program at the Rikers Island Correctional Facility in New York City. This program, though limited in numbers of participants, has dramatically reversed the rate of recidivism in that prison. Of those inmates at Rikers Island not participating in the manpower training program, four out of five return to prison again. Of those participating in the program, only one out of five end up in prison a second time. Rehabilitation programs in corrections institutions are too few and far between.

A substantial portion of the LEAA funds authorized here today should go toward development of innovative programs to truly rehabilitate prison inmates so that they can lead productive lives upon release and thus break the cycle of crime.

Perhaps the most urgent need is an overhaul of the court procedures. A police officer works 10 times longer in processing a case than he does in the actual arrest. Most of this time is lost waiting in the courts, filling out forms and complying with a multitude of other administrative details. This time could be better spent by the police officer on the street preventing crime. I would hope that the administrator of LEAA would direct his attention to solving this problem.

Let us not forget for a moment that the primary objective of law enforcement and of legislation such as we have before us today is crime prevention.

All too often city administrators are more concerned with arrest, prosecution, and conviction measures than prevention measures. Clearly, more policemen on the streets doing a more effective job preventing crime will be the quickest way to guarantee safe communities for our citizens. Reform of our corrections institutions to eliminate criminal repeaters is yet another important preventive measure. Revitalizing our courts to assure a speedy trial and swift conviction of law breakers and a rapid release of the innocent will also help prevent crime.

I am confident that the Law Enforcement Assistance Administration will play an important role in developing sound crime prevention measures at the local level. I hope all my colleagues will join with me today in voting for this measure and will support the amendment I will offer later this afternoon.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Chairman, I rise in support of the bill. Maine has planned for and is in the process of implementing criminal justice programs with the funds made available through the Omnibus Crime Control and Safe Streets Act of 1968 and its amendments. These programs will have far-reaching effects on the improvement of the criminal justice system in the prevention of crime in Maine.

The House subcommittee bill on criminal law, House bill 8152, represents the consensus of the testimony before Subcommittee No. 5 and the full Judiciary Committee. Perhaps those who testified are the best qualified to judge the merits of the program. This group includes the Governors of the several States, the beneficiaries of the law enforcement assistance administration block grant program and the State and local planning agencies who administer the program. Their consensus is that the block grant program is a success, that it has fostered and supported major improvements in each State's criminal justice system. These improvements have been made at the State level, the county level, and the municipal level on the basis of priorities established within each State in accordance with its specific needs.

One of the accomplishments in my own State of Maine is the establishment and operation of a criminal justice training academy. The primary function of the academy through the board of trustees is to establish a facility for the training and education of all criminal justice personnel. The academy is also responsible for developing and implementing a comprehensive program of education and training encompassing

the entire spectrum of the criminal justice system throughout the State of Maine. Associate and baccalaureate degree programs in criminal justice are now available to those in the system as well as to those who are contemplating a career in this field.

Maine was one of the States in the early days of the program that was identified as not utilizing law enforcement education funds from LEAA. Now, due to the efforts of the Maine Law Enforcement Planning and Assistance Agency, under the able guidance of Director John B. Leet, I am happy to report that there are three associate degree programs and a bachelors degree program in our largest city. In our 4-year degree program on the Portland campus of the University of Maine, 130 criminal justice majors were enrolled at various stages of their 4-year undergraduate degree candidacy. At the present level, an annual graduating group of 20 to 30 criminal justice baccalaureate degree holders is anticipated.

The concerns that had existed in Maine in relation to possible saturation of this field are mollified with evidence that there are presently over 8,500 persons employed in protective services in the State. The University of Maine's assessment of human manpower needs has estimated that 1,628 additional law enforcement officers and 449 additional correctional treatment personnel will be needed in Maine by 1982.

These two programs that I have mentioned have been priority programs in the State of Maine and in our estimation are extremely successful. In addition to these programs, the State has established an integrated municipal, county, and State law enforcement comunications network which will form the skeleton of a more sophisticated system embracing the operational and data requirements of courts and corrections and law enforcement personnel. The State has established and is operating an innovative job counseling, training, and placement program for inmates prior to their release from our correctional institutions. A police services delivery program has also been developed to provide coverage and response heretofore deemed impossible for a State with the population density of Maine.

In addition, the Maine criminal justice internship program has been a huge success. Last summer there was an estimated 133 young people entering the criminal justice field in internships at the various law enforcement agencies in the State. The program is designed to attract qualified individuals to the criminal justice field and it has been quite successful. An internship is a specific project of a fixed duration not to exceed 13 weeks full-time or 21 weeks at half time designed to acquaint an intern with the possible criminal justice system career options. A secondary goal of the project may be the accomplishment of a specific operational objective.

Mr. Chairman, in addition to these improvements, more are forthcoming. Have we reduced crime in Maine? We do not have the answer as yet, but we should be able to answer that question shortly. What have we really accomplished? We have assisted in the development of a better and more responsive criminal justice system in Maine. We have initiated a system which is more flexible and which is able to react collectively to Maine's needs through the constituent element.

In closing, let me say that I support the principles of this bill which still requires a commitment on the part of the subgrantee. With such a commitment comes an affirmation on the part of the municipality, of the county or the State agency, that they, too, have an investment in success.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I rise in support of this measure, and indeed to commend the gentleman from New Jersey (Mr. RODINO) and the gentleman from Michigan (Mr. HUTCHINSON) for their leadership in bringing this bill to the floor.

I also, however, wish to point out that in our area in southern California, there is a serious problem.

The gentleman from California (Mr. VAN DEERLIN) approached me last week with this problem and said that unfortunately he could not be here today, and he asked me whether I would support his position. After reviewing it carefully I do indeed support Mr. VAN DEERLIN'S position, and I should like to draw this problem to the attention of the members of the committee today.

This problem relates to section 406 of the bill, found on pages 26 to 30, and relates to the law enforcement education program, sometimes referred to as LEEP.

It is my understanding that some 990 schools, both colleges and junior colleges, participate in this particular program.

There is a 4-year service clause, under which a student agrees to commit himself or herself for 4 years law enforcement or criminal justice service and under this program a stipend or award of up to $2,200 per year per student is given. This money, of course, goes to the institution and not the student, but it enables the institution to give the instruction.

Then there is a 2-year service clause, under which the student commits himself or herself to 2 years of active duty law enforcement or criminal justice service and under this there is a stipend of $250 per quarter or $400 per semester.

Now, Mr. Chairman, with respect to the problem, in our area, San Diego County, Calif., at least, some institutions are admitting far too many first-year students, to the great detriment of those who are already in the program and who intend to continue, to go all the way. This spreads the money far too thin, and we find that many must drop out of the program.

The gentleman from California (Mr. VAN DEERLIN) had considered amendments which would have prohibited this practice. He decided not to offer them, in the thought that perhaps the problem was too localized.

It would be my hope that we could establish the legislative intent, and if I may I should like to ask the distinguished chairman of the committee a brief question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BURGENER. Mr. Chairman, if I may ask just this brief question, can we establish the intent of Congress in the legislation that the students should indeed, continue and some priority will be given to that, we will then, perhaps, persuade our institutions to change their practices and give more consideration to continuing students.

Mr. RODINO. Mr. Chairman, I would answer the gentleman by saying it is certainly the intent of this legislation to permit the students to complete the educational process fully, and it is for this reason, as a matter of fact, that we have provided for additional sums of money for LEEP to keep pace with the inflationary trend, in order to assure that students would not be shortchanged.

Mr. BURGENER. Mr. Chairman, I thank the gentleman from New Jersey (Mr. RODINO) very much.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, I rise in support of H.R. 8152. The merits of the Omnibus Crime Control and Safe Streets Act of 1968 have been debated extensively in recent days, both within this Chamber and without. I would like to comment briefly on its achievements in Virginia.

The provisions of the act required Virginia to set up a central planning division, and under its leadership and with the aid of the Federal grant money, Virginia has taken great steps to unify and modernize its law enforcement, court, and correctional systems, and to make Virginia a leader in the area of innovative techniques in crime control and detection.

Our personnel, from the localities up to the statewide level, are now better trained: our criminal code has been revised; our judicial system, studied and revised; we have better treatment centers for juveniles, for drug addicts, for alcoholics; and we have established community-based correctional systems for the first time.

Of national interest, Virginia planned and sponsored the first National Conference on the Judiciary in Williamsburg in 1971, drawing together State court justices, State attorneys-general, trial judges, court officials, bar members, and others interested in judicial reform.

Also, in 1971, Virginia hosted the first National Conference on Corrections which was also made possible by an LEAA grant to our State division of justice and crime prevention.

Some of these accomplishments might have taken place without LEAA. There is no question, however, that Virginia's comprehensive program of reform, coordination, modernization, and innovation of its crime control and enforcement systems originated in the State planning unit set up under LEAA. Piecemeal reforms would have come, but a change as significant as the one we have seen in the past 3 years would never have

taken place without the aid of the 1968 act. Its success in Virginia makes me a strong supporter of extension of the act.

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

Mr. HUTCHINSON. Mr. Chairman, I have just one further request for time.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman and members of the committee, I rise in support of H.R. 8152, but there are several things that have come to my attention, and in the interest of making some legislative history, I would like to ask several questions of the gentleman from New Jersey (Mr. RODINO) the chairman of the Committee on the Judiciary, if he would be so kind as to respond.

Mr. RODINO. Mr. Chairman, I would be happy to respond.

Mr. HUNT. Mr. Chairman, the Sheriffs' Association of New Jersey has contacted me, indicating that the State agency that administers the program of the law enforcement planning agency has curtailed the funds to the sheriffs' departments in the State of New Jersey.

Nowhere in this bill do I find anything that would preclude money for bona fide law enforcement from going to a sheriff's department, which represents the highest elected enforcement official we have in the State of New Jersey, as well as in the other 49 States.

Mr. Chairman, I would ask for a little clarification on that from the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. There is no prohibition against moneys going for the payment of salaries for sheriffs beyond the restriction that it cannot be in excess of one-third of the amount that is granted.

Mr. HUNT. Mr. Chairman, that was our understanding.

When we passed this bill before, as the Members may recall, I asked that question. However, one of our deputy attorneys general, a gentleman by the name of Fekete, on April 6, 1972, denied this money to sheriff's organizations, bona fide law enforcement officials, and we are the only State where it has been denied. No other planning agency in any of the other 49 States has denied this to sheriffs' departments, and I just wanted to clarify that for the benefit of the State of New Jersey and the other 49 States.

Mr. RODINO. Mr. Chairman, I would like to point out to the gentleman, however, that the amount of money that does go to sheriffs is dependent upon State plans for the allocation of the funds.

Mr. HUNT. Yes, I realize that.

Mr. RODINO. But under this provision there is no general prohibition.

Mr. HUNT. There is no prohibition?

Mr. RODINO. There is none.

Mr. HUNT. Mr. Chairman, there is another point I would like to clear up with the gentleman.

The Law Enforcement Assistance Administration of the Justice Department not too long ago sent out an order saying that the physical qualifications that had been imposed by local police departments upon members they were hiring, new members for the police departments coming under this act, had to be reduced; the standards had to be reduced, so that the agencies, themselves, over the police departments did not have control over their physical rules.

Mr. Chairman, I want to make sure that that is not included in this bill and that is not the intent of this bill, that the local agencies, the police boards, and the police units will still have an inherent right to impose their own regulations and their qualifications and not be deprived of any Federal funds.

Mr. RODINO. It is certainly not the intent of this legislation to intrude upon the local regulating agencies. However, there is a provision against discrimination. That is the only provision that would, of course, in any way relate.

Mr. HUNT. We agree there should be no discrimination and we do not want it, but we do reserve the right in our police departments to have our own qualifications as far as standards of height and weight are concerned. These are matters that fall within their jurisdiction, and we do not believe any Federal agency would even attempt to impose any regulations of that nature. I find nothing here in this bill that would impose such a regulation.

Mr. RODINO. The thrust of the Omnibus Crime Control and Safe Streets Act is granting Federal assistance to State and local units of government in order to fight crime. There is no intent to intrude into their administrative practices. In fact, the act does not authorize Federal supervision of State laws at all. In section 518 of this act it states:

"SEC. 518.(a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

Mr. HUNT. I thank the chairman.

Mr. GONZALEZ. Will the distingushed gentleman yield for a question?

Mr. RODINO. I yield to the gentleman.

Mr. GONZALEZ. I deeply appreciate the gentlemen yielding to me.

I rise because interestingly enough the chief of police of Washington, D.C., is apparently making a nationwide tour. Last week in my district he arrived with a great deal of pomp and ceremony and announced that he was there thanks to the generosity of President Nixon in behalf of imparting the word to the local law enforcement agencies of my district that this legislation and the moneys to be derived therefrom were being held up by the Congress and not only this but revenue sharing was long overdue and that if the local police agencies throughout the Nation were suffering, it was because this Congress was denying this program.

I was intrigued by that because my city compares favorably populationwise with the District, yet the District has four times as many or 400 percent more policemen in uniform as my city does.

I thought the chief of police had his hands full here in the District. I understand crime is not exactly controlled here, and I was intrigued by this.

What I would like to have the gentleman tell me is this: Is this chief of police making a nationwide tour, which he stated publicly he was, at the expense of the funds from this program, or is the District of Columbia paying for it out of its funds, or is Mr. Nixon paying for it? Does the gentleman know, and could he enlighten us?

Mr. RODINO. I can only answer the gentleman by stating there is no direct authorization as I know it in the LEAA legislation for any such individual to undertake this kind of mission. However, if the plan for the District of Columbia for LEAA funds provides for that, it is something I am not aware of.

Mr. GONZALEZ. But I think it is very important that somebody should show an interest in whether that is the case or not, because it will go a long way toward making up my mind how to vote on this program. Whether the District or any place else diverts funds for this purpose, which is plainly and simply a campaigning purpose, then I think that the great argument that was used here to start this program is not correct.

I think the congressional intent is not being served. I would like to know if the chairman, the gentleman from New Jersey (Mr. RODINO) would be interested in pledging the support of his committee or his staff in ascertaining how this trip is being subsidized, and by whom.

Mr. RODINO. If the gentleman will yield, the gentleman from Texas can be assured that we will look into that matter. I would also like to tell the gentleman from Texas that this is among the very reasons why the committee has provided for a 2-year authorization rather than a more extended authorization, in order to assure that there is oversight in seeing that LEAA functions are carried on according to the intent of the Congress.

Mr. HANNA. Mr. Chairman, would the gentleman yield?

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

Mr. HANNA. Mr. Chairman, it may very well be that this trip has something to do with national security, and we do not want to be questioning that.

Mr. GONZALEZ. Let me say that if national security is at issue, then we are lost.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WYMAN. Mr. Chairman, the law enforcement assistance amendments before the House today offer an opportunity to continue and expand a successful experiment in innovative Federal assistance to State and local governments. In recognition of the shortcomings of most Federal categorical aid programs, the Law Enforcement Assistance Administration was established primarily as a coordinating medium through which the individual State and local law enforcement organizations are able to receive badly needed financial assistance and to exchange information on how best to meet ever-changing law enforcement needs. Narrow restrictions on such aid and "red tape" in general have been held to a minimum.

Despite some growing pains shortly after its inception, Federal law enforcement assistance has been highly effective in helping reduce the shocking increase in crime over the past decade, and in encouraging responsible local solutions to

local problems. The smaller, rural units of local government have particularly benefited by not being forced to approach their crime problems armed with programs primarily designed for the different needs of our populous urban areas. At the same time, LEAA has acted as a central clearinghouse for a healthy exchange of information and ideas. This has proven invaluable to fiscally hard-pressed localities which lack the resources to effectively meet the challenges of the national crime wave of the sixties.

The Law Enforcement Assistance Act goes beyond merely providing financial assistance. Along with education programs for law enforcement officers, it encourages a broad range of "R. & D." initiatives of law enforcement which encourage modernization of antiquated techniques and stimulate anticipation of future problems. Under LEAA the overall quality of law enforcement has increased and will continue to do so.

The legislation before the House today expands on the successes of the past several years. Pass-through requirements are strengthened to assure local units of government, with their unique problems, are not shunted aside in the effort to encourage modern comprehensive statewide law enforcement programs. Matching requirements have been improved in recognition of the budgetary procedures prevalent at the local level. Education and training programs have been expanded. In keeping with legislation I introduced in the 92d Congress and again in this Congress, eligibility has been broadened so additional agencies faced with increasing law enforcement responsibilities such as conservation departments can now be included under the provisions of LEAA.

We cannot continue to tolerate one of the highest crime rates in the world. Too often in the past it has been demonstrated that our law enforcement techniques were sadly outmoded. The Law Enforcement Assistance Administration is changing that, that I urge the House today to pass H.R. 8152 so the progress made to date can be continued.

Mr. KOCH. Mr. Chairman, the bill to provide a 2-year extension, with amendments, of the Federal law-enforcement assistance program is now before us for a vote. Of course, I will be supporting this legislation to aid State and local governments in reducing crime and improving the Nation's criminal justice system. I would like to bring to the attention of my colleagues one of the committee amendments which I am proud to have authored, originally known as H.R. 677, to provide for the development and operation of treatment programs for drug abusers who are confined to or released from correctional institutions and facilities. H.R. 677 was passed favorably by Representative DON EDWARDS' Judiciary Subcommittee and was then included in the LEAA bill by the full Judiciary Committee. It is the same amendment which passed the House last year under H.R. 8389, but died in conference.

This measure should go a long way in encouraging States and localities to provide drug treatment programs that are so desperately needed in their prisons. It is designed to provide the basis for tackling one of the principal causes of crime in our cities: drug addiction.

In 1970 the Omnibus Crime Control Act was amended to establish a program for the improvement of State and local correctional facilities. Under this law grants for the upgrading of correctional facilities are made upon the submission and approval of a plan, meeting certain minimum requirements by a State. My amendment adds a new requirement—that States make necessary provisions for the establishment and development of narcotic treatment programs in their correctional facilities and in their probationary and parole programs.

In the city I come from, New York, at least 50 percent of the street crime is attributable to drug addiction—perpetrated by addicts needing money to support their habits. And yet, little is being done in our prisons to treat this identifiable cause of crime. Offenders are brought into the jails and detoxified. But, then they are left to serve out their terms, without treatment for the drug problem which in most cases was the cause of their criminal involvement. Consequently, when they are released from prison, many immediately return to their drug and criminal habits.

An addict or drug abuser when imprisoned is easily identified, isolated and available for regular treatment. It is tragic that we have been wasting this opportunity to provide these men and women treatment, particularly when most have so little else to do to fill their time.

I would like to thank our colleagues on the Judiciary Committee for including the amendment in the bill. I hope this entire measure will be favorably supported by the House.

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 8152, the law enforcement assistance amendments. This bill, reported to the House Judiciary Committee of which I am a member, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1970.

The essential purpose of H.R. 8152 is to improve law enforcement and criminal justice. This bill would make the functions of the Law Enforcement Assistance Administration more effective and would expand the oversight functions of the Congress in assessing the law enforcement activities of the Federal Government. The bill authorizes appropriations of $1 billion for the LEAA in each of the coming fiscal years.

The initial authorization for the Law Enforcement Assistance Administration ends on June 30 of this year. LEAA was created by Congress in 1968 to assist State and local governments in reducing crime and improving our country's system of criminal justice. LEAA provides financial and technical assistance to State and local law enforcement and criminal justice agencies.

I believe that the original concept of the LEAA was sound. However, the transcript of the hearings that comprise over 1,000 pages reveals that the existing authority for the LEAA was in some ways faulty. The bill before us today makes some of the necessary corrections and will, I believe, strengthen Federal efforts to control crime.

The existing administration of LEAA has been the subject of considerable criticism. For example, former Attorney General Richard Kleindienst conceded during the hearings on this bill that the LEAA program was a "morass of red-tape." Of particular concern to State and local law enforcement agencies was the often very long delays that accompanied applications for LEAA grants, the result of clumsy procedures for approval or disapproval of grant applications at both the Federal and State level. No meaningful incentive existed to insure that LEAA funds were promptly passed on to the local law enforcement personnel who actually do the work of reducing crime.

The law enforcement assistance amendments would require that action be taken on a grant application within 90 days of submission at the Federal level, and similarly, States would be required to approve or disapprove applications within 60 days. This reform should speed up the process of providing LEAA funds at the local level and reduce the uncertainties of grant applications that have deterred some law enforcement agencies from seeking LEAA funds.

Another important component of H.R. 8152 is the emphasis placed by the bill upon criminal justice, as well as law enforcement. This is particularly important, for the problem of crime in America is not to be solved exclusively through the purchase of police hardware—one of the more unfortunate emphases of the existing program. Increasing the emphasis of the LEAA upon criminal justice should provide a more comprehensive approach to the problems of crime by adding to the intent of the Law Enforcement Assistance Act the purpose of rehabilitating criminals as well as detecting and apprehending them.

By providing for the expedition of the flow of grant funds, and by strengthening the oversight functions of the Judiciary Committee, this bill now before us should reduce some of the rigidities of the present law. Greater flexibility in administration will be permited at both the Federal and State levels, but Federal responsibilities over the program will be continued, thus emphasizing unified and continuous overall approaches to the problems of law enforcement and criminal justice.

One central feature of H.R. 8152 is that for the first time the Law Enforcement Assistance Act would contain provisions protecting civil rights and civil liberties. Discrimination on the basis of sex would be banned. In addition, the bill would expand the scope of State law enforcement and criminal justice planning agencies by requiring for the first time that representatives of citizen, professional, and community organizations be included in the makeup of these agencies. The bill also requires that all planning meetings be open to the public when final action is taken on State plans.

H.R. 8152 proposes substantial changes in the manner in which LEAA grants will be made to the States. These changes are designed to tie LEAA grants more closely to achievement of law enforcement and criminal justice goals. No State plan will be approved unless and until LEAA finds "a determined effort by the plan to improve law enforcement and criminal justice throughout the State." It is

not enough, under the terms of the bill, that this "determined effort" be merely a wide distribution of LEAA funds geographically and/or institutionally. Rather, approval will require a "balanced and integrated" approach to the particular needs of the State.

This provision of the law will increase the leverage that LEAA has upon the States to come up with law enforcement and criminal justice plans that really work. LEAA grants are worthless unless they lead to reduced crime, and this will not happen unless States and local agencies make greater efforts to link LEAA grants to real law enforcement and criminal justice needs.

Local governments are assured at least 40 percent of a State's LEAA planning moneys, and the minimum allocation to each State for each State is increased by the bill from $100,000 to $200,000—another step necessary to improve coordination of law enforcement and criminal justice activities within individual States.

H.R. 8152 also requires that before any State plan can be approved that it must assure an:

> Allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity.

This provision is designed to insure that no high-crime area is left out of a State LEAA plan. While it could be formulated in stronger terms, this provision is still an improvement over present law.

Other provisions of the bill before us today would encourage cooperation between local enforcement and criminal justice agencies, and make it possible for State planning agencies to fund local projects on a "package" basis rather than individually, as required under current law. In addition, H.R. 8152 would strengthen the National Institute of Law Enforcement and Criminal Justice, which will be given additional authority to evaluate projects, develop training programs, and act as a clearinghouse for information. LEAA will be allowed under the bill to make grants to private nonprofit organizations from its discretionary funds. This means that law enforcement and criminal justice problems of a national character can be addressed in more appropriate ways than was possible under existing laws, which allowed grants only to agencies of State and local government. The law enforcement education program (LEEP) is also strengthened, and the amounts of LEEP grants and loans to individuals and institutions engaged in the study or teaching of law enforcement and criminal justice have been increased, so as to keep pace with inflation.

Mr. Chairman, the bill before us today would accomplish many needed reforms of the Law Enforcement Assistance Administration. While in some ways this bill could be strengthened further, I believe it a measure that deserves the support of this House. LEAA is the principal Federal effort to reduce the crime in our Nation's cities and towns. It should be made more effective, so that the States and the local law enforcement and criminal justice agencies that receive LEAA funds can go about the vital business of controlling crime.

Mr. FRENZEL. Mr. Chairman, I rise in support of the law enforcement assistance amendments before us today, and to congratulate the committee and subcommittee on the fine job which they performed. Too often, a program which begins with noble objectives ends up being nothing more than a morass of endless redtape commonly accomplishing nothing. It is important that Congress assume an oversight function and attempt to get these programs on track so as to accomplish the original legislative intent. I believe the committee has a good job of monitoring LEAA.

The intent of the Omnibus Crime Control and Safe Streets Act was not, I believe, exclusively to provide extensive, and sometimes superfluous, armaments to our individual police units. Rather, it was not only the purpose of Congress to upgrade the quality of law enforcement personnel, but also to upgrade the whole criminal justice system in the United States.

It is important that in controlling crime we make improvements throughout the justice system to provide a balanced prevention system. Without proper correction and rehabilitation programs, without proper court and law reform, without proper community relations, any attempt to lessen crime in the United States would be less than fully effective.

In the past, LEAA has been used primarily to improve the quantity and quality of law enforcement personnel and equipment less. Emphasis has been placed on improving our correctional facilities and on developing rehabilitation and judicial programs. In the short space of 5 years, the LEAA budget will have risen from $100 million in 1969 to $1.75 billion in fiscal year 1973. The average percent of expenditures from 1969 through 1971 is 82.3 percent for police purposes, 10 percent for corrections, and 7.7 percent for the judiciary. This is an understandable start for LEAA, but these figures surely do not fulfill the mandate which this Congress intended for the LEAA.

The law enforcement assistance amendments which are offered today make a valiant attempt to make clear the intent of Congress that a substantial proportion of the moneys appropriated under this program go to upgrading the quality of the overall justice system in the United States. The greatly increased authorization will permit, and the committee language will encourage, greater emphasis on rehabilitation and judicial improvements, without a cutback on improvements in law enforcement efforts.

I had originally thought that guidelines should have been included to insure a balanced effort, and am still not unfriendly to that concept. However, the committee's intent is clear, and its plea for the need for flexibility in these locally originated programs is persuasive. I believe that today we are aimed at greater emphasis on prevention, without reduction in efforts to cure.

Also, I hope that these programs will continue to be closely monitored. I again congratulate the fine work of the Committee on the Judiciary and Subcommittee No. 6. I urge passage of this bill.

Mr. JAMES V. STANTON. Mr. Chairman, I am sure it is obvious to all my colleagues here that I have several very strong reservations about H.R. 8152, but nonetheless I am going to vote for this bill. I want to say very frankly that one of the major considerations tipping my vote to the positive side is quite parochial in nature. It happens that my city of Cleveland, Ohio, is one of the eight—I emphasize, only eight—very fortunate cities across the Nation that currently are receiving some $20 million over 3 years from the Law Enforcement Assistance Administration under the agency's so-called special impact program. I cannot ignore that fact, and I certainly want the agency's lease on life to be renewed, so that these much-needed funds are not denied to my city. But I want to add, ironically, that the very fact that Cleveland is receiving this special benefit is one of the reasons for my criticism of the present overall LEAA program.

Mr. Chairman, it has been my argument all along that all the large cities around the country—not merely eight—should have their needs addressed by this program. And they should be assured of adequate assistance automatically, as a matter of right, rather than as the consequence of a process of political selection. I have no doubt whatever that Cleveland was designated for this Federal largess because of political considerations, rather than strictly on the basis of need. I want to be blunt about it. I think the political affiliation of the mayor of Cleveland and the activity of the Congressman from Cleveland—namely, me—were probably decisive factors in Cleveland's receiving this grant. The Honorable Ralph J. Perk, of Cleveland, is one of the few Republican mayors of a large city, and the LEAA is in the control of a Republican administration here. Furthermore, the grant was awarded at a time when I had begun to severely criticize LEAA operations, week after week, and this activity by me was being accorded publicity in newspapers and other media around the country. Of course, I do not really know whether the grant was made to shut me up—that is, to undermine my argument that big cities were not getting their fair share of LEAA funds—or whether the grant would have come anyway because of our Republican mayor, or whatever. But no matter what weight, if any, is assigned to either of these two facts, I want to reiterate that I have no doubt that the decision was political.

I think a review of newspaper and other reports at the time the special impact grants were made will bear out my argument that all the circumstances suggest that, not only Cleveland, but some of the other cities as well, became beneficiaries of a political decision. For example, when my colleague, the gentleman from Ohio, JOHN SEIBERLING, and I sought information about the program at the grassroots level, by writing to mayors and other responsible criminal justice officials in the 56 largest cities, inquiring whether they were benefiting from the program, we were told unofficially in many cases that no formal criticism of the program would be forthcoming because some of the cities were hoping to be selected for special impact

funding, and they did not want to prejudice their chances by being entirely frank with us, Members of Congress. In other words, some of them withheld information from this body because of this fear. It is understandable why they did so. As the program is presently operated, I cannot say that I blame them.

This, then, Mr. Chairman, is one of the things I have been trying to correct about the LEAA program. I have been maintaining that the large cities should have positive assurance that they will receive adequate funding, that they should not have to beg for it, and it was with this in mind that I proposed at the hearings of the Judiciary Committee a formula for an automatic passthrough of funds, through which this objective could be accomplished. I regret, of course, that the committee did not see fit to adopt this formula, or some suitable alternative to it, because, in my opinion, unless we write these requirements into the law, many cities will be in doubt, and with good reason.

For instance, Cleveland has no real assurance of adequate funding after the special impact program is concluded. What if we have a Democratic mayor by that time? I suggest, then, that the hand that gave us this money might be the hand that also takes it away. Personally, Mr. Chairman, I would much rather rely on assurances in the law than on the subjective feelings of bureaucrats who might not have Cleveland's interests in mind, and who might be more interested in running a political operation than in seeing to it that all needy parts of the country are adequately served by this program.

Now, there should not be any mystery why I keep referring to the needs of large cities as if they are deserving of special consideration. The fact is I do believe very strongly that they must have special consideration because, Mr. Chairman, they are the ones who have the most serious problem. I should think that a well operated program would seek to put the money where the crime is. Well, then, in the 56 cities of this country that have a population exceeding 250,000 persons, we find 20 percent of the country's population but—and mark this well—52 percent of the violent crime, including nearly two-thirds of the robberies. And in the 153 cities of 100,000 and more, we have 28 percent of the population, but 60.8 percent of the violent crimes, including nearly three-fourths of the robberies. Those are 1972 figures from the FBI.

We are told by the administration that there is good news in the crime statistics—that there is a decrease in the rate of increase, whatever that is supposed to mean to the average citizen, and in some places an actual small percentage decrease. Personally, though, I do not take great comfort in this. I do not think my constituents do, either. Percentages and so forth mean very little to them. How can they feel good about it when, for instance, they are told that crime in Cleveland was down 7.2 percent during the first 9 months of 1972, but yet there was a total of 46,925 felonies committed compared with 9,054 felonies 10 years earlier. How can they feel at ease, whatever the statistical trends show, when sheer numbers show that 3,939 robberies were committed during those 9 months, and 1,468 assaults? Is the Attorney General so comfortable with his statistical trends that he would care to walk the streets of Cleveland at night? I do not think he would. I know I certainly would not, and my constituents know better and they actually stay off the streets. The fact that the streets have become empty has led to all sorts of other problems for Cleveland, and certainly this has not enhanced its image as an attractive place to live or to do business. I know I am not just talking about Cleveland, Mr. Chairman, because the Gallup poll only last January reported that Americans regard crime as—quote—the worst urban problem—unquote. Does that give us confidence in the LEAA program, which has spent $2.5 billion over 5 years?

I would like to make another point, Mr. Chairman. I would have preferred to see this legislation authorize block grants of LEAA funds to the large metropolitan areas because it is the local officials—the mayors, the police chiefs, the judges, the probation officers, and so forth—who are in the front line in the fight against crime. The responsibility basically is theirs, and therefore they should have more autonomy in budgeting LEAA funds and assessing local priorities. Let us not kid ourselves. The State governments have neither the authority nor the expertise in this area. And even if the States did, we should want, because of the kind of democratic government we have in this country, to see to it that the police power is dispersed, that it is exercised locally by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats in Washington or in the State capitals with control over the police, nor do we want to trust them to dispense justice. It seems to me that if we were to give this autonomy to our local officials, and if they then should fail to use the LEAA funds properly, then they would no longer be able to pass the buck on up to the State and Federal Governments, as the habit has been of late. Rather, they would have to answer for their derelictions at the polls.

Now, Mr. Chairman, H.R. 8152 does contain certain improvements over the present program. I hope these amendments to existing law will bear fruit. I think they may, and therefore I am going to vote for this bill, as I have said. But I think continuing oversight of this program is needed and that Congress ought to carry this out. And furthermore, I want to say in conclusion that I could not go along with this bill at all if it contained more than a 2-year authorization. The fact that we are limiting the authority to 2 years gives us an opportunity to keep a watchful eye on the LEAA, and to restructure the agency in 1975—or before—if the administrators show by their performance that they are ignoring the intent of Congress, as it is expressed in H.R. 8152.

Mr. RAILSBACK. Mr. Chairman, I urge all Members to join me in giving favorable consideration to H.R. 8152, the law enforcement assistance amendments.

There are many things that I could tell you about the Safe Streets Act of 1968 and how the Law Enforcement Assistance Administration has helped transform criminal justice in Illinois.

As in many other large States with extensive urban region, Illinois has long had its gangsters and racketeers. Organized crime and public corruption have deeply embedded themselves into the underside of our society.

While the vast majority of its citizens are hard-working, law-abiding, decent men and women, hoodlums, and outlaws have made Chicago's name synonymous throughout the world with crime and violence.

Although this unfortunate reputation goes back to the advent of Prohibition, and perhaps earlier, both the city and the State had long been at a disadvantage in their efforts to fight crime in Chicago.

The reasons were manifold, but in summary they are as follows:

First, the past two generations of our history had brought unprecedented mobility and financial resources to those elements of society which habitually live outside the law.

Second, city and State officials had to keep within budgets too restricted to match the ever-growing needs for more effective crime-fighting weapons and techniques.

Third, jurisdictional problems, traditional parochial jealousies, and the lack of an effective statewide coordinating mechanism had made the application of existing anticrime tools less than optimum.

But, Mr. Chairman, the passage of the 1968 Safe Streets Act and the 1970 amendments have altogether altered that situation.

Today Illinois has the money, the techniques, and the coordinated planning facilities to counter corruption and racketeering. We have them because we have LEAA and a Congress and an administration that support the safe streets concept.

I have spoken in generalities. Now I shall be specific.

LEAA has concerned itself with Illinois' problems. To cite one example, LEAA has given the State a total of $500,000 thus far to establish a Special Prosecution Unit in the Illinois Attorney General's office.

The unit is composed of eight attorneys and six investigators. It operates principally in the areas of antitrust violations, official misconduct, revenue law fraud, alcoholic beverage statute violations, liaison, and special Illinois department of law enforcement investigations.

The unit is an active partner in the Federal organized crime strike force operations in Illinois.

Let me mention some specific examples of the special prosecution unit work that the LEAA has made possible:

An investigation into janitorial service industry payoffs that were defrauding the Small Business Administration and involved illicit kickbacks from Chicago State Hospital personnel.

A probe of an Illinois State police officer accused of extorting protection money from illegal Mexican immigrants.

An investigation of ambulance operators charged with bribing Chicago Police

Department and Fire Department officials.

A grand jury hearing into charges that an Oak Lawn park district official had been extorting money from contractors.

A financial records investigation of alcoholic beverage dispensing establishments in Peoria, Tazewell, and Woodford Counties for illegal ties with local political figures.

A series of raids of illegal drinking establishments in Evanston.

A probe of excessive prices that Robbins, Ill., officials allegedly paid suppliers.

The prosecution of police officers charged with stealing from local freight yards in Riverdale.

An investigation into official misconduct in Niles, East St. Louis, Orland Park, Joliet, and Markham, Ill.

An investigation of Cook County election law frauds, which produced information forwarded to the U.S. Department of Justice.

An indictment of a State boiler inspector for receiving bribe payments for writing fraudulent certificates of approval.

An investigation of bartenders' union officials accused of bribery.

Investigations of 72 cases of tax fraud in cooperation with the Federal Bureau of Investigation, the Chicago Police Department, and Illinois law enforcement officials.

A probe of anti-trust law violations by persons accused of conspiring to allocate prices and territories and to forge invoices and receipts in connection with grass-mowing contracts along interstate highways in Illinois.

An investigation of the possible killer of an Illinois bureau of investigation narcotics agent.

This indicates the broad range and significance of the special prosecution unit's work, and Illinois is thankful to LEAA for having made it possible.

As you have heard, the unit conducted a good number of investigations that cut across jurisdictional lines in Illinois. Some of them involved multicounty work or small counties that lacked the resources for doing their own prosecution.

As you can imagine, this assistance has been exceedingly helpful to the Illinois State Attorney General, William Scott, who has said his office would be at a loss without it.

His colleagues in other States feel the same way. In a resolution passed last June, the National Association of Attorneys General reaffirmed its support for the block grant concept and called upon—

> Both the Congress of the United States and the Nation's State and local governments to support LEAA in the interest of greater domestic security and a more efficient campaign to combat disorder and reduce crime.

I urge my colleagues to respond to that resolution. We must insure that Safe Streets Act help continues uninterrupted in the future.

Mr. ROSTENKOWSKI. Mr. Chairman, the most effective means of combatting the high incidence of crime in our Nation is today a subject of grave concern to all Americans. Through the continuation of the Law Enforcement Assistance Administration, $2 billion in Federal spending will be allocated to the State governments during fiscal years 1974 and 1975.

The law enforcement assistance authorization, H.R. 8152, extends the present law and expedites the granting of funds at both the Federal and State levels. This greater flexibility in the administration of the programs allows for a more extensive protection of civil rights and encourages more community participation through open meetings. A functional law enforcement and criminal justice system is particularly essential in this age of violence and soaring rate of crime.

While this bill provides for a more efficient administrative system, it has not expedited the flow of funds to the major cities which are being plagued by the highest crime rates in the Nation. Stressing the wide disbursement of Federal funding rather than the direct channeling of grants to the hardest hit areas of crime, the LEAA has failed to strike the problem at its source. In 1971, Chicago was denied 80 percent of the funds it requested to effectuate crime control. Considering that Chicago comprises 1.66 percent of the Nation's population and has received only .46 percent of all grants awarded, it is evident that the appropriation of Federal funds does not coincide with the proportion needed.

The amendments contained in this bill will result in a vast improvement in the LEAA, which was begun in 1968. In dealing with the problems of crime, however, I feel that a better disbursement of funds is prerequisite to any legislation to promote more efficient law enforcement. The American people are more concerned with combating actual crime in an effective manner, than with developing statistics which merely reflect Government spending where it is not most needed. Thus, Mr. Chairman, I believe that in the years ahead, the LEAA should focus its efforts on reducing crime in the most needy areas rather than developing model programs in areas far removed from the hard-core crime areas of our inner cities.

Mr. RINALDO. Mr. Chairman, I rise in support of the amendment to add the law enforcement officer's bill of rights to the extension of the Law Enforcement Assistance Act.

For many of the same reasons I cosponsored the law enforcement officers' bill of rights, I believe it should be approved. Additionally, I believe approval of this amendment would be a logical step to take if we wish to attract more individuals to the law enforcement profession.

During the 5 years, I spent as a member of the New Jersey State Senate, I consistently sponsored and supported legislation aimed at improving the salaries and working conditions of policemen in my home State. However, I have long recognized that law enforcement officers need more than financial support. They need to know that just as they have the responsibility to protect the rights of private citizens, their professional and civil rights must also be protected.

Briefly, the amendment would require that a system be provided for the investigation and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government, and public agencies.

Additionally, it would provide for the formulation of a law enforcement officers bill of rights which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all local enforcement officers of the State, units of general local governments, and public agencies operating in the State.

Among other things, the bill of rights would prohibit bans on law enforcement officers engaging in political activity. At the same time, it would allow policemen and other law enforcement officials to refuse to participate in political activity if they so choose.

The bill of rights would also specify the rights of law enforcement officers under investigation, such as the time and place of investigation; the nature of the complaint and names of complainants; sworn complaints; interrogations of reasonable duration; a ban on intimidation or threats; recording of interrogations; the officers are to be informed of all legal rights; and the right to representation by counsel or another representative of his choosing during the interrogation.

These are the main features of this bill that I regard as so important to the peace of mind and security of the law enforcement officers of this Nation. This is why I cosponsored this amendment and hope that the House will at some future date reconsider this measure.

Mr. RODINO. Mr. Chairman, the bill, H.R. 8152, amending title I of the Omnibus Crime Control and Safe Streets Act of 1968, which was passed by the House on June 18, represents an important step forward in the fight against crime.

I have previously addressed the House on a wide variety of improvements embodied in H.R. 8152. However, I believe it is important to remark at this time on a particular package of committee amendments to the bill, adopted by the full House.

Those amendments, to part E of the act, read by the Clerk and reported on page 20088 of the June 18 RECORD, are particularly useful additions to the act. They encompass two elements vitally needed to aid the fight against crime: Narcotics treatment facilities and rehabilitative resources.

The amendments actually represent an important piece of legislation unto itself, conceived of and introduced in the last Congress by my distinguished friend from New York (Mr. KOCH) and passed by the House last year. It was again recommended favorably this Congress by Subcommittee No. 4 of the Committee on the Judiciary, ably chaired by Mr. EDWARDS of California with the valued assistance of the ranking minority member, Mr. WIGGINS, also of California.

The success of our fight against drug abuse and the degree of our commitment to upgrade the quality of correctional programs in this country, will in large determine the success of our fight against crime. The Koch amendment, presented as an amendment to the bill by the committee, will be an important tool in that fight.

Mr. HOGAN. Mr. Chairman, I rise in support of the bill H.R. 8152, the law enforcement assistance amendments. This bill preserves the basic structure and fundamental purpose of the Law Enforcement Assistance Administration, leaving the primary responsibility to the States with Federal assistance.

I was a charter member of the Governor's Commission on Law Enforcement and Administration of Justice in Maryland which is a planning agency under LEAA. As a former FBI agent and member of the Judiciary Committee, I have a deep interest in the problem of crime and I believe that LEAA can be an effective tool in an overall program of crime prevention.

I am pleased that the committee did not adopt any of the several amendments which would have substantially changed the current program. The bill we have before us today is the result of careful and thoughtful consideration by both the subcommittee and the committee.

The purpose of this bill is to aid governmental units which have shown that they can best combat crime and to provide incentives for innovating and progressive programs. Congress has concluded that States are in the best position to organize and set priorities and this bill recognizes that fact.

Federal funds, through LEAA, should be a catalyst for change, extra capital to be earmarked for trying new ideas, and for research.

In the 5 years the program has been in operation, the State of Maryland, through the Governor's Commission, has provided nearly $25 million in crime control funds to localities and State agencies throughout Maryland, funds to improve the State's criminal justice system and make communities safer places in which to live.

At a national level, LEAA has promoted standards for reducing crime through the monumental work of the National Advisory Commission on Criminal Justice Standards and Goals. The commission, instead of attempting another major study of crime in America, concentrated its efforts on molding the recommendations and finding of other blue-ribbon commissions into clearly outlined personnel, organization and performance standards for States and local units of government.

Present law precludes that more than one-third of any grant be used to pay the salaries of regular law enforcement and criminal justice personnel. However, consistent with the purposes of the LEAA program, these salary limitations do not apply to personnel engaged in innovation or research or similar activities. Unfortunately, the bill as reported by the committee does not equally well protect the limited purpose of limited Federal funds. The protection is reduced to cover only regular police salaries. Thus, regular personnel engaged in any other aspect of law enforcement and criminal justice may be subsidized without limitations. I feel it would be unwise for the Federal Government to try to fulfill the constitutional obligations of the States in this way.

LEAA has had its problems, but overall I think it has the potential to make a significant contribution in our fight against crime.

Mr. BIAGGI. Mr. Chairman, this amendment is the same as my law enforcement officers' bill of rights legislation which I first introduced in the 91st Congress. My bill had over 130 cosponsors in the 92d Congress and now has over 100 cosponsors again in this Congress.

There is strong support for this measure among people of all walks as well as among law enforcement officers.

In fact, a petition drive sponsored by the International Conference of Police Associations in 1971 brought in signatures from thousands of police officers from States in every part of the Nation.

What are these men asking for?

Simply, the same civil rights guaranteed every other American, constitutional rights during the performance of official duties. Such an official forum for the airing of civil rights complaints will, among other things, give every law enforcement officer a genuine feeling of participation in the American constitutional and democratic system of grievance adjudication. As a result, in these confrontation situations, a police officer will see no need for immediate, on-the-spot retaliation to fill the gap in the judicial system as it applies to his actions.

His attitude, his behavior, and indeed, his overall performance will improve, and, as a result, the society he serves will benefit.

Withhold personal financial information unless such is requested through proper legal procedures; and be properly and promptly notified of the nature of a complaint and of the complainant in any disciplinary action taken against him.

Mr. Chairman, a separate title in my bill calls for the establishment of a Law Enforcement Officers' Grievance Commission in each State. These Commissions will enable law enforcement officers to present their legitimate, civil rights-related grievances to a panel of representatives of the public, the police, and the government in a nonadversary situation.

Grievances entertained by the Commissions would only be those directly related to questions of the denial of but denied them because of their position in a law enforcement unit.

My bill would require States to establish a bill of rights for police officers in order to qualify for Federal LEAA funds.

The bill of rights would grant every law enforcement officer the right to engage in political activity on off-duty hours; have counsel present and be assured of a reasonable and just procedure when being interrogated by superiors or others; have representation on complaint review boards where they exist; be able to bring civil suit for damages arising out of their official duties.

If we are going to spend $1 billion in each of the next 2 fiscal years to improve law enforcement, we should be assured that the men and the women enforcing the law have the outlook and the high morale that comes from knowing they are equals in the eyes of justice.

We can be certain of this if we take bold and positive steps to achieve a proper system of civil rights guarantees in every State of the Union. My amendment will do just that. I urge my colleagues to vote for its passage. I don't think they can afford not to.

Mr. PEYSER. Mr. Chairman, will the gentleman yield at this point?

Mr. BIAGGI. Yes, I am glad to yield to my distinguished colleague, the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I just want to state at this point that the gentleman has touched at really what is the heart of the bill, that every police officer is basically entitled to the same constitutional rights as everyone else, and I would simply like to join with the gentleman in the well in this in reaffirming that fact, and I trust this amendment offered by the gentleman from New York (Mr. BIAGGI) will be enacted.

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

I would like to make this observation: Federal Judge Mirage of Virginia, as a result of some outbreak in a prison, established a bill of rights for prisoners, and he has established for the prisoners the very same things I am requesting for policemen.

Mr. PODELL. Mr. Chairman, as a cosponsor of the Law Enforcement Officers' Bill of Rights, I rise in support of its adoption as an amendment to the LEAA authorization bill.

Many people feel frustrated by judicial decisions which, it is claimed, seem to favor the rights of accused criminals over the rights of policemen and the public. While I think that much of this criticism is unjustified, I do believe that it is time to give special attention to the constitutional rights of our law enforcement officers.

One of the major areas of controversy concerns complaint review boards. No one questions the necessity for civilian checks on the police, but it would seem logical that policemen should be judged by those most familiar with police practices—their fellow officers. This amendment provides that when review boards consisting of civilians are established, an appropriate number of police representatives shall be included on the board. The membership of both civilians and policemen on these review boards will better insure a fair determination of each case, and will also facilitate better understanding between the public and the police.

Another major feature of this amendment is the requirement that the rights of an officer under investigation shall be spelled out. These specifications shall include the nature of the complaint and the names of the complainants; that there shall be no intimidation or threats; that the interrogations shall be recorded; that the officer be advised of his rights; and that he may be represented by counsel of his own choosing during the interrogation. Undoubtedly, many local police departments already have adopted these safeguards for the rights of officers under investigation. But these rights, no

less than the Miranda rules for accused criminals, deserve nationwide application.

The amendment also provides that officers shall not be prohibited from engaging in, or refusing to engage in, political activity while off duty. The freedom to engage in political activities is one of our most fundamental rights as Americans. Last year, a U.S. District Court ruled that the Hatch Act, which restricted the political rights of civil servants, was unconstitutional. The Supreme Court will pass judgment on that case within the next few weeks, and I am hopeful that the District Court's decision will be affirmed. The amendment before us would extend these basic rights to law enforcement officers.

There is no reason why the exercise of these rights should in any way interfere with their impartial administration of the law. Those who provide first-class police protection should enjoy all the rights of first-class citizens. That is what this bill of rights provides, and that is what America's policemen deserve. I respectfully urge my colleagues to adopt this vital amendment and wish to congratulate the gentleman from New York (Mr. BIAGGI) for his relentless and tireless effort in this vital area.

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

Mr. BIAGGI. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I would like to associate myself with the gentleman in the well, the gentleman from New York (Mr. BIAGGI). I rise in support of the amendment.

Mr. Chairman, I rise in support of the Biaggi amendment to provide a system of redress of law enforcement officers' grievances and to establish a law enforcement officer's bill of rights in every State of the Union.

As an original cosponsor of legislation embodying a law enforcement officers' bill of rights, I believe it is imperative that we insure every police officer in this country the civil rights guaranteed to him under our Constitution. These are the same rights and privileges afforded to every American citizen, and they should not be denied to those engaged in law enforcement activities. It deeply disturbs me that in certain areas of the Nation, law enforcement officers, if arrested and charged with a crime, are denied their citizen's right to immediate legal counsel and may be detained in jail for a period of time. It is also disturbing, and I believe unfair, that police officers are presently prohibited from participating in any potical activity, a right of all other citizens.

It is obvious that many policemen feel they have become second-class citizens by the very fact that they are denied these rights and privileges. The discrimination which they rightly feel, and the ensuing low state of morale, should be a matter of serious concern to all of us. I believe that the very least we can do for our law enforcement officers is to assure them, in the most certain terms, that they are entitled to the same rights and considerations as the rest of society.

Last year, Congressman BIAGGI's Policeman's Bill of Rights, now embodied in this amendment, received the bipartisan support of more than 125 Members of the House and the endorsement of a host of law enforcement organizations. The nature and extent of this support indicates a general and growing feeling that it is high time that the rights of our law enforcement officers be recognized and that the injustices which they have experienced be eliminated. I urge the adoption of the Biaggi amendment.

Mr. MONTGOMERY. Will the gentleman yield?

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

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Biaggi amendment which in effect is the bill of rights for police officers across the country.

This amendment would set up new standards for law enforcement officers on both the national and State level.

In the last few years rulings by the Supreme Court protect the criminal instead of the general public and the policeman himself.

Its high time we give our policemen more rights in the performance of their duties.

I support this amendment offered by the gentleman from New York who himself before coming to the Congress was an outstanding police officer with the New York Police Department.

Mr. COLLIER. Will the gentleman yield?

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

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

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

Mr. BIAGGI. I yield to the gentleman.

Mr. GILMAN. Mr. Chairman, in considering H.R. 8152, the Law Enforcement Assistance Act, providing Federal aid to communities for purposes of securing law and order, it is necessary that we also consider those officials who carry out the provisions of our laws.

It is regrettable that we have to, yet advisable that we do provide our law enforcement officials with a re-statement of their basic rights. I am referring to the law enforcement officers' "bill of rights," which I am cosponsoring with my colleague from New York, Congressman BIAGGI. While these basic rights should not have to be mandated by an act of Congress, the recent abuses endured by many law enforcement officials indicate that such a reinforcement is both necessary and timely.

Many provisions of the law enforcement "bill of rights" are mundane. Surely, Congress should not need to declare, by statute, that any investigation of an officer which might lead to "disciplinary action, demotion, dismissal, or criminal charges" should take place at a reasonable hour; that a law enforcement officer should be informed of the nature of the investigation, that a complaint against a law officer should be authorized; that the law officer should have the right to counsel. Such basic provisions do not constitute any unreasonable demand or any privileged consideration. Each provides a basic right.

In considering the need for this legislation, one need not search far for indications warranting support of this measure. The temper of our times yields occasional violent opposition to law enforcement, with abuse often directed toward our dedicated law enforcement officials.

Mr. Chairman, while we recognize that there may be, on occasion, some individuals wearing a badge who exceed their authority, we also recognize that the vast multitude of our police officers are honest, courageous men seeking the proper and lawful fulfillment of their responsibilities.

In support of the work of our law officers, let us discourage those who thwart the sincere efforts of providing law and order in our cities, towns, and villages and let us support this amendment providing our police with a "bill of rights."

Mr. RONCALLO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. RONCALLO of New York. Mr. Chairman, I rise in support of the amendment.

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

Mr. BIAGGI. I yield to the gentleman.

Mr. LENT. Mr. Chairman, I rise in support of the Biaggi amendment. In recent years, this Nation has seen the extension of basic civil rights to every segment of the population. In addition, we have attempted to make a case for the extension of basic human rights to persecuted groups around the world. While all of these causes are more than justified, I fear that we have neglected to pass on these same rights to one group of citizens—our law enforcement officers.

While the policeman is required to enforce the law and protect the rights of others, he is consistently denied the protection of those same rights. Thus the policeman is considered a second-class citizen when it comes to constitutional rights.

The amendment introduced by my colleague (Mr. BIAGGI) would act to rectify this situation by amending the Omnibus Crime and Safe Streets Act of 1968 by establishing a nine-point bill of rights that would provide law enforcement officers, including officers of public agencies, with statutory protection for certain rights enjoyed by other citizens, including the right of police officers to engage in political activity while off duty and out of uniform; the right to have other law enforcement officers as members on complaint review boards; and the right to bring civil suit against anyone for damages suffered, or for abridgement of their civil rights arising out of the officer's performance of official duties.

Mr. Chairman, we demand a great deal from our law enforcement officers, and rightly so. Theirs is an important public trust. However, I feel that we cannot in good conscience withhold from those individuals rights which the average citizen takes for granted. I urge the adoption of this amendment.

Mr. CONYERS. Will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding.

Will you please explain to me what prisoners' rights are included with the regular policemen? You said your bill contains rights for the policemen that are the same as those granted by Federal judges for prisoners. Is that right?

Mr. BIAGGI. Right.

Mr. CONYERS. What are those rights?

Mr. BIAGGI. Let us talk in terms of some of the rights of prisoners. If there are any charges against them, they have a right to confront their accuser and they have a right to be represented by counsel. Policemen do not have that right.

Mr. CONYERS. You mean without your bill police officers do not have that right in the courts of law in the United States?

Mr. BIAGGI. We are talking about administrative hearings here. That is what we are talking about. And in prisons we are talking about institutional hearings.

Mr. CONYERS. I thank the gentleman.

Mr. BIAGGI. Let me respond a little further.

We have many instances and not simply one, and it is one of the reasons why I introduced this amendment and included some of these provisions in it. We have actions taken by police superiors who will break into a police officer's house at 2 or 3 o'clock in the morning and remove him and take him away. I know you are smiling because it has been done to civilians, but there is no justification for that, either, by the way. They will hold them incommunicado, and no one knows where he is, without charges being preferred. It has happened many times.

Mr. CONYERS. Has the gentleman brought this amendment before the subcommittee of the Committee on the Judiciary that was handling or considering the LEAA legislation?

Mr. BIAGGI. I would like to respond to the gentleman and say that this bill has been introduced in three successive Congresses. It has been in the Judiciary Committee in each of these sessions, and I sought a hearing, but until recently I was not afforded any.

Mr. RODINO. Will the gentleman yield?

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

Mr. RODINO. Is it not a fact that the gentleman was assured that there would be hearings and he was also reminded of the fact that the Department of Justice issued a report which was requested of them and they violently and vigorously opposed the thrust of the gentleman's bill?

The gentleman was assured, because of the very comprehensive and complicated nature of the bill of rights that he proposed, which we are all sympathetic with, that he would be given a full hearing, and as such the gentleman did not come before the committee which was holding the hearings on this particular LEAA bill.

Mr. BIAGGI. Let me respond to that question. As I said before——

Mr. RODINO. Is that not a fact?

Mr. BIAGGI. I will respond to each one of the points.

I introduced this bill in three successive Congresses and received sympathetic responses. I asked for a hearing last year and did not get any assurance of a hearing until I indicated I was going to offer it as an amendment to the present LEAA bill.

Let me talk in terms concerning the Department of Justice.

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

Mr. BIAGGI. I would prefer that the gentleman from New Jersey would permit me to finish my statement.

Talking in terms of the Department of Justice, and what they say, here is what they say:

Although the Department of Justice believes that State and local law enforcement officers should be afforded many of the rights contemplated—we believe that this bill would be an undesirable intrusion into the activities of State and local units of government, which should be responsible for assuring the rights of their law enforcement officers.

I agree, but they have not been responsible. Those local governments can establish their own prerogatives by either applying for the funds or not applying for the funds. Let them qualify.

Let me continue a little further, and read what they say. They say—and this is the Department of Justice—

We believe that there is a need for minimum standards with respect to police grievances and the investigation of police conduct. In fact, the specific subject of rights of police officers——

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

Mr. RODINO. Mr. Chairman, we have no further requests for time.

Mr. HUTCHINSON. We have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and a Deputy Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. The Deputy Administrator shall perform such functions as the Administrator shall delegate to him, and shall perform the functions of the Administrator in the absence or incapacity of the Administrator.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units (including any Criminal Justice Coordinating Council) within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizen, professional, and community organizations.

"(b) The State's planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate

in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part. The non-Federal funding of such expenses shall be of money appropriated in the aggregate by the State or units of general local government, except that the State will provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places.

"(2) The recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training, and education of community service officers to serve with and assist local and State law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(c) The portion of any Federal grant made under this section for the purposes, of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

"SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"SEC. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including description of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law of enforcement and criminal justice, plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the

State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(10) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(11) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title; and

"(12) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice.

Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State of units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"SEC. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"SEC. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to develop and support programs for the training of law enforcement and criminal justice personnel.

"(b) The Institute is authorized—

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided, under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, correc-

tions, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service; and

"(7) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national clearinghouse for information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), shall describe and in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement and criminal justice personnel; and

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

"(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

"SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding $200 per academic quarter or $300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the plannig of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for grants not exceeding $50 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"SEC. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and post adjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraph (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"PART F—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"SEC. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"'(55) Administrator of Law Enforcement Assistance.'

"SEC. 506. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

"'(90) Associate Administrator of Law Enforcement Assistance.'

"SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

"SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title;

the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1251 of title 28, United States Code.

"SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"SEC. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and

"(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement and criminal justice.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) (1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within sixty days after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized—

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United Staes district court for such relief as may be appropriate, including injunctive relief.

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"SEC. 520. There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $1,000,000,000 for the fiscal year ending June 30, 1974, and $1,000,000,000 for each succeeding fiscal year through the fiscal year ending June 3, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"SEC. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities,'.

"SEC. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units of general local government.

"SEC. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title—

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information.

Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judical or administrative proceedings.

"(b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

"PART G—DEFINITIONS

"SEC. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purposes of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 501(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

"PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"SEC. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act of 1968, the Gun Control Act of 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance).".

SEC. 2. (a) Section 5315 of title 5, United States Code, is amended by striking out the following:

"(90) Associate Administrator of Law Enforcement Assistance (2).".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Deputy Administrator of the Law Enforcement Assistance Administration.".

SEC. 3. The amendments made by this Act shall take effect on and after July 1, 1973.

Mr. RODINO (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 New Jersey?

There was no objection.

Mr. RODINO. Mr. Chairman, the entire bill being open to amendment at any point, I ask unanimous consent that those committee amendments printed in the bill and numbered 18 through 33 on page 3 of the committee report be considered en bloc. Those amendments are purely technical in nature.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments numbered 18 through 33:

Page 8, line 23, insert "and criminal justice" immediately after "law enforcement".

Page 13, line 14, strike out "of".

Page 23, line 6, insert a comma immediately after "conducting".

Page 24, line 18, insert "and" immediately before "shall describe".

Page 39, line 20, strike out "1251" and insert in lieu thereof "1254".

Page 44, line 2, strike out "unit" and insert in lieu thereof "units".

Page 50, line 12, strike out ", the" and insert in lieu thereof a semicolon.

Page 50, line 13, strike out "and" immediately before "custodial treatment" and insert in lieu thereof a semicolon.

Page 50, line 17, strike out "obtain" and insert in lieu thereof "obtains".

Page 51, line 10, insert "and criminal justice" immediately after "law enforcement".

Page 49, line 12, strike out "501(a)" and insert in lieu thereof "1201(a)".

Page 49, line 13, strike out "79 Stat. 1269;".

Page 2, line 15, insert a semicolon immediately before "(2)".

Page 2, line 17, insert a semicolon immediately before "and (3)".

Page 52, line 17, strike out "(131)" and insert in lieu thereof "(133)", and strike out "the".

Page 52, line 18, strike out "Administration".

The committee amendments were agreed to.

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

The Clerk read as follows:

Committee amendment: Page 4, beginning on line 6 and ending on line 7, strike out "(including any Criminal Justice Coordinating Council)".

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-four Members are present, not a quorum. The call will be taken by electronic device.

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

[Roll No. 234]

Adams	Frelinghuysen	Patman
Alexander	Fulton	Quillen
Ashbrook	Gray	Rarick
Badillo	Hansen, Wash.	Reid
Blackburn	Harsha	Riegle
Brasco	Hawkins	Roncalio, Wyo.
Burke, Calif.	Hébert	Rooney, N.Y.
Carter	Landgrebe	Rosenthal
Chisholm	Litton	Ruppe
Cochran	Long, Md.	Sandman
Culver	Mailliard	Schroeder
Danielson	Mathias, Calif.	Stuckey
Davis, S.C.	Melcher	Teague, Tex.
Diggs	Minshall, Ohio	Thompson, N.J.
Dingell	Moorhead, Pa.	Van Deerlin
Edwards, Ala.	Mosher	Wiggins
Evins, Tenn.	Moss	Wilson, Bob
Fisher	Nix	
Fraser	Owens	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, 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. 8152, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 378 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

COMMITTEE AMENDMENTS

The CHAIRMAN. When the Committee rose, the bill was open to amendment at any point and the Clerk had reported the first committee amendment. The Clerk will rereport the first committee amendment.

The Clerk reread the committee amendment.

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 6, lines 10 through 18, strike out section 204 and insert in lieu thereof the following:

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part."

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 15, line 2, after "title;" strike out "and".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 15, line 8, strike out the period, insert a semi-colon and the word "and".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: On page 15, after line 8, insert the following:

"(13) provide for procedures that will ensure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than 60 days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within 60 days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date."

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 27, line 2, strike out "$1,800" and insert in lieu thereof "$2,200".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 27, line 24, strike out "$200", and insert in lieu thereof "$250".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 27, line 24, strike out "$300" and insert in lieu thereof "$400".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 29, line 21, strike out "$50" and insert in lieu thereof "$65".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 32, line 23, strike out "and".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 32, immediately after line 23, insert the following new paragraph:

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abuses; and".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 33, line 5, strike out "(9)" and insert in lieu thereof "(10)".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 33, immediately after line 11, insert the following new paragraph:

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned."

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 39, line 24, strike out "four succeeding fiscal years" and insert in lieu thereof "fiscal year ending June 30, 1975".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 44, line 8, strike out "each succeeding fiscal year through the fiscal year ending June 30, 1978" and insert in lieu thereof "the fiscal year ending June 30, 1975".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 46, line 1, strike out:

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information."

And insert in lieu thereof the following: shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title."

The committee amendment was agreed to.

COMMITTEE AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I have an amendment. It is a committee amendment correctly listed in the report, but omitted from the Union Calendar bill as printed. The amendment is at the desk.

The CHAIRMAN. The Clerk will report the committee amendment offered by the gentleman from New Jersey (Mr. RODINO).

The Clerk read as follows:

Committee amendment offered by Mr. RODINO: Page 11, immediately after line 3, insert the following:

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.".

AMENDMENT OFFERED BY MR. DENNIS TO THE COMMITTEE AMENDMENT OFFERED BY MR. RODINO

Mr. DENNIS. Mr. Chairman, I offer an amendment to the committee amendment offered by Mr. RODINO.

The Clerk read as follows:

Amendment offered by Mr. DENNIS to the committee amendment offered by Mr. RODINO: After "compensation of police" add the following: "And other regular law enforcement and criminal justice personnel."

Mr. DENNIS. Mr. Chairman, the committee amendment which has been offered by my distinguished chairman, the gentleman from New Jersey, provides in essence that not more than one-third of the criminal justice law enforcement grants provided in this measure can be used for the payment of salaries of local police, although that amendment does not apply to officers who might be engaged in research, development, training, or various temporary and innovative measures of that kind. My amendment simply adds to the amendment and adds to those who are covered by the restriction the words "and other regular law enforcement and criminal justice personnel."

The effect of this is that not more than one-third of the grants can be used for these salaries of police. The exemption for those engaged in special work still applies just the same as in the committee amendment.

The reason for this limitation goes back to the original bill and the amendment I propose is essentially merely putting the law where it is today.

It was thought when the LEAA bill was first adopted that what we were trying to do was to encourage new departures and innovative experiments in criminal justice and law enforcement and trying to get the States and communities to do things they were not now doing. For that reason it was recognized from the beginning, and it was placed in the law from the beginning, that only a limited amount of Federal grants could be used to pay ordinary salaries, that is, the things the States and the cities

were already taking care of. We wanted to make this a bill to improve criminal justice law enforcement; we did not want to make it a bill just for revenue sharing or the paying of local salaries. We knew if we did and left it wide open, one city would try to do the job and use the money for innovative purposes and another would yield to the temptation to pay salaries, which would put the pressure on the first city, which would then have to abandon its programs, and so on. In other words, the money would all go into regular pay, which is not what the Congress wanted to do.

So the limitation was put in that not more than one-third of the grant should be used for salaries. That included all law enforcement salaries, and it does include them all in the present law.

The committee amendment adopted in the committee—it is hard to see why—confines that limitation to policemen only. The effect of that is that there is no limitation on other personnel. You can use all of this Federal money when it comes to paying the salary of a prosecuting attorney or a criminal court judge or a probation officer or a parole agent or a public defender. There is no limitation on there, except for policemen, unless you adopt my amendment to this committee amendment.

I fail to see the reason for that, and I think if we do not adopt this amendment, we go far toward destroying the whole original purpose of this bill, which was to restrict the use of this money for salaries.

Remember today under Supreme Court decisions you must appoint a public defender, for example, in every criminal case, felony, or misdemeanor. I believe in that, but if you are going to use this Federal money for that purpose without restriction, you are going to spend most of the grants paying attorneys fees for lawyers, which is not what this bill is designed to do.

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

Mr. DENNIS. I yield to my friend, the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. DENNIS was allowed to proceed for two additional minutes.)

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that, insofar as the public defenders in the Federal courts are concerned, they are taken care of by a separate appropriation in the Justice Department appropriation bill?

Mr. DENNIS. That is correct. What we are talking about here is grants to the States for State prosecuting attorneys, and defenders.

Mr. McCLORY. If the gentleman will yield further, is it not true that originally we provided a blanket prohibition against the payment of police salaries in the omnibus crime bill, and this amendment which authorizes the payment of not to exceed one-third of the salaries was by way of amendment to assist the local communities?

Mr. DENNIS. That is right. We have liberalized it from the original law. Now we only have a limitation of one-third. And why that should not apply to all local salaries is more than I can see, unless we want to change the whole bill into a local salary bill for criminal justice personnel, which I do not think is what we are trying to do.

Mr. McCLORY. Then with regard to the public defenders' salaries of State courts or local courts, those should and are presently being taken care of by State and local appropriations?

Mr. DENNIS. That is correct; the States basically still enforce criminal law, that is what we say in this bill, and that we are trying to help them experiment and improve the administration of criminal justice; but we are not trying to pass a local salary bill for all criminal justice personnel. And this one-third limitation should apply to all of them, and not just police personnel. I do not know why we should discriminate against the policeman.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(On request of Mr. McCLORY, and by unanimous consent, Mr. DENNIS was allowed to proceed for 2 additional minutes.)

Mr. McCLORY. Will the gentleman yield further?

Mr. DENNIS. I yield further to the gentleman from Illinois.

Mr. McCLORY. With regard to innovative programs or other kinds of things that are undertaken by local units of government with regard to the law enforcement or criminal operations, or whatever the aspect of the fight against crime might be, the amendment does not bar any payment of salaries with regard to programs of that kind, does it?

Mr. DENNIS. It does not, and both my version and the committee version specifically provide. The only difference is that in the committee version you can only use up to one-third of the Federal grant for police salaries, but you can use all of it for any other law-enforcement salaries. My amendment would say you could only use up to one-third of the Federal grant for all law enforcement and criminal justice salaries. That is the whole thrust of the amendment. It is consistent with the purposes of the bill. I hope the amendment will be adopted by the committee.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. DENNIS).

Mr. Chairman, I am in complete and wholehearted agreement with the expressed need to assure that the moneys made available under this Program are not used to supplant local funds and local responsibilities. The restriction on the use of LEAA funds to compensate police is crucial and is absolutely retained by the Committee amendment. The additional views submitted in the report by the distinguished minority members of the committee very correctly point out that these Federal funds must represent extra capital earmarked for initiating new ideas, and are too scarce to be absorbed in merely perpetuating a failing system. Those views also correctly point out that Federal resources under the act are too scarce and certainly insufficient to pay the bills of city police departments. The committee amendment, recognizing that very point, has, therefore, retained verbatim the current limitations on compensation of police.

But the greatest purpose we have in extending this program, the most persistent objective of this legislation, is the upgrading of the entire criminal justice system. We must assist the States and localities in achieving the priorities they themselves set in the course of their comprehensive planning. Some of their greatest needs, they tell us, in upgrading the system, are personnel needs—to make more productive court administration, for example, so as to speed the dispensation of justice; to make more constructive correctional programs so as to allow true rehabilitation for the protection of society; to reduce court backlog by providing expanded prosecutorial and defender resources. Court administrators, prosecutors and defenders have all told the committee that they have real needs in this area. Wardens are on record to the same effect.

Mr. Chairman, the committee amendment would address these needs while at the same time retaining the existing limitations on compensation of police, and, most important, containing a built-in check against abuse. All use of these funds must be approved by LEAA as they relate to State plans and by States as they relate to localities. No program can be approved if it is inconsistent with the act, and no program can be consistent with the act if personnel are compensated so as to violate the very important premise that these moneys must be nonsupplantive of local funds and responsibilities. That premise is written into the act, and remains a part of section 303(c). We are in no danger of jeopardizing the premise of this program.

Finally, Mr. Chairman, there has been some discussion that the Argersinger decision makes the committee amendment all the more uncertain. Language to that effect was contained in additional views submitted by the distinguished minority. I believe it is wholly faulty reasoning. By letter of June 13, the American Bar Association agrees. The ABA feels that whatever additional Federal funds are appropriately available would be great assets in the fight against crime. Section 301(d) is not subject to abuse, it is, on the contrary, a potentially valid tool in the fight against crime.

Mr. DENNIS. Will my distinguished chairman yield?

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

Mr. DENNIS. If we are going to accept the principle that there should be a limitation here at all, why should we apply it to policemen only and not to these other personnel? Does not the same principle apply equally to all of them, as long as we are talking, as we are, about regular salaries for regular duty?

Mr. RODINO. I would merely explain to the gentleman that while police are encompassed within the definition, the other individuals, to whom I have alluded—those who are the court administrators, the prosecutors, the defenders, people who come outside of the police spectrum, those who come within the other spectrum of criminal justice—are not included within that

one-third restriction. The committee had abundant testimony that these other personnel have real needs and are thus not included.

Mr. DENNIS. They are not, but what I am asking my chairman is: Why should they not be, if we accept the principle that there ought to be a limitation. What is the difference? Why do we want to pay all our money out for lawyers—which I think is a very beneficial idea in general—and not to policemen?

Mr. SEIBERLING. Mr. Chairman, would the chairman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I just had a conversation this weekend with a judge who is in charge of the juvenile court in my county. He was pointing out to me that he was looking forward to this law being passed because he could not get the kind of personnel that he needed out of local funds to do certain exploratory and innovative work in working with juveniles in his county. We do not need to have a lot of innovative salaried people among the police, strictly speaking, but we do need innovation in the administration of courts, and for example, and that is exactly what this law permits us to do—to have funds more flexibly available for administrative purposes.

Mr. DENNIS. Mr. Chairman, would the gentleman yield?

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

Mr. DENNIS. I should like to point out to my friend, the gentleman from Ohio, that both under the amendment of the chairman and under my amendment this limitation does not apply to the type of case the gentleman is talking about.

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

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment. I just want to remind the committee again that the present law, the law that has been in effect since the beginning of LEAA 5 years ago, says that not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law-enforcement personnel.

The purpose of that limitation was, as the gentleman from Indiana (Mr. DENNIS) has forcefully pointed out, that there was a concern in the Congress that unless some kind of limitation were written in, we could in many States, and certainly in many localities, find that practically all, if not all, of the funds made available through the LEAA would end up in simply paying additional compensation and increased salaries to all kinds of law-enforcement personnel.

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

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I join with the concern expressed by my friend, the gentleman from Michigan. I recall very well the debate on the floor when we first dealt with the LEAA. There were many of us in the House who thought that having any money going for salaries would divert the purpose of the bill which would provide for the first time imaginative and innovative projects for law enforcement. I think our concern is justified because it looks as if this could be exactly the kind of loophole that could be used to divert from other worthwhile purposes money to be used for salaries, and then we will have a tremendous increase, such as we have already seen, in the LEAA expenses.

Mr. HUTCHINSON. I thank the gentleman from Illinois.

I would like to remind the committee that when we were debating this matter initially 5 years ago it was pointed out if Federal funds are used in some localities to increase salaries of their personnel, other competing jurisdictions will be pressured into doing the same thing, thereby aggravating the need to divert LEAA funds from their proper purpose, that is to seek out new ways and improved methods of law enforcement. So many of these funds will be diverted simply to the payment of salaries, and that will force communities to be competing with each other for the very best regular police and other law enforcement personnel.

The purpose of this limitation to my mind is so obvious that it is hard for me to understand why there should be controversy over it. I feel this is an extremely important feature of the law, that if we wipe out this limitation or, as the committee has done, restrict it simply to the application of regular police salaries and let all the rest of the law enforcement and criminal justice system be financed in whole or in part by Federal funds, the laudable purpose and goal of LEAA will have been destroyed.

Mr. Chairman, I ask that the amendment offered by the gentleman from Indiana (Mr. DENNIS) be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS) to the committee amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment to the committee amendment offered by Mr. RODINO was agreed to.

The committee amendment offered by Mr. RODINO, as amended, was agreed to.

AMENDMENT OFFERED BY MR. KEATING

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

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 4, line 11, strike out the word "shall" and insert in lieu thereof the word "may".

Mr. KEATING. Mr. Chairman, the amendment is a very small one which I am proposing at this time. However I would like to read the section to which it applies:

The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement *and criminal justice* agencies, units of general local government, and public agencies maintaining programs to reduce and control crime *and shall include representatives of citizen, professional, and community organizations.*

Mr. Chairman, we are talking about the composition of the State Planning Agency and any regional planning units within the State, and the part I want to change reads as follows:

And shall include representatives of citizen, professional, and community organizations.

Instead of making it mandatory to include representatives of citizen, professional, and community organizations, I propose to change the word "shall" to "may". This section was not in the law previously. If it is to be a part of the law, I want to make it a permissive, so that State planning agencies and regional planning units can be flexible and have the proper proportion of people with more accountability.

The bill reported by the committee states that the planning agencies and regional planning units shall have representatives from citizen, professional, and community organizations. This amendment, I repeat, changes the word from "shall" to "may".

The terms used in the bill, "citizen, professional, and community organizations" are vague at best. To make inclusion on State planning boards and regional planning units mandatory would open the door for lots of complaints regarding the composition of each board. The resulting litigation would slow the flow of funds to State and local governments for law enforcement activities.

It was for this reason the House-Senate conference report excluded this language in the conference report of the LEAA bill in 1970.

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

Mr. KEATING. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I want to commend the gentleman for offering this amendment. I think that to leave this language in, in a mandatory form which the bill does now, is very mischievous. At the same time, the gentleman's amendment leaves the flexibility in the law so that if a governor wants to appoint responsible individuals from private citizen, professional or community organizations, he may do so. However, if we make this as a mandatory requirement, it could enable these groups to sue for membership and make a lot of trouble trying to get on the board of a State planning agency.

Mr. Chairman, I commend the gentleman for offering this amendment.

Mr. KEATING. The intent of the law was not to make the language exclusionary by stating that law enforcement and local government officials shall serve on boards with interested private citizen participation. By adopting my amendment, we will make clear that the language is not exclusionary and these other groups may serve on the State planning board.

While private citizens do have a role to play, they do not have the accountability, and accountability is something we have heard an awful lot about lately. They do not have the accountability of elected officials. By adding the line that these other nonofficial groups be on the boards were diluting the role of officers who were elected by the people and had the responsibility to operate the program.

This amendment was offered in the full

committee on the judiciary and failed on a vote of 18 to 18.

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

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

Mr. KAZEN. Mr. Chairman, let me ask the gentleman this: Would he not agree, though, that in some parts of this bill it is desirable and really should be mandatory that private citizens participate? I am thinking particularly of the section which deals with building correctional institutions and the sites for those institutions.

Does not the gentleman think that people affected by where this institution is going to be should have a voice as to where the institution should be located?

Mr. KEATING. The local people always have an opportunity to express themselves to their elected officials.

It is my opinion that the elected officials are the accountable officials to the electorate, and they should be making the decisions.

Here, we are granting permission to include those people if they so desire. But I do not wish to mandate it.

Mr. KAZEN. But the gentleman is correct, generally speaking, that the local officials are responsible, but——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. KEATING was allowed to proceed for 2 additional minutes.)

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

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

Mr. KAZEN. Mr. Chairman, we have had this out in my district where the county commissioner unit, which is composed of four commissioners and a county judge, the vote was 4 to 1. The commissioner representing the area in which the correctional institution was going to be built did not want it and he was representing the people who did not want it there, but neither did the others, so they ganged up on him and had a vote of 4 to 1 to put it in his district simply because under the bill Federal funds cannot be used for purchase of land and this was the only piece of land the county had, and they were not about to go out and purchase anything else.

They wanted to make use of the land they already had, but it just so happened to be in a neighborhood where the people did not want this, and they had absolutely nothing to say about it.

Mr. KEATING. I think that is why we elect our officials, so they can make the judgments. They are accountable to the people. These are simple zoning problems. We are constantly going to have those, whether it is for housing developments or what have you.

Mr. KAZEN. Does not the gentleman agree that if we want citizen participation at the planning stage, we would not run into these problems, because every single Member of the body is going to have to face this situation.

Mr. KEATING. I suggest that we will never get anything done if we do not do that. If we make it mandatory and mandate this kind of conduct, we are never going to get the job done. We need that flexibility. The statute must be permissive.

This is the reason why it was not written into the 1970 bill.

Mr. KAZEN. I submit that the more local participation there is on the planning end of it the better off we will be.

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

Mr. Chairman, it seems to me that the two keys to an effective LEAA program are planning and citizen involvement. Without intelligent and comprehensive planning, there can be no assurance that the scarce resources available under this act will be wisely spent, or will address a coordinated, balanced system of criminal justice. But, more important, without citizen and community participation in the planning process, the most vital need of all will be neglected: the need to involve all our people on a personal level in the fight against crime.

Every citizen and every community has a vital stake in the problems of crime and criminal justice. Yet, the one point emphatically made over and over again by witnesses appearing before the subcommittee was that State planning agencies are unrepresentative of anyone beyond governmental or criminal justice professionals. The contributions made to planning agencies by police, court administrators, wardens, sheriffs, judges, city and county administrators are of course important and necessary, but no process can legitimately set State priorities for dealing with the most pressing domestic issue—crime—without meaningful input from the citizens and communities affected.

The new provision in this bill does not "tie the hands" of any Governor appointing planning agency members—it most assuredly does not provide that every citizen and every community organization who wishes membership is automatically entitled as a matter of right to appointment by the Governor. Rather it only assures that among those appointed to the State planning agency by the Governor must be some representatives of these organizations. It is not a complicated provision, it does not invite interminable litigation and it does not give every American an inalienable right to appointment to a State planning agency. It does, however, assure for the first time that those closest to, and most affected by, the problems of crime will have some voice in establishing priorities for the use of their tax dollars in attacking these problems.

I oppose the Keating amendment.

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

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

Mr. CONYERS. During the subcommittee hearings did not all the Governors and their representatives and regional heads testify in favor of this kind of provision?

Mr. RODINO. That is absolutely so. Witness after witness testified to the need.

Mr. CONYERS. Mr. Chairman, I would be surprised to hear a Governor come before a congressional committee and ask not to have such a provision. If he did, that would be precisely a reason why we need this kind of provision in. I hope it stays in.

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

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I believe it is true that such citizen representatives have been valuable members of State planning agencies. However, there was no provision in the law up to the present time on that.

It is my feeling that we should leave the subject open. We should leave it flexible. We should merely grant authority to appoint such representative individuals.

By writing it into the law as a mandatory provision, it will produce much trouble. Some persons who claim they represent some organization to combat crime could sue to get on the State planning agency. That would be very disruptive, and that is the thing I want to avoid.

Mr. RODINO. I believe the gentleman labors under a misapprehension. There is nothing in the "shall" language except to say that citizen organizations, community organizations, shall be represented.

I am sure in the discretion of the Governor this could easily be done. There is no tying down of the Governor to say that he must appoint a particular citizen or a representative of a particular community organization.

Mr. McCLORY. But if the gentleman will yield further, let me point out that if we have a mandatory provision in there, then a person can claim that he is such a person and is entitled to representation.

Mr. CONYERS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

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

Mr. CONYERS. Mr. Chairman, I will yield in just a moment.

Mr. Chairman, let us understand that this is not an "organization" amendment. This is not a provision to allow organizations to come on to the State planning agencies.

Mr. McCLORY. Mr. Chairman, will the gentleman from Michigan (Mr. CONYERS) yield?

Mr. CONYERS. I will not yield right now. I want to use some of the 5 minutes I have.

Mr. Chairman, this is an amendment that says to the Governors of the various States that they should appoint and ought to appoint citizens who are not, in fact, sheriffs, mayors, judges, law enforcement officials, or wardens to the State planning agencies. It is something that all of the Governors, I think, would agree to, and the ones who would not agree ought not to be heard to prevent this from happening.

After all, we are trying to get some grassroots involved in this at the beginning level. Organizations have no right when this provision to sue or to otherwise challenge the prerogative of the Governors in making this selection.

Mr. SEIBERLING. Mr. Chairman, will the gentleman from Michigan (Mr. CONYERS) yield?

Mr. CONYERS. At this point I will yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I respect the opinions of the other distinguished lawyers who are members of this committee, and, in particular, the gentleman from Ohio who offered this amendment. But all we have to do is to read the plain language of the bill.

Mr. Chairman, it does not limit or restrict the Governor, except to say that he shall appoint some representatives of citizen, community, and professional organizations; it does not say how many. It simply says there shall be some, and it gives the Governor total latitude in deciding who they should be.

Mr. CONYERS. Mr. Chairman, I want to point out that it does not say the Governor should appoint any sheriffs either, but I am sure most Governors will appoint some law enforcement official. If the Governor appoints one citizen anywhere throughout the State of Illinois, he would have satisfied the requirements of the bill that we are debating at this point.

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

Mr. CONYERS. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I would hope that the gentleman's statement would be correct, but I do not think that from the language of the bill we could say that that is true. The bill specifies "organizations," and a person who comes in and says that he is a representative of an organization and that this organization is not represented on the State planning agency can then assert that he is entitled to membership. It seems to me we are virtually forcing the Governor and the State planning agency to accept such representatives—as members of the State planning agency.

Mr. CONYERS. Mr. Chairman, the gentleman is seriously misconstruing some very simple language that I am sure none of the Governors will have any trouble with once they see this enacted.

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

Mr. CONYERS. I cannot yield any further.

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

Mr. CONYERS. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, what the gentleman from Illinois (Mr. McCLORY) is saying is that to satisfy this provision every single organization in the State will have a right to be represented, and that is an obvious absurdity. It says no such thing. We can have three people appointed to the State planning agency and satisfy this entire provision, and the Governor could pick them from all sectors of the society.

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

Mr. CONYERS. No, I will not yield.

It is a little strange to me, Mr. Chairman, that here in the House of Representatives, supposedly that body of the national legislature most closely associated with the people, we should have such so much concern in decisions on behalf of Governors.

The Governors are not worried about it, the planning agencies are not worried about it, and if we can reassure each and every Member of the Congress, "Don't worry about the people; they are not going to hurt you. They are your friends. Many of them voted for you, and if they hear that you supported this provision in the language, they will be encouraged in the proposition that perhaps you believe in them a little bit. So let us hear it for the people on this one."

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

This is a new concept in LEAA and it is put there because crime continues to escalate despite the fact that the Federal Government has spent billions of dollars over the last 5 years to eliminate crime. One of the objectives of this section is to open up the "establishment" of law enforcement groups in order to let the citizens find out what is happening.

If you change this "shall" to "may," you will give nothing to the Governors or to any official. They now have the right to put people on the planning board in an advisory capacity and even in a voting capacity. We have to retain "shall" so that we will have representatives of citizens groups, such as the president of the League of Women Voters or the president of the State bar association or the executive director of a local Urban League.

It has been asserted that this will dilute the accountability of law enforcement officials. It does not do that. If we have citizens on the planning boards of the LEAA we create a situation which will allow and require public officials to tell the public about crime and to do the work of the public in the public forum. Citizen participation will force law enforcement officials to be accountable. The section challenged by this amendment will, for the first time, open the door to citizens, professional people and community organizations.

Mr. Chairman, I hope that the Keating amendment is defeated. With public representatives present on the planning boards of the LEAA perhaps we will finally find out why, despite LEAA, crime continues to escalate.

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

Mr. Chairman, I would like to make a few comments. I think these are responsive to some of the statements that have been made here earlier in the debate.

In the first place, the impact of the LEAA legislation which we are enacting today is to repose responsibility in the State and local officials. To suggest that what we are doing is to impose it in public citizen groups or self-proclaimed public groups would be misstating what we are undertaking to do.

Actually, the amendment offered here—and it is an amendment to the existing law—when we add the words "representatives of citizens and professional and community organizations," it means that we are giving an opportunity to some of the responsible organizations concerning themselves with the subject of crime and rehabilitation and community relations and so on to serve on State planning agencies. We are giving them an opportunity. We are providing by legislation the authority for them to serve on the State planning agency.

However, to mandate it and say that the Governors must appoint these persons who are representatives of these organizations it seems to me we are inviting a lot of trouble for our Governors. For one thing, I do not think it is possible to appoint a representative of the League of Women Voters and say that this satisfies the need for having a representative of the State bar association or something like that.

If we want to give the kind of flexibility and authority and at the same time repose the kind of responsibility that we are giving in this legislation to these elected State and local officials, then it seems to me we must leave this provision discretionary and not mandatory as has been suggested here.

There are a great many self-proclaimed and do-good organizations who think they are clothed with all the knowledge there is with regard to the fight against crime. What is to prevent them from requiring service on the State planning agency if we mandate that agency to have them appointed?

Mr. CONYERS. Will the gentleman yield?

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

Mr. CONYERS. I would like the gentleman to understand that Governors have to face this almost every day in the week. There are plenty of other agencies that they have to appoint for citizen participation. Some of it is mandatory, and some of it is permissive. All we are trying to say through this language effective in the committee is that we want to see a representative group in the planning process as it begins.

Mr. McCLORY. Exactly.

Mr. CONYERS. It does not say organizations have to be there and it is not to go there.

Mr. McCLORY. I refuse to yield further, because I want to respond to the gentleman.

It does say "organizations," because the word "organization" is in the amendment.

Representatives of organizations will demand to serve on State planning agencies, and there is no reason for us to assume that they will all be the right kind of representatives—or organizations. We should leave that decision up to the Governors. It would be a mistake to assume that all organizations would be content to rely on a Governor's decision—if we require him to appoint multiple representatives of all such organizations. That is why I say it is important for us to leave it up to the Governors as to whom they appoint. I think there should be representatives of civic organizations and citizens' organizations, and they can be named to the State planning agency as they have been in the past, and no doubt they will be in the future, but we do not want to force State planning agencies to take any particular individual, and that is the danger of mandating this into the bill.

Mr. RODINO. If the gentleman will

yield, I do not see where there is anything in this provision that says that any particular citizen is required to be appointed. It merely states that there shall be some representative.

Mr. McCLORY. That is true, but let me say this: It says it shall include representatives, and if a person comes in and says that he or she is not being represented by the other citizens' groups there, then they can say they are entitled to representation, too. That is the way I understand it, and I do not believe it should be mandated into the law.

Mr. RODINO. But the fact is that the Governors may use discretion, and are aware of the need for active participation.

Mr. McCLORY. And they should.

Mr. RODINO. However, we have found there are areas where this is not true. So would not the gentleman agree with me that if we are going to have citizens' tax dollars to fight crime, which is a local matter, that there ought to be some citizen involvement?

Mr. McCLORY. I want the primary responsibility in the elected officials, and if they do not do their job then the electors can dispose of them, but I do not want to require them to have some citizens' representatives on there if they do not find that they contribute anything. You should give them the authority and leave it that way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. KEATING).

Mr. Chairman, I rise to support the Keating amendment. The State Planning Agency is the very heart of our Federal Law Enforcement Assistance plan. Of necessity, this agency must be made up of professionals. That is, professionals in law enforcement. It is not a debating society.

Professional law enforcement people are technicians of a discipline. Not at all unlike physicians in the field of medicine. Each have spent a lifetime in studying their field.

The State Planning Agencies are already made up of these law enforcement professionals and they already have citizen representatives. In my own State of Texas. We call this agency the "Criminal Justice Council." Members of this Council are made up of professional law enforcement officers, district attorneys, defense attorneys, penal officials, educators, and law school deans. These councilmen come from all parts of the State.

Furthermore, members of the State Criminal Justice Council are chairmen of regional criminal justice councils, thereby taking representation down into each county and major city.

It is my understanding that other States have similar State planning agencies.

Therefore, present State planning agencies are already being represented by professionals, citizens, and community organization.

Now, the committee bill goes further. It requires the inclusion of "representatives of citizens and community organizations." This part of the bill worries me, very much. What citizens? What community organizations?

There used to be a list of organizations we had to swear we had never joined before we could go to work for the Federal Government. More recently there have been organizations whose stated purpose was to disrupt the American process. You saw what some of these organizations think of law enforcement officers in 1968 at Chicago. These were members of "Community Organization."

If we open these councils up to "citizens and community organizations," we are going to see some of these people demanding to be represented—and filing law suits when they are turned down.

On the other hand, I doubt that well-meaning untrained community organizations and highly respected citizens can contribute any more to these councils than they could as nonprofessionals in a medical or legal meeting.

I just fail to see any reason to require this kind of participation, particularly when the bill, as amended, permits such participation.

Mr. Chairman, and my colleagues, I ask your support of the Keating amendment.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentlewoman from New York.

Miss HOLTZMAN. Is it not true that community groups may demand of a Governor to be represented, whether or not there is a mandatory or a permissive provision in this legislation?

Mr. MILFORD. I am sorry; I did not quite understand the question.

Miss HOLTZMAN. Is it not true that whether or not we have a mandatory or permissive provision in this legislation, any community group or any community organization may demand of a Governor to be represented?

Mr. MILFORD. Yes, they may ask, but the Governor has the option here of selecting a representative, and he is in a much better position of deciding whether or not that individual can offer anything to LEAA.

Miss HOLTZMAN. Is it not true, though, that under the committee print the Governor would have the option of deciding who is to be representative under a mandatory provision?

Mr. MILFORD. Not in accordance with the way it is written. I think one would find the lawyers could have a field day the way that law is written.

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

Mr. MILFORD. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Will the gentleman point to me precisely where the language says the Governor has to accept any organization that demands to be represented? Where does it say that?

Mr. MILFORD. It states that it requires the inclusion of "representatives of citizen and community organization." I would in turn ask the gentleman to show me where it does not say that he should appoint.

Mr. SEIBERLING. Where does it say that there should be any particular organization, or that anyone could demand. It merely says that there shall be some representatives of citizen, professional, and community organizations.

Mr. MILFORD. It does not state it under the wording of the law that we have stated, the word is ambiguous.

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

Mr. Chairman, as a matter of history, when the amendments to LEAA were considered and adopted in 1970, I recall the other body wrote some language along this line requiring representation of citizen and other organizations on these planning agencies. As I recall, the Senate adopted that; the House had not; and it went into a conference committee. The conferees agreed then—and I think there was some wisdom in their decision—that to put this language into the statute in a mandatory fashion simply would invite litigation. We do not want to invite litigation. We do not want to write provisions into the law that are going to make it more difficult to form these planning agencies. We are talking about State planning agencies. Admittedly, the Governor appoints them. But what does this language say? I think that there could be some quarrel as to what it says, because the bill says that the planning unit shall—

> Be representative of the law enforcement and criminal justice agencies, units of general local governments, and public agenices maintaining programs to reduce and control crime and shall include representatives of citizens, professional, and community organizations.

I submit that there are some judges who would read that and interpret it to mean that the planning agency shall also be representative of citizen and community organizations. And if a judge interpreted it that way, then he would listen to an argument made by some group that would come to court and say, "This planning agency is not representative because it does not include our particular organization."

I submit, Mr. Chairman, we would do well to leave this on a permissive basis rather than a mandatory basis. This matter comes before the Committee of the Whole House at this time because in the Committee on the Judiciary this permissive amendment—that is, the changing from "shall" to "may"—lost on a tie vote of 18 to 18.

And because it was a tie vote we felt it ought to be brought up here. It is important, and I say that by leaving it mandatory we will simply be inviting litigation and be tying up and making all of these planning agencies go repeatedly into court to justify their make-up.

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

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that if there is litigation, if a State planning agency is tied up because of this litigation, it would delay receipt of funds by the States and by local governments because LEAA is not authorized to make action grants unless there is on file an approved plan?

Mr. HUTCHINSON. Is the gentleman suggesting there might be some groups who might be desirous of that situation?

Mr. McCLORY. If there is litigation, if the State planning agency is not complete for one reason or another, there can be no valid plan and the State will

be delayed in getting its funds from the LEAA.

Mr. HUTCHINSON. I agree with the gentleman.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I am astounded that the gentleman would advance arguments which any first-year law student would know are contrary to recognized legislative interpretation.

Let us just take a look at the language of this sentence. It says:

> The State planning agency . . . shall . . . be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies . . . and shall include representatives of citizen, professional, and community organizations.

Anybody looking at this sentence would say that when they have to use different language in these two sections, they must have intended a different meaning. The sentence says the State planning agency shall be representative of law enforcement agencies, which means it has got to be representative in the sense that it is a balanced organization. But it only says it shall include representatives of citizen organizations.

Obviously one can always sue under a statute, but can he win? Any judge is going to take a look at this and say there is nothing here that mandates that the Governor of the State shall have any particular cross section or balance of community organizations, but merely that he will have some people who represent them. That makes all the difference in the world.

Mr. McCLORY. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

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

Is it not true the Judiciary Committee is made up of lawyers, experienced lawyers?

Mr. SEIBERLING. Most lawyers will argue either side of a case, depending on what their client's point of view is.

Mr. McCLORY. Is it not true we divided 18 to 18 on this issue? So it is not quite fair to denominate the Members who voted for this amendment as having something less than the intelligence of first-year law students.

Mr. SEIBERLING. When lawyers argue both sides of the issue, they are arguing to establish opposing points of view, but the gentlemen have been implying that a judge would read this language and come to a conclusion which, I submit, is an erroneous conclusion. If the Members were acting as judges and not as legislators, they could not come to the conclusion the gentlemen are trying to make.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, if 36 lawyers divided evenly on the issue, I do not think we can assume that some judge is going to be so clear minded on this issue as to see what the gentleman considers as obvious.

Mr. SEIBERLING. I think it obvious the lawyers on the Judiciary Committee were dividing in accordance with the legislative result they wanted to bring about rather than a judicial interpretation of the language.

Mr. McCLORY. I think the lawyers on the committee are sincere in their positions. In supporting the amendment I am thinking about the position of the Governors sitting in the State capitols in the 50 States and the authority they will have. I do not think we want to tie their hands by saying they must have representatives—and that term is used in the plural—of citizens, professional, and community organizations.

Mr. SEIBERLING. I do not doubt the sincerity of the concern which the gentleman has expressed, but I submit that under the bill's language, any judge worth his salt would throw the case out so fast it would make your head swim.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 162, present 1, not voting 43, as follows:

[Roll No. 235]

AYES—227

Abdnor	Duncan	Lujan
Andrews, N.C.	du Pont	McClory
Andrews, N. Dak.	Erlenborn	McCollister
Archer	Eshleman	McDade
Arends	Findley	McEwen
Armstrong	Fish	McKinney
Bafalis	Ford, Gerald R.	Madigan
Baker	Forsythe	Mahon
Beard	Fountain	Mallary
Bell	Frenzel	Maraziti
Bevill	Frey	Martin, Nebr.
Bowen	Froehlich	Martin, N.C.
Bray	Fulton	Mathis, Ga.
Breaux	Fuqua	Mayne
Brinkley	Gettys	Mazzoli
Broomfield	Giaimo	Michel
Brotzman	Gilman	Milford
Brown, Mich.	Ginn	Miller
Brown, Ohio	Goldwater	Mitchell, N.Y.
Broyhill, N.C.	Goodling	Mizell
Broyhill, Va.	Green, Oreg.	Montgomery
Buchanan	Gross	Moorhead, Calif.
Burgener	Grover	Myers
Burke, Fla.	Gubser	Nelsen
Burleson, Tex.	Gunter	Nichols
Butler	Guyer	O'Brien
Byron	Haley	Parris
Camp	Hammer-schmidt	Passman
Casey, Tex.	Hanrahan	Pettis
Cederberg	Hansen, Idaho	Peyser
Chamberlain	Harsha	Pickle
Chappell	Harvey	Pike
Clancy	Hastings	Powell, Ohio
Clark	Hébert	Preyer
Clausen, Don H.	Heinz	Price, Tex.
Clawson, Del	Henderson	Pritchard
Cleveland	Hillis	Quie
Cohen	Hinshaw	Railsback
Collier	Hogan	Randall
Collins, Tex.	Holt	Regula
Conable	Horton	Rhodes
Conlan	Hosmer	Rinaldo
Cotter	Huber	Roberts
Crane	Hudnut	Robinson, Va.
Daniel, Dan	Hunt	Robison, N.Y.
Daniel, Robert W., Jr.	Hutchinson	Rogers
Davis, Ga.	Ichord	Roncallo, N.Y.
Davis, Wis.	Jarman	Rose
Delaney	Johnson, Colo.	Rousselot
Dellenback	Johnson, Pa.	Runnels
Dennis	Jones, N.C.	Ruth
Derwinski	Keating	St Germain
Devine	Kemp	Sandman
Dickinson	Ketchum	Sarasin
Dorn	Kuykendall	Satterfield
Downing	Landrum	Saylor
Dulski	Latta	Scherle
	Lent	Schneebeli
	Lott	Sebelius
	Lujan	Shipley
	McClory	Shoup
	McCollister	Shriver
	McDade	Shuster
	McEwen	Sikes
	McKinney	Skubitz
	Madigan	Smith, N.Y.
	Mahon	Snyder
	Mallary	Spence
	Maraziti	Stanton, J. William
	Martin, Nebr.	Steed
	Martin, N.C.	Steele
	Mathis, Ga.	Steelman
	Mayne	Steiger, Ariz.
	Mazzoli	Steiger, Wis.
	Michel	Stephens
	Milford	Stubblefield
	Miller	Sullivan
	Mitchell, N.Y.	Symms
	Mizell	Talcott
	Montgomery	Taylor, Mo.
	Moorhead, Calif.	Taylor, N.C.
	Myers	Teague, Calif.
	Nelsen	Teague, Tex.
	Nichols	Thomson, Wis.
	O'Brien	Thone
	Parris	Tiernan
	Passman	Towell, Nev.
	Pettis	Treen
	Peyser	Vander Jagt
	Pickle	Veysey
	Pike	Waggonner
	Powell, Ohio	Walsh
	Preyer	Wampler
	Price, Tex.	Ware
	Pritchard	White
	Quie	Whitehurst
	Railsback	Whitten
	Randall	Widnall
	Regula	Williams
	Rhodes	Winn
	Rinaldo	Wright
	Roberts	Wydler
	Robinson, Va.	Wylie
	Robison, N.Y.	Wyman
	Rogers	Young, Alaska
	Roncallo, N.Y.	Young, Fla.
	Rose	Young, Ill.
	Rousselot	Young, S.C.
	Runnels	Young, Tex.
	Ruth	Zion
	St Germain	Zwach
	Sandman	
	Sarasin	
	Satterfield	
	Saylor	
	Scherle	
	Schneebeli	
	Sebelius	

NOES—162

Abzug	Gibbons	Natcher
Addabbo	Gonzalez	Nedzi
Alexander	Grasso	Obey
Anderson, Calif.	Gray	O'Hara
Anderson, Ill.	Green, Pa.	Patman
Annunzio	Griffiths	Patten
Ashley	Gude	Pepper
Aspin	Hamilton	Perkins
Barrett	Hanley	Podell
Bennett	Hanna	Price, Ill.
Bergland	Hansen, Wash.	Rangel
Biaggi	Harrington	Rees
Biester	Hays	Reid
Bingham	Hechler, W. Va.	Reuss
Boggs	Heckler, Mass.	Rodino
Boland	Helstoski	Roe
Bolling	Hicks	Roncalio, Wyo.
Brademas	Holifield	Rooney, Pa.
Breckinridge	Holtzman	Rosenthal
Brooks	Howard	Rostenkowski
Brown, Calif.	Hungate	Roush
Burke, Mass.	Johnson, Calif.	Roy
Burlison, Mo.	Jones, Ala.	Roybal
Burton	Jones, Okla.	Sarbanes
Carey, N.Y.	Jones, Tenn.	Seiberling
Carney, Ohio	Jordan	Sisk
Collins, Ill.	Karth	Slack
Conte	Kastenmeier	Smith, Iowa
Conyers	Kazen	Staggers
Corman	Kluczynski	Stanton, James V.
Coughlin	Koch	Stark
Cronin	Kyros	Stokes
Daniels, Dominick V.	Leggett	Stratton
de la Garza	Lehman	Stuckey
Dellums	Long, La.	Studds
Denholm	McCloskey	Symington
Dent	McCormack	Thornton
Diggs	McFall	Udall
Dingell	McKay	Ullman
Donohue	McSpadden	Vanik
Drinan	Macdonald	Vigorito
Eckhardt	Madden	Waldie
Edwards, Calif.	Mann	Whalen
Eilberg	Matsunaga	Wilson, Charles H., Calif.
Esch	Meeds	Wilson, Charles, Tex.
Evans, Colo.	Melcher	Wolff
Evins, Tenn.	Metcalfe	Wyatt
Fascell	Mezvinsky	Yates
Flood	Minish	Yatron
Flowers	Mink	Young, Ga.
Foley	Mitchell, Md.	Zablocki
Ford, William D.	Moakley	
Fraser	Mollohan	
Gaydos	Moorhead, Pa.	
	Morgan	
	Murphy, Ill.	
	Murphy, N.Y.	

PRESENT—1

Poage

NOT VOTING—43

Adams	Fisher	O'Neill
Ashbrook	Flynt	Owens
Badillo	Frelinghuysen	Quillen
Blackburn	Hawkins	Rarick
Blatnik	King	Riegle
Brasco	Landgrebe	Rooney, N.Y.
Burke, Calif.	Litton	Ruppe
Carter	Long, Md.	Ryan
Chisholm	Mailliard	Schroeder
Clay	Mathias, Calif.	Thompson, N.J.
Cochran	Mills, Ark.	Van Deerlin
Culver	Minshall, Ohio	Wiggins
Danielson	Mosher	Wilson, Bob
Davis, S.C.	Moss	
Edwards, Ala.	Nix	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MISS HOLTZMAN

Miss HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Miss HOLTZMAN: On page 36, line 7, insert immediately after "Federal Government" the following: "not including the Central Intelligence Agency."

Ms. HOLTZMAN. Mr. Chairman, my amendment is very simple. It would prohibit the Central Intelligence Agency from engaging in local law enforcement activities under the auspices of the Omnibus Crime Control and Safe Streets Act.

As we all know, the CIA is not authorized to engage in domestic law enforcement activities under the statute creating it—the National Security Act of 1947.

Nonetheless, the CIA has been training and working with local law enforcement agencies throughout the country—citing as its authority to do so section 508 of title I of the Omnibus Crime Control and Safe Streets Act which created LEAA. This provision is almost identical to section 508 of the bill we are considering today.

The domestic activity of the CIA, of which I learned only last week, was not brought to the attention of the Committee on the Judiciary during its deliberations on H.R. 8152. It is clear to me, however, that the House Judiciary Committee never contemplated that section 508 would permit the CIA to engage in such activities.

The activities of the Central Intelligence Agency under LEAA have been documented by the General Accounting Office, by letters from James R. Schlesinger, Jr., former Director of the CIA, and by other Members of this House. I should also point out that it was through the efforts of my distinguished colleague from New York (Mr. KOCH) that the involvement of the CIA in these activities came to the attention of the House in the first place.

Under the color of the Safe Streets Act the CIA has given the following kind of aid to about a dozen city and county police agencies throughout the country: instruction in record handling, clandestine photography, surveillance of individuals, detection and identification of metal and explosive devices and analysis of foreign intelligence data. I might add it has carried out these activities without having been requested to do so by the Administrator of LEAA as section 508 of both the existing legislation and the bill we are considering today requires. In New York City alone 14 policemen were given briefings on the analysis and processing of foreign intelligence information.

An even more troublesome problem is that although the CIA has been apparently restricting itself to training activities and technical assistance under title I of the 1968 act, the language of that statute as well as the provision before us is sweeping enough to authorize the CIA to use its own personnel in the actual performance of local law enforcement activities.

It is perfectly clear that whatever activities the CIA has performed or may perform in connection with local law enforcement efforts, such activities could more appropriately be carried out by other Federal agencies such as the FBI.

For this reason, the Justice Department has advised me that excluding the CIA from participation in local law enforcement activities would not jeopardize the functioning of local law enforcement agencies or the functioning of LEAA.

There is no need for the CIA involvement in local law enforcement activities and to permit such involvement creates dangers of enormous proportions to this country. Recent events, such as the burglary of the office of Daniel Ellsberg's psychiatrist, demonstrate that CIA involvement in domestic law enforcement activities can abridge constitutional rights and jeopardize the integrity of the CIA itself. In fact, it is significant that the CIA involvement in the Ellsberg matter came in the form of "technical assistance"—the same kind of assistance supposedly provided by the CIA to local law enforcement agencies.

My amendment would prevent such dangers from happening by limiting the activities of the CIA to areas of its legitimate concern and preventing it from diverting its resources and attention to local law enforcement.

I therefore respectfully urge the adoption of this amendment which is wholly in keeping with the spirit and purpose of the Omnibus Crime Control and Safe Streets Act, and prevents CIA involvement in local law enforcement.

Mr. RODINO. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I am happy to yield to the chairman, the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I would like to state that the amendment offered by the gentlewoman from New York (Miss HOLTZMAN) is one that I think is in keeping with the true purpose of the act, and that it remedies a deficiency that has been overlooked. I certainly will accept the amendment offered by the gentlewoman from New York.

Miss HOLTZMAN. I thank the gentleman.

Mr. HUTCHINSON. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I will be happy to yield to the distinguished ranking minority member on the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, certainly the CIA has no function in our domestic law enforcement. If the CIA has been engaging in such activities, citing any part of the LEAA law as their authority, that matter should be clarified. I can see absolutely no harm in the amendment offered by the gentlewoman from New York. I think that it clarifies the law. Therefore, Mr. Chairman, I would indicate my support for the amendment offered by the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Miss HOLTZMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLOWERS

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

The Clerk read as follows:

Amendment offered by Mr. FLOWERS: On page 42, amend Section 518 by adding the following new subsection after line 22:

"(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program."

And on line 23 redesignate subsection (b) as subsection (c).

Mr. FLOWERS. Mr. Chairman, this is new language insofar as this bill is concerned. However, it is not new language insofar as the present Law Enforcement Assistance Administration law is concerned. It is a part of the current law. I would like to make that clear to my colleagues.

This is not new to the LEAA law. It is in the current law that was enacted by the Congress in 1968.

Now, how did we get into the position we are in now, that this language is not a part of the committee bill?

First of all, it was left out of the administration bill which was sent up to us. It was left out partly, I think, because the administration bill was a special revenue-sharing bill. It did not contain the categorical and bloc grant approach that we have now in the current law and that we have in the committee bill that is before this Chamber.

Mr. Chairman, what the committee did with the administration bill primarily was to change this section by adding what had been proposed by various civil rights groups, sections (b)(1), (b)(2), and (b)(3) to the bill. They are found following the part that I propose to amend and I have no objection to these provisions. All testimony, and the consensus of the committee, tells us that this vastly strengthens the civil rights provisions of the LEAA law.

I say this, however, Mr. Chairman. I fear that if at the same time we are strengthening these civil rights provisions we take out this very clear prohibition on the Law Enforcement Assistance Administration, a prohibition which merely states that:

Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance. . . .

If on the one hand we vastly strengthen the civil rights provisions, but on the other hand we are taking out what is part of the current law, I say that there can be no other reception for this by the administration, or by any group of persons around the country, than that we intend to require quotas or percentage ratios, and we ought to condition grants upon the adoption of such a system by a prospective grantee.

I say, Mr. Chairman, by taking this out of the law—and all I propose to do is to keep what is in the current law—

we would be opening the door to interference of all kinds—interference of the operation of the Law Enforcement Assistance Administration all the way down to the local police or local sheriff's department in every district around this Nation.

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

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

Mr. CONYERS. I thank the gentleman for yielding.

I do not know if my hearing is failing me. Did the gentleman say this amendment strengthens the civil rights provisions of LEAA?

Mr. FLOWERS. I did not say that.

Mr. CONYERS. I did not think the gentleman did.

Mr. FLOWERS. I said that the other amendments we have added to this section vastly strengthened the civil rights provisions, and I said I supported those amendments.

Mr. CONYERS. Then if it does not strengthen the civil rights provisions in LEAA, could I have the temerity to ask the gentleman, does it weaken the present provisions?

Mr. FLOWERS. I do not think it is incompatible with the strengthening provisions of the bill. I do not think it either weakens or strengthens. It merely states what it says it states insofar as the current law is concerned.

Mr. Chairman, I say that this is a very simple matter that ought to be included in these amendments and the further extension of this act, and I ask my colleagues in the House to support the amendment.

Miss JORDAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Alabama is absolutely correct. His amendment neither strengthens nor weakens the civil rights enforcement provisions in this legislation. It does confuse the civil rights enforcement provisions in this legislation.

Let us understand that the antiquota provision is in current law, but removal of that provision from the law was recommended not by the NAACP, nor by the Urban League; not by any social critics, but by the administration headed by the President, Mr. Nixon.

I ask the Members is this present administration a proracial quota administration?

I would suggest that the fact the Nixon administration itself recommends that we take this quota provision out of the law is proof that we now have a provision in the bill which will strengthen civil rights enforcement, a provision in the bill which will not say we cut off the funds if they simply discriminate, but that this Law Enforcement Assistance Administration must adhere to the provisions of title 6 of the Civil Rights Act of 1964, that before any funds are denied any agency or entity in terms of the charge they have discriminated must be entitled to a hearing.

The Governor of the State is the first one who must make the effort to resolve any conflict which will exist. Negotiations, hearings, due process, all is provided for.

Because we have the provision in the bill which the administration sponsored, I would suggest to the Members that the provision which is offered as an amendment by the gentleman from Alabama is moot. If we were to approve that amendment it would be tantamount to the House of Representatives today adopting a rule that no rhinoceroses should be admitted to the floor of the House of Representatives when no rhinoceroses are trying to get in.

The Justice Department says the civil rights enforcement compliance rules contained in title 6 apply to LEAA. The courts have said we do not mandate quotas, and the administration has said we do not mandate quotas, and nobody is mandating quotas in this legislation. All we are providing here is the way to proceed in terms of complaints about discrimination, and these are the steps that must be taken to guarantee there is no discrimination either in the dispensation of the benefits or the hiring of personnel to function in this administration.

What we have said is that the Office of Civil Rights Compliance which is presently contained in LEAA—we do not have to establish that, that is already established—that Office of Civil Rights Compliance has the responsibility to see to it that the funds, these great, tremendous Federal resources are not dispensed in a manner that will discriminate against the populace on the basis of race, color, national origin, or sex. Therefore since we have taken care of that issue, why would we confuse the issue by saying nothing in this act is to be construed to mandate quotas? That is unnecessary language. The question is moot.

The Office of Civil Rights Compliance of LEAA takes care of it now. The Civil Rights Act of 1964 takes care of it now. There is no reason whatsoever why we need to adopt the amendment offered by the gentleman from Alabama, and I hope the Members will oppose it.

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

Mr. Chairman, I think the gentlewoman from Texas has spoken eloquently and frankly. Anything I might say would be anticlimactic.

I do however want to point out that the repeal of this section, suggested by the administration, does not mandate in any way that there be any quotas to achieve racial balance.

Actually, what we have done is to eliminate confusion, and to affirmatively place the responsibility for any antidiscrimination proceedings in the new section that we have included.

Mr. Chairman, I would urge that the amendment be voted down.

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

Mr. RODINO. I yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I would ask the very able chairman if the section (2) (b) (2) we have included, which follows the amendment which I have offered here, does not shift responsibility from the local level?

It says:

Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance.

In other words, the administration at the Washington level, I say to my friends in the House of Representatives, is where the determination is made about this.

We are either for a prohibition against writing quotas or percentage ratios, or we are against it. I say, if a Member is for it, then he should vote against my amendment. If a Member is against it, he should vote for the amendment.

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

Mr. Chairman, what the committee has done is a very proper thing, so far as it goes. That is to say, the committee has taken title 6 of the Civil Rights Act of 1964 and lifted it and transplanted it verbatim into the LEAA Act, and that is all right. As a matter of fact, LEAA has been governed by that provision of the law from the start.

This just makes it clear, no question about it, that title 6 of the Civil Rights Act of 1964 applied to LEAA just like it applies to any other agency of government. The present LEAA Act also specifically says that there cannot be quotas or anything having to do with racial balance.

For the life of me, I cannot see where those two provisions are at all conflicting with each other. They can stand together. In other words, I think we should leave the present language in the law and add to it title 6 provisions of the Civil Rights Act. They are not in conflict; they go arm in arm very well.

The reason I think we should leave the present language in the law, which is what the gentleman from Alabama (Mr. FLOWERS) proposes to do here, is that every time we make any change in statute law, somebody goes into a court and argues, quite persuasively and effectively sometimes, that the Congress intended to make some change.

Now, really we do not intend to make any change here at all. What we intend to do is simply to continue this aspect of the law as it has been these 5 years under LEAA. We do not intend to make any change, but if we strike out part of the language, somebody is going to argue that certainly Congress intended to do something because it struck out a part of that language.

I think a better policy would be to leave the present language in the law, and attach the civil rights language to it just, as I say, as has been the actual fact for these 5 years. Then, there will be no change in the law in that respect.

Therefore, I support the amendment of the gentleman from Alabama (Mr. FLOWERS).

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

I respect the motivation of the gentleman from Alabama who offered the amendment and also of the ranking Republican member of the committee.

I really do not think the gentlemen mean to say that, if by chance the Congress decides not to adopt this amendment, that would mean that we are

thereby saying that quotas are authorized by this statute.

I should like to ask the chairman if he does not agree as to the real tenor of what the Committee has done. We were concerned by the language as proposed in this amendment. If we left it in the statute we would have retained a narrow, negative approach toward the civil rights problem, and we were substituting a positive, comprehensive approach and therefore it was no longer appropriate to put in negative language.

It does not mean that by taking it out the Committee was trying to endorse quotas. They were merely emphasizing that this bill should promote civil rights rather than emphasize the negative side of the picture.

I wonder if the chairman would agree with me that that is really the tenor of our action?

Mr. RODINO. I agree with the gentleman.

There is no question in my mind that there is no intent to mandate a requirement that there be a quota system to achieve racial balance.

Mr. SEIBERLING. I thank the gentleman.

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

Mr. Chairman, I say to my colleagues in the House it is crystal clear that the language which has been removed from existing law by the committee bill positively wrote a prohibition against quotas into existing legislation. It is equally crystal clear that if we want to open the doors to question and make possible quotas—and when we make them possible they are going to come to be—then vote this amendment down. Please do not make that mistake. Do not give the courts the chance to say, as they will surely do, that Congress is no longer opposed to quotas.

But do the Members not ever learn anything? If you want to prevent quotas you should keep positive language in the legislation which makes quotas contrary to the law. If you want to prohibit quotas, you should vote for this amendment. If you do not, then you can come back and make apologies later for not having been able to see the handwriting on the wall. That of course will be too late.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. FLOWERS).

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

RECORDED VOTE

Mr. FLOWERS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 161, not voting 41, as follows:

[Roll No. 236]

AYES—231

Abdnor	Bennett	Broyhill, N.C.
Alexander	Bevill	Broyhill, Va.
Andrews, N.C.	Biaggi	Buchanan
Andrews, N. Dak.	Bowen	Burgener
Archer	Bray	Burke, Fla.
Arends	Breaux	Burleson, Tex.
Armstrong	Brinkley	Burlison, Mo.
Bafalis	Brooks	Butler
Baker	Broomfield	Byron
Beard	Brotzman	Camp
	Brown, Mich.	Carey, N.Y.
Casey, Tex.	Hébert	Roberts
Cederberg	Henderson	Robinson, Va.
Chamberlain	Hinshaw	Roe
Chappell	Hogan	Rogers
Clancy	Holt	Roncallo, N.Y.
Clark	Hosmer	Rose
Clausen, Don H.	Huber	Rousselot
Clawson, Del	Hudnut	Roy
Cleveland	Hungate	Runnels
Collier	Hunt	Ruth
Collins, Tex.	Hutchinson	Sandman
Conlan	Ichord	Sarasin
Crane	Jarman	Satterfield
Cronin	Johnson, Colo.	Saylor
Daniel, Dan	Johnson, Pa.	Scherle
Daniel, Robert W., Jr.	Jones, Ala.	Schneebeli
Daniels, Dominick V.	Jones, N.C.	Sebelius
Davis, Ga.	Jones, Okla.	Shipley
Davis, S.C.	Jones, Tenn.	Shoup
Davis, Wis.	Kemp	Shriver
de la Garza	Ketchum	Shuster
Delaney	Kuykendall	Sikes
Dennis	Latta	Skubitz
Derwinski	Lent	Slack
Devine	Litton	Smith, N.Y.
Dickinson	Lott	Snyder
Dingell	Lujan	Spence
Dorn	McCollister	Steed
Downing	McEwen	Steiger, Ariz.
Dulski	McKay	Stephens
Duncan	McKinney	Stubblefield
Erlenborn	McSpadden	Symms
Eshleman	Macdonald	Talcott
Evans, Colo.	Madigan	Taylor, Mo.
Flowers	Mahon	Taylor, N.C.
Ford, Gerald R.	Maraziti	Teague, Calif.
Ford, William D.	Martin, Nebr.	Teague, Tex.
Forsythe	Martin, N.C.	Thomson, Wis.
Fountain	Mathis, Ga.	Thone
Frey	Mayne	Thornton
Froehlich	Mazzoli	Towell, Nev.
Fuqua	Michel	Treen
Gaydos	Milford	Ullman
Gettys	Minish	Vander Jagt
Giaimo	Mitchell, N.Y.	Veysey
Gibbons	Mizell	Waggonner
Gilman	Mollohan	Walsh
Ginn	Montgomery	Wampler
Goodling	Moorhead, Calif.	Ware
Green, Oreg.	Myers	White
Griffiths	Nedzi	Whitehurst
Gross	Nelsen	Whitten
Grover	Nichols	Widnall
Gubser	O'Hara	Williams
Gunter	Parris	Wilson, Charles, Tex.
Guyer	Passman	Winn
Haley	Patman	Wright
Hammer-schmidt	Pettis	Wyatt
Hanrahan	Peyser	Wydler
Hansen, Idaho	Poage	Wylie
Harsha	Powell, Ohio	Wyman
Harvey	Preyer	Young, Alaska
Hastings	Price, Tex.	Young, Fla.
Hays	Quie	Young, S.C.
	Randall	Young, Tex.
	Regula	Zion
	Rhodes	Zwach
	Rinaldo	

NOES—161

Abzug	Dent	Howard
Addabbo	Diggs	Johnson, Calif.
Anderson, Calif.	Donohue	Jordan
Anderson, Ill.	Drinan	Karth
Annunzio	du Pont	Kastenmeier
Ashley	Eckhardt	Kazen
Aspin	Edwards, Calif.	Keating
Barrett	Eilberg	Kluczynski
Bell	Fascell	Koch
Bergland	Findley	Kyros
Biester	Fish	Leggett
Bingham	Flood	Lehman
Blatnik	Foley	Long, La.
Boggs	Fraser	McClory
Boland	Frenzel	McCloskey
Bolling	Fulton	McCormack
Brademas	Gonzalez	McDade
Breckinridge	Grasso	McFall
Brown, Calif.	Gray	Madden
Brown, Ohio	Green, Pa.	Mallary
Burke, Mass.	Gude	Mann
Burton	Hamilton	Matsunaga
Carney, Ohio	Hanley	Meeds
Cohen	Hanna	Melcher
Collins, Ill.	Hansen, Wash.	Metcalfe
Conable	Harrington	Mezvinsky
Conte	Hechler, W. Va.	Miller
Conyers	Heckler, Mass.	Mink
Corman	Heinz	Mitchell, Md.
Cotter	Helstoski	Moakley
Coughlin	Hicks	Moorhead, Pa.
Dellenback	Hillis	Morgan
Dellums	Holifield	Mosher
Denholm	Holtzman	Murphy, Ill.
	Horton	Murphy, N.Y.
Natcher	Rosenthal	Stuckey
Obey	Rostenkowski	Studds
O'Brien	Roush	Sullivan
O'Neill	Roybal	Symington
Patten	Ryan	Tiernan
Pepper	St Germain	Udall
Perkins	Sarbanes	Vanik
Pickle	Seiberling	Vigorito
Pike	Sisk	Waldie
Podell	Smith, Iowa	Whalen
Price, Ill.	Staggers	Wilson, Charles H., Calif.
Pritchard	Stanton, J. William	Wolff
Railsback	Stanton, James V.	Yates
Rangel	Stark	Yatron
Rees	Steele	Young, Ga.
Reid	Steelman	Young, Ill.
Reuss	Steiger, Wis.	Zablocki
Robison, N.Y.	Stokes	
Rodino	Stratton	
Roncallo, Wyo.		
Rooney, Pa.		

NOT VOTING—41

Adams	Evins, Tenn.	Moss
Ashbrook	Fisher	Nix
Badillo	Flynt	Owens
Blackburn	Frelinghuysen	Quillen
Brasco	Goldwater	Rarick
Burke, Calif.	Hawkins	Riegle
Carter	King	Rooney, N.Y.
Chisholm	Landgrebe	Ruppe
Clay	Landrum	Schroeder
Cochran	Long, Md.	Thompson, N.J.
Culver	Mailliard	Van Deerlin
Danielson	Mathias, Calif.	Wiggins
Edwards, Ala.	Mills, Ark.	Wilson, Bob
Esch	Minshall, Ohio	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GONZALEZ

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

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: After line 21, page 46 insert:

"(c) *Provided, however,* That no funds provided for by this act shall be used, directly, or indirectly, to defray the cost of travel by the Chief of Police of the District of Columbia, or any of his subalterns, outside the perimeters and limits of the District of Columbia."

Mr. GONZALEZ. Mr. Chairman, this amendment is very simple but very necessary because of the current politicking nationwide on the part of the Chief of Police of the District of Columbia. Last week he was in my district, and he arrived with a great deal of pomp and ceremony, and stated that his main objective was to be there because he was making a tour of the Nation, thanks to the courtesy of President Nixon, in behalf of the specific programs that President Nixon was sponsoring in behalf of policemen and which the Congress was holding up, and that if the police throughout the Nation were not getting the moneys necessary for them to effectively combat crime, that it was the Congress fault, and he was there for that purpose.

Earlier in the discussion I directed questions to the distinguished gentleman of this committee. He could not assure me that moneys from these funds by virtue of the act we are discussing are not being used by the Chief of Police of the District of Columbia for this purpose. In fact, he said it was very possible that the LEAA program of Washington, D.C., could be providing the funds for this purpose.

This amendment simply says that shall not happen in the future; that no moneys derived by virtue of this program shall be utilized by the Chief of Police of the District of Columbia to travel outside of the limits and perimeters of the District of Columbia.

I think it is necessary, in light of this

nationwide current campaigning that is costing obviously thousands of dollars. I doubt seriously that the Appropriations Subcommittee for the District of Columbia has authorized it in any direct way, and it is quite obvious that this spillover of funds is being used lavishly and, in my opinion, quite inappropriately because the chief is going around the Nation trying to tell the people what the duties of Congress are, how they should vote, how they should not vote, and I ask the Members' earnest consideration of this amendment.

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

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

Mr. BROWN of Michigan. Is the gentleman's amendment the epitome of that expression which he has expressed many times that he never gets mad; he just gets even?

Mr. GONZALEZ. No, sir; that is an old Irish saying from Boston. "Don't get mad; get even."

I am from San Antonio, Tex., and we have a different saying. In the West Side of San Antonio we say, "Shoot first and ask questions later."

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

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

Mr. HUTCHINSON. Is the gentleman satisfied that he is accurately quoting the chief of police from his district? Are the words that he placed into the RECORD the exact words that the chief of police used?

Mr. GONZALEZ. At a later time under the rule—I cannot do it now—in the full House I shall ask unanimous consent to place into the RECORD at this point extraneous matter giving the full newspaper accounts attributing the remarks to the chief by the local press in San Antonio.

So what I said is based strictly on the reports by the press, radio, and television.

WASHINGTON POLICE CHIEF VISITS S.A. OFFICIALS

(By Stryker McGuire)

Law enforcement officials of the nation's cities would like to see greater financial assistance from the government but fewer federal guidelines, Washington, D.C., Police Chief Jerry V. Wilson said in San Antonio.

San Antonio Police Chief Emil Peters, who conferred Tuesday with Wilson, agreed revenue sharing is preferable to the restrictive experimental grants now allocated to municipal law enforcement agencies.

TALKS FOR NIXON

Wilson, a "personal representative" of President Nixon, said in a press conference at police headquarters the chances for direct grants-in-aid such as those included in Nixon's revenue sharing proposals were "slim." Congress rejected the proposals last week, Wilson pointed out.

Wilson has visited six cities recently trying, as he said Tuesday, "to air Nixon's views on crime prevention."

He said the President believes "law enforcement is essentially a local responsibility" which needs federal funding assistance.

Crime dropped nationally last year for the first time in 17 years said Wilson, whose trip around the country was described as a "fact-finding mission."

CRIME DECREASES

He said crime in the nation's capital decreased in 1972 thanks mainly to a beefed up police force of about 4,500.

Peters, whose force is about 25 per cent the size of Washington's, said San Antonio's crime rate is below that of Washington, the population of which roughly equals San Antonio.

Speaking of so-called "victimless crimes" such as prostitution and pornography. Peters and Wilson both said they would like to see jurisdiction in those areas transferred to agencies other than city police forces.

Both said prostitution and pornography are not really victimless crimes since they "degenerate" neighborhoods and "generate other crimes."

Wilson, saying a recent Gallup poll showed citizens felt crime to be the major urban problem, said Nixon recognizes "much more has to be done."

PROGRAM SHIFT

The Nixon administration advocates a "shifting from special granting programs into revenue sharing programs," according to Wilson.

NIXON CRIME-FIGHT ENVOY VISITS S.A. ON DATA MISSION

Appearing at the request of President Nixon, Washington, D.C., Police Chief Jerry V. Wilson met with San Antonio Police Chief E. E. Peters Tuesday along with the department's top brass in a fact-finding tour of major cities for various federal crime control problems.

Meeting later with reporters, Wilson explained that an opinion poll taken last year placed urban crime as the nation's number one problem.

He said he did not intend to compose a "shopping list" of requests from various police chiefs around the country, but rather was meeting with them in an effort to answer questions and take back ideas.

"I think President Nixon has established a top priority since he took office of reducing crime in the cities. Recent statistics show the first reductions in years in many areas and I think his efforts have cooled the temperament of America," Wilson stated.

He cited grants-in-aid for specific programs aimed at narcotics, traffic problems, and increased manpower for departments across the country.

Wilson said in his own city the efforts have proved invaluable.

Asked if outright grants-in-aid would not be better than the present system of choosing various federal grants "from a Sears Roebuck catalog," he said that Nixon preferred this idea but his efforts at change had failed in the Congress.

One point repeatedly touched upon in the press conference was how his city compared with San Antonio in police efforts against prostitution and, in the reporter's words, "victimless crime."

Wilson said there was no such thing as a victimless crime, since the law-abiding residents nearby suffer from declining neighborhoods and business districts fall in value when pornography or prostitution move in.

As expected, Wilson was asked about Watergate. He said he felt President Nixon had nothing to do with it.

Mr. HUTCHINSON. And the words that the gentleman has placed in the RECORD at this point are the words that the press quoted the chief of police as saying?

Mr. GONZALEZ. Oh, yes.

Mr. HUTCHINSON. The gentleman is quoting the exact words?

Mr. GONZALEZ. What I said, yes, exactly. What I am attributing and what I am repeating is exactly quoted. And I not only gleaned it from the local press and the printed word but also from the radio and I saw it on the television.

Mr. HUTCHINSON. Does the gentleman have any evidence, though, that any LEAA funds are being used to pay for that excursion?

Mr. GONZALEZ. The gentleman was present when I asked those questions of the chairman and I did not see him rise to confirm or not confirm.

Mr. HUTCHINSON. I am simply turning the question around.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. HUTCHINSON, and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. HUTCHINSON. What I am asking the gentleman is if he has any evidence to support his contention? He asked previously the chairman, and the chairman said he did not have any evidence. I am asking the gentleman if he has any evidence to support his contention that LEAA funds are being used to finance that excursion.

Mr. GONZALEZ. I do not have any proof either that no LEAA funds went into the Gordon Liddy or Howard Hunt excursion or that they used LEAA equipment or did not use LEAA equipment. What I am simply saying is neither this gentleman nor any person in a responsible position can assure me that these funds have not been diverted for this purpose and my amendment would insure that they would not be used for that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer amendments, and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BIAGGI: Page 15, line 8, strike out "and".

Page 15, immediately after line 8, insert the following:

"(13) provide a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government and public agencies;

"(14) provide for the formulation of a 'law enforcement officers' bill of rights' which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all law enforcement officers of the State, units of general local government, and public agencies; and

Page 15, line 9, strike out "(13)" and insert in lieu thereof "(15)",

Page 52, line 10, strike out "surveillance)." and insert in lieu thereof the following: "surveillance).

"PART J—LAW ENFORCEMENT OFFICERS' GRIEVANCE SYSTEM AND BILL OF RIGHTS

"SEC. 701. Beginning one year after the date of enactment of this section, no grant under part B or part C of this title shall be made to any State, unit of general local government or public agency unless such State, unit of general local government, or public agency has established and put into operation a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government, and public agencies operating within the State and has enacted into law a 'law enforcement officers' bill of rights'

which includes in its coverage all law enforcement officers of the State, units of general local government and public agencies operating within the State.

"BILL OF RIGHTS

"The law enforcement officers' bill of rights shall provide law enforcement officers of such State, units of general local government, and public agencies statutory protection for certain rights enjoyed by other citizens. The bill of rights shall provide, but shall not be limited to, the following:

"(a) POLITICAL ACTIVITY BY LAW ENFORCEMENT OFFICERS.—Except when on duty or when acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

"(b) RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer is under investigation or subjected to interrogation by members of his or any other investigative agency, for any reason which could lead to disciplinary action, demotion, dismissal, or criminal charges, such investigation or interrogation shall be conducted under the following conditions:

"(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required.

"(2) The investigation shall take place either at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occured, as designated by the investigating officer.

"(3) The law enforcement officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator.

"(4) The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he shall be informed of the names of all complainants.

"(5) No complaint by a civilian against a police officer shall be entertained, nor any investigation of such complaint be held, unless the complaint be duly sworn to by the complainant before an official authorized to administer oaths.

"(6) Interrogating session shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

"(7) The law enforcement officer under interrogation shall not be subjected to offensive language or threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answering any questions.

"(8) The complete interrogation of a law enforcement officer, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements.

"(9) If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.

"(10) At the request of any law enforcement officer under interrogation, he shall have the right to be represented by counsel or any other representative of his choice who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement service.

"(c) REPRESENTATION ON COMPLAINT REVIEW BOARDS.—Whenever a police complaint review board is established which has or will have in its membership other than law enforcement officers, such board shall include in its membership a proportionate number of representatives of the law enforcement agency or agencies concerned.

"(d) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS.—Law enforcement officers shall have the right, and be given assistance when requested, to bring civil suit against any person, group or persons or any organization or corporation or the heads of such organizations or corporations, for damages suffered, either pecuniary or otherwise, or for abridgment of their civil rights arising out of the officer's performance of official duties.

"(e) DISCLOSURE OF FINANCES.—No law enforcement officer shall be required or requested, for purposes of assignment or other personnel action, to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his family or household), unless such information is obtained under proper legal procedures or tends to indicate a conflict of interest with respect to the performance of his official duties. This paragraph shall not prevent inquiries made by authorized agents of a tax collecting agency in accordance with acceptable and legally established procedures.

"(f) NOTICE OF DISCIPLINARY ACTION.—No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against a law enforcement officer of the State, unit of general local government or public agency unless such law enforcement officer is notified of the action and the reason or reasons therefor prior to the effective date of such action.

"(g) RETALIATION FOR EXERCISING RIGHTS.—No law enforcement officer shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise be discriminated against in regard to his employment, or be threatened with any such treatment, by reason of his exercise of the rights granted in the law enforcement officers' bill of rights.

"(h) LAW ENFORCEMENT OFFICERS' GRIEVANCE COMMISSION.—With respect to complaints and grievances on the part of the law enforcement officers.

"(1) There shall be established in each State and unit of general local government a commission composed of an equal number of representatives of government, law enforcement agencies, and the general public which shall have the authority and duty to receive, investigate, and determine complaints and grievances arising from claimed infringements of rights submitted to it in writing by, or on behalf of, any law enforcement officer of the State, unit of general local government or public agency operating within the State.

"(2) Any certified or recognized employee organization representing law enforcement officers of a State, unit of general local government or public agency, when requested in writing by a law enforcement officer, may act on behalf of such officer regarding the filing and processing of complaints submitted to such commission. Certified or recognized employee organizations may also initiate actions with such commission on its own initiative if the complaint or matter in question involves one or more law enforcement officers in its organization.

"(3) Complaints and grievances may be against any person or group of persons or any organization or corporation or the heads of such organizations or corporations; officials or employees of the department or agency of the law enforcement officer making the complaint, or of any other local, State or Federal department or investigating commission or other law enforcement agency operating in the State.

"(4) The commission shall be empowered to hold hearings, testimony under oath, issue subpenas, issue cease and desist orders, and institute actions in appropriate State court in cases of noncompliance.

"(i) In addition to any procedures available to law enforcement officers regarding the filing of complaints and grievances as established in this section, any law enforcement officer may institute an action in a civil court to obtain redress of such grievances."

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

Mr. McCLORY. Mr. Chairman, reserving the right to object, are these amendments which the gentleman is offering also in the form of a separate bill, H.R. 4600, the so-called policemen's bill of rights legislation?

Mr. BIAGGI. That is correct. I have introduced that bill on several occasions, yes.

Mr. McCLORY. And it has been before another subcommittee of the House Judiciary Committee?

Mr. BIAGGI. It has been pending there for some time.

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

Mr. JOHNSON of Colorado. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk proceeded to read the amendments.

Mr. MATSUNAGA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. FLOWERS. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill before the committee.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. FLOWERS. Mr. Chairman, my point of order is based on the nongermaneness of the amendment offered by the gentleman from New York. I applaud the merit of the proposal, on its merit. I support the thrust of the bill which the gentleman is offering as an amendment here. It is pending before one of the subcommittees of the Committee on the Judiciary on which I serve. I know as a matter of fact from the chairman of that subcommittee, the gentleman from Pennsylvania (Mr. EILBERG) that we will very early begin hearings on the substantive merit of the bill.

On the point of order, Mr. Chairman, on germaneness, this embarks on an entirely new direction. It establishes rights and duties for law enforcement officers and personnel which are not a part of the thrust of the LEAA law.

I insist on my point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. BIAGGI. Yes, I do, Mr. Chairman.

With all due respect to my colleague from Alabama, I cannot understand the

observation he makes that this is not germane. No proposition could be more germane.

The fact of the matter is that this is consistent with the proposal being made today, as to establishing guidelines. Guidelines have been established in the past.

We talk in terms of civil rights, and have lauded what has occurred in this bill, providing more civil rights for the people of our Nation.

This is just an extension. What we are trying to do is to include among all of the people of our country a particular segment that has been eliminated or disregarded.

This is a question of civil rights as much as any other question is, as it relates to anybody else.

So far as germaneness is concerned, I obviously have to disagree with the gentleman. We have many guidelines already established. This will establish another guideline. There is no imposition here on any State or political subdivision. It is a prerogative they can exercise.

If they seek Federal funds they must comply. Right now the same obligation is imposed upon them. If they seek Federal funds they must comply with the civil rights law and all the prohibitions we have imposed upon them. All we are doing is including the law-enforcement officers.

To me it is very incongruous, when we realize the very people we are trying to help by the thrust of the bill are those who have been neglected.

I am sure the gentleman does not disagree with the content. I know my colleague from Alabama agrees with the content.

I have introduced this bill year after year, and it has produced favorable comment and no action. It is here on the floor, in a most appropriate forum. It has been disseminated. People have responded. I have spoken with the parliamentarian. I suggest we leave the question of germaneness to the parliamentarian.

Mr. FLOWERS. That is who will make the decision.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the point of order raised by the gentleman from Alabama.

As indicated on page 4 of the committee report, a fundamental purpose of H.R. 8152 is to authorize Federal funding of approved State plans for law enforcement and criminal justice improvement programs. The bill attempts to address "all aspects of the criminal justice and law enforcement system—not merely police, and not merely the purchase of police hardware" and requires State plans to develop "a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State."

The amendment offered by the gentleman from New York would require that State plans submitted for LEAA approval contain, in addition to the 13 requirements spelled out in the committee bill as amended, provisions for a system of receipt, investigation, and determination of grievances submitted by State and local law enforcement officers. The second amendment would insert on page 52 a provision spelling out a "law enforcement officers' bill of rights" which must be enacted into law by any State seeking LEAA grants under that act in order to be eligible for such grants.

The committee bill seeks to establish a comprehensive approach to the financing of programs aimed at improving State and local law enforcement systems. Included in this comprehensive approach is the subject of the welfare of law enforcement officers as it relates to their official duties, including their salaries, equipment, et cetera. The issue of a grievance system for law enforcement officers is within the general subject of the improvement of State and local law enforcement systems, and the amendments are, therefore, germane to the pending bill.

The Chair overrules the point of order.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that it is late in the evening and that the Members would like to go home, but I believe we ought to stop and consider a minute the fact that we are about to pass on a rather important piece of legislation here; one which involves a lot of money, and which is a very fundamental thing.

We should act as if we were a deliberative body, which I understand we are supposed to be.

Mr. Chairman, I respect very highly the gentleman from New York (Mr. BIAGGI). I know the sincere interest of the gentleman in this subject, and I know the gentleman's record as a gallant police officer, but nevertheless I think we ought to consider what we are doing here in this amendment. This is one of the major pieces of legislation before the Congress. It deals with the matter of law enforcement assistance. The gentleman from New York comes in here—and the gentleman has a bill pending before the committee, and I will not try to pass on the merits of the bill which is before another subcommittee of the Committee on the Judiciary—but it is a long and complicated piece of legislation, and one which deserves hearings and consideration. It comes in here when hearings have not been held on it. I do not believe we should try to write an amendment in this bill which says that nobody can draw their law enforcement assistance money unless they enact the gentleman's legislation.

It is not only that the States shall enact a bill of rights for their police, but the gentleman tells the States what kind of statute they have to draw up. The gentleman spells it all out, what it is to say, where a police hearing is to be held, how long it is to be, what the grievance procedure shall consist of, he directs everything that the States can put in their law.

The gentleman would use it as a club here, and say that they would not receive any LEAA money unless they enact the legislation, call their legislature together and pass that kind of a law.

I understand it is germane, because of the way it is drawn, but logically you could just as well say to the States that the States cannot be eligible for welfare funds or that they cannot establish abortion laws, and all sorts of things such as that, unless they adopt such a bill as we might direct, spelling out the details on all of those subjects.

With all due regard to the gentleman from New York, and without taking any position against his bill, which I am willing to consider on its merits when the time comes, I just suggest to my colleagues in the House on both sides of the aisle that this is an extraordinary and irresponsible way to legislate. If we do it we are going to mess up this major piece of legislation so that it is not recognizable.

This is not a responsible vehicle for handling legislation of this kind and the House should not do it.

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

Mr. Chairman, very briefly, the legislation which the gentleman from New York (Mr. BIAGGI) has offered is pending before Subcommittee No. 1 of the House Committee on the Judiciary. As a matter of fact, we have informed the gentleman from New York (Mr. BIAGGI) that this measure is scheduled for hearing immediately following the consideration of the legislation which the subcommittee is presently considering.

I think, Mr. Chairman, that on a matter of this importance, we should hold thorough hearings, and we should hear every viewpoint.

I give as one example of such a viewpoint, a letter that we have received from the police commissioner of the city of Philadelphia, who reports to us that political activity is barred to policemen through the city charter of the city of Philadelphia. I dare say that there are restrictions of this kind that appear in charters of other municipalities throughout the country.

It is entirely likely that the amendment offered in its present form is in violation, or in conflict, with local regulations and local ordinances throughout the country. We must not be rushed into acting upon a measure which raises these problems, even though its thrust is worthwhile.

It seems to me, Mr. Chairman, that we are rushing much too hastily into this, in sympathy with a sponsor who is very much admired in the House. I beg the Members of the House to be reasonable and considerate, and I assure them that this matter will be given thorough treatment by Subcommittee No. 1 of the Committee on the Judiciary under the leadership of our chairman.

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

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

Mr. CONYERS. I thank the gentleman for yielding.

I think the chairman of the full committee where this legislation will repose for hearings ought to be given the benefit of the doubt. He has assumed that chairmanship only since January of this year, and so I do point out to my friend, the gentleman from New York—because I join those who do not want to try to resolve the merits of this legislation here on the floor merely by the reading of it—that the chairman of the full committee has assumed his responsibilities only since January of this year. Thus the promises the gentleman may have re-

ceived down through the years are not relevant under these circumstances.

Why do we not remove this amendment from consideration today, and consider it appropriately, as the gentleman from Indiana has suggested?

Mr. EILBERG. Mr. Chairman, may I conclude my remarks by saying that we will have this matter scheduled along with legislation which will provide benefits for the next-of-kin of law-enforcement officers killed in the line of duty. I discussed this matter with the gentleman from New York. I will assure him personally there is no connivance here. We have no intention of treating this matter other than very seriously. This simply is not the proper place to consider this particular amendment.

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

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

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

Mr. CEDERBERG. Mr. Chairman, I am not a member of this committee. I have listened with interest to the debate. I think there is great sympathy for the amendment of the gentleman from New York. However, it just seems to me that in this kind of a situation, inasmuch as we have an agreement by the Committee on the Judiciary that hearings will be held on this very important subject, although our sympathies may be with the gentleman from New York and the sense of the amendment, it would be an unwise thing at this time to write this amendment into this legislation.

Mr. RAILSBACK. I want to say to the Members of the House that I think in reading this proposed bill of rights, this is something that I could support. I have some questions about a couple of the sections that have to do with providing legal assistance to police officers. But the thing that concerns me most of all is that provision which would say that beginning 1 year after the date of enactment of this section, no grant under part C shall be made to any State, unit of general local government, or public agency, unless such State or unit of general local government or public agency has established and put into operation a number of requirements and—please note this—

has enacted into law a law-enforcement officers' bill of rights which includes in its coverage all law-enforcement officers of the State units of general local government or public agencies operating within the State.

Here is what we are doing: We are mandating the State legislatures to enact a law within 1 year after enactment of this particular bill. One problem is that there are some State legislatures that meet every other year. The amendment might just require some of them to call a special session. I doubt very much if this particular item frankly would provoke a Governor in some cases or possibly a State legislature to do that. We would be, in effect, holding a gun to their heads and forcing them to do this within 1 year or they would be in jeopardy of losing all of their LEAA funds.

I am in sympathy with protecting the rights of policemen. I do not understand why there has not been at least a hearing. There should be.

However, there are some controversial sections.

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

Mr. RAILSBACK. I yield to the gentleman from New Jersey.

Mr. RODINO. I am going to ask for permission to include in the RECORD following this debate a letter from the Department of Justice opposing the bill offered by the gentleman, in which the former Attorney General does nonetheless express sympathy with the thrust of the amendment. But as the letter indicates, the very proposal that the gentleman is suggesting, this bill of rights, is a subject that will be addressed by the forthcoming report of the National Advisory Commission on Criminal Justice Standards and Goals established by the Law Enforcement Assistance Administration. Extensive research is being conducted by the staff of the Commission's police task force which is examining all of this, and this research is for the purpose of bringing necessary information before the Congress so we can act more intelligently.

Mr. Chairman, the letter from the Attorney General to which I referred, follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 12, 1973.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 7332, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several states.

The bill would make planning and action grants by the Law Enforcement Assistance Administration contingent upon the establishment of formalized procedures for the redress of grievances of law enforcement officers and the adoption of a law enforcement officers' bill of rights in each state and local unit of government receiving LEAA assistance. Although the Department of Justice believes that state and local law enforcement officers should be afforded many of the rights contemplated by H.R. 7332, we believe that this bill would be an undesirable intrusion into the activities of states and local units of government, which should be responsible for assuring the rights of their law enforcement officers.

The thrust of the Omnibus Crime Control and Safe Streets Act is federal assistance for the improvement of state and local law enforcement; the Act does not authorize Federal supervision of state and local law enforcement. In fact, section 518 of the Act states that, "Nothing contained in this chapter or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof." The bill would appear to be contrary to this section.

Also section 351(A) of the bill would seem to be in direct conflict with the Hatch Act, 5 U.S.C. § 1502, and the relevant case law in situations where law enforcement officers salaries are paid in part by LEAA funds. Since the employment of some state and local law enforcement employees is made possible, in part, by the LEAA grant they participate in, these employees are prohibited by the Hatch Act from engaging in political activity.

In view of the above-mentioned reservations concerning H.R. 7332, we are unable to support the bill in its present form.

It should be noted, however, that the Department of Justice is not unmindful of this important area of law enforcement. We believe that there is a need for minimum standards with respect to police grievances and the investigation of police conduct. In fact, the specific subject of rights of police officers will be addressed in the forthcoming report of the National Advisory Commission on Criminal Justice Standards and Goals established in the Law Enforcement Assistance Administration. Presently, extensive research is being dedicated to this subject by the staff of the Commission's Police Task Force, which includes police officers. The findings and recommendations of the Police Task Force will be submitted to the Commission for its consideration.

For the reasons stated above, the Department of Justice recommends against enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

Mr. RAILSBACK. I have no doubt if we start legislating in this way by telling the State legislatures that they must either pass this kind of law or suffer a cutoff of their funds, if we set a precedent like that, particularly when some of them do not meet every year, we will be making a very bad mistake and setting a bad precedent.

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

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

Mr. ECKHARDT. Mr. Chairman, the point the gentleman is making touches my sentiment. The Legislature of the State of Texas does not meet until 1975.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. ECKHARDT, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, if this provision is passed I would understand that the Texas Legislature would first have to enact a statute of this type before the State of Texas would be entitled to any aid under this bill. Am I correct?

Mr. RAILSBACK. That is my understanding. The amendment would not merely require the States to include this in their comprehensive plans. Rather, we are actually mandating the State legislatures to enact, and the Governors to sign, a specified law within 1 year or funds under part B and part C—the heart of the act—will be cut off.

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

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

Mr. MAYNE. Mr. Chairman, I commend the gentleman for his statement in opposition to the amendment and I join him therein.

It seems to me this is an amendment which would in effect place the various States in veritable straitjackets. It goes

into detail as to political activity by law officers and complaint review boards and grievance commissions and other items on which there could be very great controversy. It seems to me before we would subject the various States to this kind of arbitrary mandate, we should at least have the benefit of the thinking of our own subcommittee. There may be some points which they will feel are questionable. The House should have time to work its will with fuller deliberation. So I think this is not the proper time to try to adopt these measures although some of them, in their own right, are admittedly very beneficial.

Mr. FLOWERS. I would associate myself with what the gentleman from Illinois, the gentleman from Indiana, and the gentleman from Iowa have said. The responsible thing to do here is to defeat this amendment. Let us proceed in an orderly manner to have hearings on this measure on its merits, and then come to the floor of the House with a bill of rights for policemen upon which we can vote.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentlewomen from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I associate myself with the remarks of the distinguished gentleman from Alabama.

I share the concern of my colleague from New York (Mr. BIAGGI) for insuring fairness in administrative proceedings for policemen. However, there are provisions in this bill which I do not think any Member has had a chance to study sufficiently, such as the provision concerning disclosure of finances, which are extremely troublesome.

As I perused it in the small amount of time I have had, I noticed, for example, provisions restricting the investigation of graft and corruption of police officers.

I do not think we should be legislating on that sort of thing without due consideration. I think it is crucial to hold hearings on this bill and straighten out some of the language of these provisions.

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

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

Mr. MILFORD. Mr. Chairman, I rise to enthusiastically support the gentleman from New York (Mr. BIAGGI'S) amendment. One of the proudest periods of my life was the time that I spent as a police officer in Irving, Tex. In addition to active police officer service, I spent a number of years as an active police reserve officer.

During these tenures, I became intimately familiar with the problems of the police officer. He is daily called upon to perform flawlessly as an attorney, physician, psychologist, jurist, social worker, and occasionally as a prize fighter. The public will allow him to make no error.

In recent years we have enacted many Federal and State laws designed to protect the rights of citizens. From the moment of arrest he is informed of his rights. He can have an attorney—free—if he has no money. That attorney is by his side even during preliminary police investigations. He has a right to remain silent—and require the State to prove him guilty. He has a right to trial by jury and can take recourse on the State if these rights are violated.

Those, my colleagues, are just a few of the rights that we accord the criminal. Furthermore, we bend over backward to see that the criminal's rights are protected.

Unfortunately, indeed tragically, we do not extend these same rights to our police officers. They live in another world. A world with a floor covered with eggs upon which they must walk knowing that anytime one of the eggs breaks, their career will be ruined.

The police officer's court is a thing called "administrative review" or "administrative investigation." Losing his case in that court means his career is ruined. It is a very special court in which he is denied basic right that is given to the criminal he has arrested.

In this court the officer is not allowed to face his accuser. In fact he may never know who the accuser is.

A criminal may not be questioned without an attorney. In this administrative court, the policeman is not allowed to have one.

We cannot require a criminal to take a lie detector test, but we can make the police officer take one.

We cannot grill a criminal for hours on end at any time of the day or night, but administrators can give the third degree to police officers.

A criminal is entitled to privacy, protected from the press, except through formal court hearings. The police officer has no such protection.

The police officer's grand jury is the administrative review—his trial takes place in the newspapers and on TV whether innocent or guilty, his career can be ruined.

Mr. Chairman, I plead with you to read this amendment that encompasses the police officers bill of rights. Surely you will be compelled to support the amendment.

In the name of justice, surely we should give the police officers of this Nation the same rights that we give to the criminals.

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

Mr. FLOWERS. I yield to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I want to say that while I take no position upon the merits of the amendment, I think that we should, all of us, realize that the amendment itself is another major program. While it is drafted so that it is technically germane to the bill before us, it is nonetheless extraneous. It is an altogether different subject matter.

It merits hearing, it merits our consideration, but certainly not incorporation into the LEAA bill.

In closing, I would simply like to remind the House that the present authorizing legislation for LEAA will expire as of June 30. We, of course, had been hopeful that we would be able to draft an LEAA bill which the Senate might be persuaded to accept without a conference.

I do not believe that if we adopted the Biaggi amendment, we would avoid a conference with the Senate. While I do not oppose the Biaggi amendment on its merits, I do so for the sake of this bill.

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

The amendments were rejected.

AMENDMENTS OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer technical amendments.

The Clerk read as follows:

Amendments Offered by Ms. HOLTZMAN: Page 36, line 5, insert a comma immediately after "equipment".

Page 16, line 16, immediately after "law enforcement" insert "and criminal justice".

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendments were agreed to.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when we go into the House, I am going to ask for a separate vote on the so-called Gonzalez amendment. This amendment, offered just a few moments ago, would prevent the Chief of Police of the District of Columbia or any of his subalterns to travel outside the limits of the District of Columbia on LEAA business.

We heard some remarks of the gentleman from Texas about an appearance that was made down in his district, and he quoted from some newspaper reports. But I do not think that this amendment is legislation which we should have in the LEAA bill, anymore—not even as much as—the last amendment which was just defeated.

I know the Chief of Police has been Chief of the District of Columbia for a long time. It may be that he would be invited to other sections of the country where he could provide useful information with regard to training and other experiences he has had here. As far as I know, he has a good record of law enforcement in the District of Columbia, and his advice and information should be valuable throughout the country.

To put this kind of provision in the bill, to preclude him and other officers of the District of Columbia Police Department from LEAA travel would be a disservice to him, to this Congress and to this legislation.

I therefore hope that on a separate vote, which we will have in the House, we will defeat the amendment.

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

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. COLLIER. I agree with my colleague from Illinois. Had he not indicated he was going to ask for a separate vote, I would do so. I believe this kind of an amendment, which is so far-reaching and which could actually be imposed not only upon the present chief of police, as written, but also upon future chiefs of police, is certainly not the way to solve whatever problem our colleague may have.

I hope in the House on the separate vote the amendment will be defeated.

Mr. FLOWERS. Mr. Chairman, in order to conform the bill technically to the amendment I sponsored, it is necessary to change a cross reference on page 43.

Mr. Chairman, I ask unanimous con-

sent that on page 43, line 5, that we strike out "(b)" and insert in lieu thereof "(c)".

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

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that H.R. 8152 should be quickly and overwhelmingly approved by this House.

I believe that the operation of the Law Enforcement Assistance Administration program at the State and local level justifies such support. For that is where the Congress said the action should be—the level on which the decisions are made and the level which has the basic responsibility for law enforcement and criminal justice.

I would just like to tell you what the Law Enforcement Assistance Administration has meant for one State—South Carolina.

Before the Congress wrote the Safe Streets Act, the situation in South Caroline was typical of that in many other States. We knew in a general way that the State and local police courts, and corrections agencies needed help, but not precisely how much or what kind.

Now we do. The Safe Streets Act's passage prompted the State to establish the South Carolina Law Enforcement Assistance Program—LEAP. The first thing our State planning agency did was to gather information about the needs and problems of State and local criminal justice agencies. It then developed programs to meet those needs.

Mr. Chairman, this was a unique step. Whereas there had been only perfunctory statewide criminal justice plannning in South Carolina before, we now have a permanent organization for both anticrime planning and anticrime action.

The benefits that the resulting coordination and cooperation have brought South Carolina simply cannot be overstated.

The LEAP survey of South Carolina's criminal justice system needs—the first ever conducted—made it possible to analyze in a systematic fashion arrests, adjudication, incarceration, probation, parole, and community-based offender rehabilitation.

The LEAP study showed that there had been breakdowns in interagency communication and with the public.

It revealed overlapping jurisdictions, manpower duplication, fund waste, training deficiencies, hiring standard variances, research deficiencies, inadequate data collection, insufficient records keeping, and many other problems throughout the system.

Court dockets were overcrowded, sentencing procedures varied, police and sheriff's departments had insufficient or outmoded equipment, and State corrections officers lacked adequate training.

I am convinced that this situation prevailed throughout most of the country.

The study also found that juvenile rehabilitation facilities were inadequate.

There were no juvenile incarceration alternatives, such as half-way houses.

There were only 19 family courts, which were inadequate to handle the caseload.

Juvenile probation and parole agencies were understaffed, underfunded, and undertrained.

The State's criminal laws were not codified, and they were not up to date.

Criminal offense recordkeeping was fragmentary.

Naturally, these problems and deficiencies could not all be corrected at once. Priorities had to be established, and then a start made on the most urgent projects.

It was agreed that the first priorities should be personnel training and juvenile facilities.

Then the whole State went to work—with LEAA's vital assistance.

Many, many important projects were launched in every section of South Carolina. I could not possibly list them all at this time, and a mere list would not adequately reflect their benefits.

I assure you, however, that they are exceedingly important to the countless South Carolina communities being helped.

But I would like to mention just a few. For example, LEAA money and encouragement resulted in the founding of the South Carolina Criminal Justice Academy. I would be hard-pressed to name something more significant than topflight professional training for law enforcement personnel. You can imagine the improvements such a facility brings.

In my own community some $80,000 in LEAA funds supports police educational advancement at the Spartanburg Junior College, the Greenville Technical Education Center, and at Wofford College.

At first glance, this might not sound crucial in the larger scheme of things, but it is exceedingly important to the people of South Carolina's Fourth Congressional District. They are going to have improved criminal justice as a result.

That, Mr. Chairman, is the significance of what LEAA has done. It is not a series of grandiose programs that cover a lot of territory but do not accomplish much. Instead, LEAA is doing the nuts-and-bolts work of meeting local needs.

Allow me to cite just a few more examples. LEAA funds from the South Carolina bloc grant are financing a $12,000 Greenville County Family Court program, a $10,000 Laurens County Family Court program, and a $60,000 Spartanburg Family Court program that includes special aid for the Spartanburg County Boys Home.

In addition, a $900,000 LEAA discretionary grant is helping to finance the detention-corrections section of the new Greenville City/County Law Enforcement Center, which is also receiving some $500,000 from the State bloc grant for the remainder of the center project. The new center facilities will replace the obsolete Greenville County Jail as well as two outmoded city lockups.

I would also like to mention the $86,000 in LEAA support for four separate police-community relations centers in Spartanburg. They have been successful in improving understanding between city residents and their law enforcement officers. And they also have had a direct effect on local crime reduction, according to police spokesmen there.

Mr. Chairman, I mention these things not because they are LEAA's most significant accomplishments. I mention them because they are typical accomplishments. These projects have not affected the crime rate here in Washington or New York or Los Angeles. But they have helped control crime in the Fourth Congressional District of South Carolina. That is important to us. It is important to the citizens of those areas and of our State. And I believe they are of national significance, in a sense, for national crime rates will fall when every town and county reduces its own crime rates.

Mr. Chairman, I urge that we hasten that process by extending the LEAA program and continuing the vital crime control assistance it provides.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. O'NEILL) having assumed the chair, Mr. ROSTENKOWSKI, 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. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes, pursuant to House Resolution 436, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment?

Mr. McCLORY. Mr. Speaker, I demand a separate vote on the so-called Gonzalez amendment.

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

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: After line 21, page 46 insert: "(c) *Provided, however,* That no funds provided for by this act shall be used, directly, or indirectly, to defray the cost of travel by the Chief of Police of the District of Columbia, or any of his subalterns, outside the perimeters and limits of the District of Columbia".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

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

Mr. RODINO. 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 391, nays 0, not voting 42, as follows:

[Roll No. 237]

YEAS—391

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

NAYS—0

NOT VOTING—42

Adams	Evins, Tenn.	Moss
Ashbrook	Fisher	Nix
Badillo	Flynt	Owens
Blackburn	Frelinghuysen	Quillen
Brasco	Goldwater	Rarick
Burke, Calif.	Hawkins	Riegle
Carter	Hébert	Rooney, N.Y.
Chisholm	King	Ruppe
Clay	Landgrebe	Schroeder
Cochran	Long, Md.	Smith, N.Y.
Culver	Mailliard	Thompson, N.J.
Danielson	Mathias, Calif.	Van Deerlin
Edwards, Ala.	Mills, Ark.	Wiggins
Esch	Minshall, Ohio	Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Frelinghuysen.

Mr. Hébert with Mr. Carter.

Mr. Rooney of New York with Mr. Ruppe.

Mr. Long of Maryland with Mr. Esch.

Mrs. Chisholm with Mr. Danielson.

Mr. Brasco with Mr. King.

Mr. Mills of Arkansas with Mr. Landgrebe.

Mr. Evins of Tennessee with Mr. Edwards of Alabama.

Mr. Nix with Mr. Smith of New York.

Mr. Rarick with Mr. Ashbrook.

Mr. Clay with Mrs. Schroeder.

Mr. Riegle with Mr. Hawkins.

Mr. Adams with Mr. Mathias of California.

Mrs. Burke of California with Mr. Goldwater.

Mr. Moss with Mr. Wiggins.

Mr. Owens with Mr. Minshall of Ohio.

Mr. Van Deerlin with Mr. Mailliard.

Mr. Flynt with Mr. Blackburn.

Mr. Culver with Mr. Quillen.

Mr. Badillo with Mr. Bob Wilson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. ARMSTRONG. Mr. Speaker, I should like to announce to the House that I was present in the Chamber last Friday, June 15, at the time of the final passage of the bill H.R. 8619 and did, in fact, put my card to the electronic voting device. Apparently through a malfunction of the device I was not recorded, so I have to announce that I intended to in fact vote for passage of the bill, and should like to have the record so reflect.

JOINT CONGRESSIONAL COMMITTEE ON NATIONAL SECURITY

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

Mr. ZABLOCKI. Mr. Speaker, I am introducing a bill today which would establish a Joint Congressional Committee on National Security.

This bill, which has already been introduced in the other body by the distinguished Senator from Minnesota, the Honorable HUBERT HUMPHREY, is in large measure motivated and a result of recent efforts in the area of war powers legislation.

As you know, war powers resolution, House Joint Resolution 542, was favorably reported by the House Foreign Affairs Committee on June 7 by a vote of 31 to 4. It was during the extensive National Security Policy Subcommittee hearings which preceded full committee consideration that the desirability of such a joint committee was once again made clear.

During those hearings it was repeatedly noted the executive branch was reluctant to share information with the legislative branch. The war powers resolution which I authored is aimed at correcting that deficiency as well as reestablishing the balance between the legislative and executive branches in the war-making area envisioned by the Founding Fathers in the Constitution. The bill which I am introducing today complements the war powers legislation in that it will allow Congress to address itself in a more comprehensive way to a thorough and ongoing analysis and evaluation of our national security policies and goals.

It is abundantly clear that the continuing dimunition of Congress role in foreign policy is a direct result of a communication breakdown. For too many years the Executive has failed to share with Congress the kind of adequate information needed in matters involving national security. In short, there is no proper and adequate forum for a regular and frank exchange between the Con-

gress and the Executive on the vital issues affecting our national security.

The bill which I am introducing today is intended to correct that problem by empowering and requiring the proposed Joint Committee:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the program, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to study and make recommendations on government practices of classification and declassification of documents.

Third, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

Given those primary functions it should also be pointed out that the proposed Joint Committee on National Security would operate in the national security area in much the same manner which the Joint Economic Committee functions in the economic field.

Another important and distinguishing feature of the Joint Committee on National Security would be the composition of its membershtip. Reflecting appropriate individual and committee jurisdictions, it would include the following: the Speaker of the House of Representatives, the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the House and Senate Committees on Appropriations, Foreign Affairs and Foreign Relations, Armed Services, and the Joint Committee on Atomic Energy. Rounding out the 25-member Joint Committee would be three members from both the House and Senate appointed respectively by the Speaker of the House and the President of the Senate. As you can see, the bipartisan membership would include the experienced authority of Congress with the majority party having three members more than the minority.

Finally, Mr. Speaker, I think it is important to point out what this proposed Joint Committee on National Security would not do. First and foremost, it would not usurp the legislative or investigative functions of any present committees. Rather, it would supplement and coordinate their efforts in a more comprehensive and effective framework. Nor would this new Joint Committee in any way usurp the President's historic role as Commander in Chief. Neither would it place the Congress in the position of adversary to the executive branch.

As I said at the outset, the need for greater cooperation between the Congress and the executive in the national security area has been evident for too long. We have not had an adequate mechanism in our national security apparatus for proper and meaningful consultation between the two branches. The aim of this bill is to provide that mechanism and thereby allow for the formulation of a truly representative national security policy.

For a more complete description of the functions and composition of this committee I include that the bill to establish a Joint Committee on National Security at this point in the RECORD:

H.R. 8785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That the Congress declares that—

(1) it has been vested with responsibility under the Constitution to assist in the formulation of the foreign, domestic, and military policies of the United States;

(2) such policies are directly related to the security of the United States;

(3) the integration of such policies promotes our national security; and

(4) the National Security Council was established by the National Security Act of 1947 as a means of integrating such policies and furthering the national security.

SEC. 2. (a) In order to enable the Congress to more effectively carry out its constitutional responsibility in the formulation of foreign, domestic, and military policies of the United States and in order to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States, there is established a joint committee of the Congress which shall be known as the Joint Committee on National Security, hereafter referred to as the "joint committee". The joint committee shall be composed of twenty-five Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the chairmen and ranking minority members of the Senate Committee on Appropriations, the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, and the Joint Committee on Atomic Energy.

(4) the chairmen and ranking minority members of the House Appropriations Committee, the House Armed Services Committee, and the House Foreign Affairs Committee;

(5) three Members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party;

(6) three Members of the House of Representatives appointed by the Speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 3. (a) The joint committee shall have the following functions:

(1) to make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security;

(2) to make a continuing study of the recommendations and activities of the National Security Council relating to such policies, with particular emphasis upon reviewing the goals, strategies, and alternatives of such foreign policy considered by the Council; and

(3) to make a continuing study of Government practices and recommendations with respect to the classification and declassification of documents, and to recommend certain procedures to be implemented for the classification and declassification of such material.

(b) The joint committee shall make reports from time to time (but not less than once each year) to the Senate and House of Representatives with respect to its studies. The reports shall contain such findings, statements, and recommendations as the joint committee considers appropriate.

SEC. 4. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other tesitmony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of section 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority to this section.

(c) With the consent of any standing select, or special committee of the Senate or House, may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

BUDGETARY REFORM LEGISLATION

The SPEAKER pro tempore (Mr. O'NEILL). Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

REQUEST TO TRANSFER SPECIAL ORDER

Mr. McCLOSKEY. Mr. Speaker, in view of the international situation and the presence of Mr. Breshnev in the United States at the present time, I ask unanimous consent to yield back the time I had requested for a special order this afternoon and postpone that special order until 1 week from today.

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

There was no objection.

Mr. BELL. Mr. Speaker, I am introducing today budgetary reform legislation which I believe is of vital importance to the Congress.

My bill is closely patterned after the legislation proposed by the Joint Study Committee on Budget Control, but it attempts to make the new budgetary process more responsive to the will of Congress.

It, therefore, makes three basic changes:

First. It modifies the composition of the Committee on the Budget by including more members who are not members of the Appropriations or Ways and Means Committees;

Second. It provides considerably more time for the preparation and consideration of the budget resolution; and

Third. It strengthens and enlarges the duties of the joint legislative budget staff, and makes its work available to every Member of Congress.

The challenge of altering the Congress traditional approach to the Federal budget is the most serious problem facing the 93d Congress.

It strikes at the heart of the question as to whether or not Congress is truly serious when it speaks of regaining its constitutionally mandated "power of the purse" from executive usurpation.

If we are sincere when we speak volumes about strengthening the legislative branch, this is where it is at.

The only way we can hope to strengthen the Congress is if we strike directly at our potential power source.

Traditionally, that potential power of the Congress is money, or the "power of the purse."

Unless we attack this area, our accomplishments in this reassertion will be negligible.

So long as the Congress continues to treat each appropriation bill and spending proposal in a vacuum, as if money appropriated for one program bore no relation to the money available to be appropriated for another, the "power of the purse" will steadily be transferred by default to the executive branch.

The executive which spends the money by necessity knows full well that the Federal Treasury is not bottomless.

The current process also makes it appear that the Congress is acting irresponsibly, at times, and thus strengthens the administration's case in some of their actions, such as impoundments.

Mr. Speaker, the Congress has the responsibility to set this Nation's priorities, but it has abdicated that responsibility—its institutional inertia has blinded it to the need to alter its procedures to keep pace with the vast Federal Government and Nation it is charged to lead.

Fortunately, the Congress is moving in the right direction by having established the Joint Study Committee on Budget Control.

That committee has won admiration from every Member of Congress for the diligence, competence, and unprecedented alacrity with which it produced an effective legislative proposal on an exceedingly complicated subject.

When I testified before the Joint Study Committee last winter, I advocated the creation of a system which would maintain in effect the current two-step authorization and appropriation procedure. While forcing the weighing of each spending proposal against every other within both the authorizations process and the appropriations process.

Although H.R. 7130, the bill written by the Joint Study Committee, is limited to the appropriations process alone, I believe it provides the Congress with an appropriate vehicle with which we can change the budget process.

The bill I am introducing today makes changes in the text of H.R. 7130; the Joint Study Committee has performed an incomparable and invaluable service to the Congress in providing us with this basis for change.

One absolutely essential change in current procedures called for by the Joint Study Committee's proposal is the "rule of consistency," which provides that any amendment to the budget resolution which would increase the funding of one program would have to simultaneously either decrease another program's funding or raise the overall spending ceiling.

A two-thirds vote to suspend the rule would permit inconsistent amendments to prevail.

This rule is the crux of the effort to force Congress to set priorities by weighing each spending proposal against every other, and it represents a major change in procedure which deserves to be and must be tried.

However, it is true that such a rule may make attempts to amend the budget resolution more difficult.

This rule, and the fact that the budget resolution will be the single most important measure to be considered by the Congress each year, makes it absolutely imperative that the new budgetary process be made responsive to the will of the House and Senate as a whole.

Thus, individual Members must be accorded wide opportunity for input into the budget resolution approved by the Congress.

The bill I am introducing today is directed at this goal.

In the context of H.R. 7130, my bill provides more representation of the general membership of the Congress on the Committees on the Budget of the House and Senate; it provides considerably more time for consideration of the budget resolution by the Members; and it provides better availability of information and analysis on the budget to all Members of Congress.

These three factors of committee representation, time, and information are crucial in increasing the responsiveness of the budgetary process to the general membership of the House and Senate.

Specifically, the legislation I have introduced today proposes the following:

First. Committee on the Budget of the House would be composed of 21 members, of which 5 would be members of the Appropriations Committee, 5 would be members of the Ways and Means Committee, and 11 would be members of the other committees of the House.

This membership would insure the presence of members who have expertise on fiscal matters as well as members with an in-depth knowledge of and experience with the many Federal programs.

Such a variety of backgrounds is essential to the proper setting of priorities, which is the essential function of the committee.

In addition, to insure the broadest range of experience, of the 11 members drawn from the other committees of the House, no more than two could be chosen from the same committee, and then only if they were of different political parties.

The Budget Committee would be elected by the House in the same fashion as all other House committees, instead of in the departure from the House rules called for by H.R. 7130.

The committee chairmanship would alternate each year between the 10 members of the Appropriations and Ways and Means Committees and the 11 members of the other committees.

The Committee on the Budget of the Senate would be comparable in nature to that of the House.

Second. The timetable for consideration of the budget resolution would be considerably extended.

H.R. 7130 calls for the Budget Committee to complete action on a budget resolution in a maximum of 6 weeks—less, if the President's budget is transmitted late—from hearings through markup.

The Members of the House are then given the standard 2-day interval from the time the committee report is available until floor consideration begins.

The House is to complete action within 2 weeks, and all debate is limited to 30 hours.

Given the already existing and very serious delays in the appropriations process which have necessitated the all too frequent resort to continuing resolutions, it seems impractical to suggest that a major new step—the budget resolution—can be added to the budget process without any alteration in the time schedule at which appropriations must be made. Hence the proposal I am introducing today calls for a change in the Federal fiscal year to coincide with the calendar year, in order to give the Congress the additional time necessary for preparation and consideration of the crucial budget resolution.

perhaps most important, it would require

My proposal would then give the budget committee an additional month in which to write the budget resolution; that House Members be given 10 work-

ing days in which to digest the committee's resolution and report, which will presumably be equivalent in scope to the President's budget message.

That 10-day period will also allow individual House Members to build support for amendments which will satisfy the rule of consistency, thereby making that rule less restrictive than it would be under the current proposal.

The House would then have 3 weeks for floor action with no required limit on debate.

The House and Senate would have completed action in time for the traditional July 4 recess.

I insert a comparison of the time schedules proposed by H.R. 7130 and my bill here:

	Action on concurrent resolution to be completed on or before—	
	H.R. 7130	Bell proposal
House committee reports	Mar. 1	Apr. 1
Floor action begins	Mar. 3	Apr. 15
House acts	Mar. 15	May 6
Senate committee reports	Mar. 29	May 13
Floor action begins	Mar. 31	May 27
Senate acts	Apr. 19	June 17
Congress acts	May 1	July 1

I firmly believe that additional time is absolutely necessary if any changes made in the budgetary process are to be workable.

Third. The joint legislative budget staff called for by H.R. 7130 is considerably strengthened in my proposal.

The Congress needs an analytical and informational entity independent of but parallel to the Executive's Office of Management and Budget.

So long as the Congress has no major independent source of evaluation and analysis, it can do little more than acquiesce to the arguments presented by the Executive.

Although H.R. 7130's proposal has the potential to perform such a function, my bill makes it quite specific.

The joint legislative budget staff would be charged with preparing extensive analyses of the President's budget requests, as well as maintaining continuing reviews of the status of Federal programs and the relationship of Federal expenditures and revenues to economic trends in the Nation.

My proposal also provides that every Member of the Congress, not merely the budget committee members, will have access to the evaluations and analyses performed by the staff.

Only when such information is available can individual Members hope to make a significant contribution to the outcome of the budget resolution.

Mr. Speaker, I am very pleased that this proposal has the support and cosponsorship of my distinguished colleagues BARBER CONABLE, JOHN DAVIS, PAUL FINDLEY, HAROLD FROEHLICH, BILL KEATING, JIM MANN, AL QUIE, MATTHEW RINALDO, JOHN WARE, and LESTER WOLFF.

I believe that this legislation represents a constructive step forward toward making the unquestionably needed changes in our budgetary process more effective and more reflective of the will of Congress.

I earnestly seek the support of the other Members of the House so that we can restore the "power of the purse" to the Congress where it rightfully belongs.

ANTON SARIO, THE ARTIST

The SPEAKER pro tempore (Mr. MCKAY). Under a previous order of the House, the gentleman from the District of Columbia (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Speaker, I am very pleased to take this moment to commend one of the great painters of our Capital City and of our Nation. Anton Sario has created many works which are a part of our national heritage, and which are sought after by many people and institutions. Indeed, our own Smithsonian Institution would like to have and hang some of his works on the American Indian. Unfortunately, however, this artist, like those who have gone before him, must also tread the grounds of poverty. The institutions cannot afford his works and he cannot afford to give them away.

With the passage of the arts and humanities authorization by this House on Thursday, I think it is appropriate for us to take note of those who are the potential beneficiaries of one of the great broad-based efforts to help the arts. Perhaps, in some way, we can find the resources whereby those artists who have grown old and whose paintings are sought after by the honest and the not so honest will achieve the respite for themselves that they give to everyone else. Our commitment of Federal dollars, which is averaged at 32 cents per person, is a great step in the right direction and I have come here today to point to my colleagues how real the need is for our artists.

Only history can tell how great an artist's work will be viewed. An artist cannot, however, eat or pay rent with history. Neither can they protect themselves with history from the Rodrigues (sic)—real or imagined—who would take the works but for a pittance. The work this House has done is great and I am happy for it, and so too is Anton Sario. Those of you who might be interested in viewing his works can come to my office and see his rendition of the Capitol Building made years ago in a setting that does not exist.

ADAM SMITH'S RELEVANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, on June 5 Kircaldy, Scotland, was the scene of a celebration of the 250th anniversary of the birth of the great exponent of free enterprise, Adam Smith. His classic study entitled "An Inquiry Into the Nature and Causes of the Wealth of Nations" eloquently and perceptively set forth his timeless case for free markets. His work, and that of his successors known as the classical economists, was crucial to the eventual elimination of the myriad economic controls which had stifled the English economy under the mercantilist system.

Joining in the honor of the memory of a man so great are those of clear conscience and realistic thought. Many organizations have been formed to perpetuate the principles of Smith. One of the leading groups in this endeavor is the International Invisible Hand Society which is planning suitable commemorative activities in 1976, the 200th anniversary of the publication of "The Wealth of Nations."

Our young people are also active in this regard as typified by the group of recent George Washington University graduates known as the Adam Smith Society.

I join them in paying respect to so excellent a thinker.

The Washington Post of June 10 contained a condensation of an address by Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, discussing the continuing importance of the work of Smith.

With the insights that have characterized Dr. Burns' historic commitment to free markets and limited government, he lauds the contribution of Adam Smith to the formal body of economic theory. Dr. Burns observes:

> Smith proposed a bold new venture in national policy in the organization of economic life on the principle of free enterprise. He believed that governmental regulations would stifle economic growth in Great Britain and the rest of Europe, and that the abundant energies of people, particularly the British, would be released if these barriers to progress were swept away.

To place such innovative ideas in perspective, Dr. Burns notes that for two centuries the economic policies of England and Europe were governed by the merchantilist doctrine. This, Dr. Burns states:

> Was a system of governmental regulation of nearly every aspect of economic life—industrial output, agriculture, domestic and foreign trade, occupational choice, apprenticeship, prices, wages, labor mobility and so forth. The direction of economic activity was considered to be the task of statesmen who alone could guide the activity of businesses and individuals in ways that promoted the national interest.

In contemporary terms, one might define such doctrine as the New Economic Policy, phases 1, 2, 3, and a freeze. Fortunately, such interventionism in our own society has been held to a minimum.

Dr. Burns identifies the breakthrough represented by Adam Smith's thinking as containing three essential ingredients: First, economic rewards had to be commensurate with the market value of the work that individuals performed and the risks they took in investing their capital; second, achievement of the progress of which a country was capable required active competition, including competition from abroad; and third, a pricing mechanism was needed to allocate resources among competing uses, in accordance with the wants of consumers.

Dr. Burns states:

If my reading of history, is anywhere near the mark, development over the past two centuries have demonstrated beyond serious doubt the essential validity of Smith's theory of production. Where free enterprise has flourished nations have prospered and standards of living have risen.

Dr. Burns clearly recognizes Adam Smith's insistence that a price mechanism for allocating resources is essential to the growth of national wealth. In fact, Dr. Burns feels that even the socialist countries of Eastern Europe "have begun to reconsider their earlier policy of guiding the course of their complex economies through central planning and detailed regulation of most aspects of economic life."

In a day when we find ourselves going backwards in our economic thinking to the reactionary doctrine of merchantilism, it is refreshing to hear such words reiterated by a man of Dr. Burns stature and position. Adam Smith succinctly summarized the situation when he wrote:

All systems either of preference or of restraint, therefore, being thus taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man or order of men. The sovereign is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient; the duty of superintending the industry of private people, and of directing it towards the employments most suitable to the interest of the society.

Mr. Speaker, I insert in the RECORD the remarks of Dr. Burns at this point:

ADAM SMITH'S RELEVANCE—ARTHUR BURN'S ADDRESS ON HIS CAPITALIST PHILOSOPHY

During the past quarter century, economists have been devoting much of their energy to studies of the process of economic growth. Some have concentrated on the interplay of social, cultural, political, and economic forces that shape the destiny of developing nations. Others have sought to determine along empirical lines what part of the economic growth of industrialized countries may be attributed to improvements in education, what part to increases in the stock of capital, what part to scientific research, improvements of technology and other factors. Still other economists have developed formal mathematical models to gain insight into the dynamics of a growing economy. The formidable literature generated by this research could be aptly assembled under the title of Adam Smith's treatise: "An Inquiry Into the Nature and Causes of the Wealth of Nations." . . .

"The Wealth of Nations" is universally recognized as the first major exposition of modern economic thought. Adam Smith himself is commonly regarded as the father of political economy. Yet it is a striking fact that the principles underlying the growth of national wealth and income, which was the central theme of his book, remained for many years a subordinate issue in the great works on economics.

"The Wealth of Nations" was, first and foremost, a theory of production. Smith's main interest was in the means by which a nation could use its resources of labor and capital most effectively, thereby increasing its output and improving the lot of its people. He examined in considerable detail also the principles underlying the distribution of output. But while this was a subsidiary theme of "The Wealth of Nations," it became the primary concern of the classical economists—David Ricardo, John Stuart Mill, Alfred Marshall and others. About 150 years elapsed before economists again developed any substantial interest in the determinants of national output or national income; but it is hardly an exaggeration to assert that this has now become the central subject of scientific economics. Schumpeter, Mitchell, Robertson, Keynes, Kuznets, Roy Harrod, to name but a few of the great economists of recent times, have concentrated on this vital theme.

The contribution of Adam Smith to the formal body of economic theory is of towering proportions. Yet, it is less significant to the history of mankind than his influence on the ways in which individual nations, both large and small, have organized their economic activities. Smith proposed a bold new venture in national policy—the organization of economic life on the principle of free enterprise. He believed that governmental regulations were stifling economic growth in Great Britain and the rest of Europe; and that the abundant energies of people, particularly the British, would be released if these barriers to progress were swept away.

The importance of Smith's revolutionary ideas to the course of economic development in Great Britain and other parts of the Western world can be best appreciated by recalling the historical setting in which "The Wealth of Nations" appeared.

The economic policies and practices of England, France and other European countries between the 16th and 18th centuries were governed by a loose body of principles known as mercantilism. In its popular conception, mercantilism doctrine is identified with protective measures for seeking a favorable balance of trade and an abundant supply of the precious metals. This characterization is correct as far as it goes, but it is incomplete. In fact, the mercantilist principles expounded in 1767 by another great Scotsman, Sir James Steuart, and widely practiced in England during the preceding two centuries, revolved around a system of governmental regulation of nearly every aspect of economic life—industrial output, agriculture, domestic and foreign trade, occupational choice, apprenticeship, prices, wages, labor mobility and so forth. The direction of economic activity was considered to be the task of statesmen, who alone could guide the activities of businesses and individuals in ways that promote the national interest. . . .

The mercantilist form of economic organization, Smith reasoned, lacked a number of ingredients essential to satisfactory growth of the wealth of nations—ingredients that free enterprise would forthwith supply. Of these, three stood out in importance in his mind.

First, economic rewards had to be commensurate with the market value of the work that individuals performed and the risks they took in investing their capital. Smith believed—as did the mercantilists—that self-interest was a dominant force in human behavior. But he perceived a truth that had escaped the mercantilists—namely, that a system of free enterprise could successfully harness individual motives to achieve national economic objectives.

Second, achievement of the progress of which a country was capable required active competition, including competition from abroad. Active competition, Smith believed, would lead to greater specialization of labor; it would encourage commercial application of technical and managerial knowledge; and, more important still, it would stimulate greater industry among businessmen and workers alike.

Third, a pricing mechanism was needed to allocate resources among competing uses, in accordance with the wants of consumers. Free markets, Smith argued, generate price and wage adjustments which result in a use of resources that is consistent with the prevailing pattern of consumer and business demands, and thus solve problems that governmental rules cannot handle. . . .

If my reading of history is anywhere near the mark, developments over the past two centuries have demonstrated beyond serious doubt the essential validity of Smith's theory of production. Where free enterprise has flourished, nations have prospered and standards of living have risen—often dramatically. Where detailed governmental regulation has repressed individual initiative and stifled competition, economic growth has been hampered and the well-being of the people has generally suffered.

The outstanding example of economic progress under a system of free markets is provided by the United States. The standard of living enjoyed by the people of my country has been, and still is, the envy of the world. . . .

The standard of living that we enjoy in the United States reflects more than our system of economic organization. Rapid development of the American economy was fostered also by our rich endowment of natural resources and our vast expanse of fertile lands. Our free institutions and opportunities for self-advancement attracted to our shores millions of venturesome individuals from all over the world. The people who came were industrious and highly motivated, and they often brought with them useful technical skills and educational accomplishments. However, other countries also have been blessed with rich natural resources and with people of unusual educational and technical achievements, and yet have not managed to find the path to rapid economic development.

The key to the economic progress of the United States, I believe, is therefore to be found in our institutions, which by and large have permitted anyone in our midst to choose his occupation freely, to work for himself or for an employer of his choice, to produce whatever he chose, to benefit from the fruits of his individual effort, and to spend or to save or to invest as he deemed proper. . . .

Lively competition, individual incentives and a pricing mechanism to allocate resources are as important to the growth of national wealth now as they were in the Great Britain of the 18th Century. That fact, I believe, is gaining recognition beyond the boundaries of what we loosely call the Free world. In recent years, the socialist countries of Eastern Europe have begun to reconsider their earlier policy of guiding the course of their complex economies through central planning and detailed regulation of most aspects of economic life. They have begun to ponder whether the production of some unwanted goods or obsolete machines might not reflect the failure of prices to signal changes in consumer or business demands; whether more rapid technological progress might be encouraged by providing industrial managers with stronger incentives for taking risks; whether workers would increase their productivity if more opportunities became available to improve their own lot and that of their families through greater individual effort. . . .

In some, if not all, socialist countries, doctrinaire adherence to centralized planning and regimentation of economic life is gradually being displaced by a more flexible administration of the economic system. Wider scope for decision-making is being given to individual factory managers; monetary incentives related to economic performance are becoming more common; a larger role is

being assigned to prices in the allocation of resources. Notable examples of this trend may be found in Yugoslavia and Hungary, where significant efforts have been made in recent years to accelerate economic development by moving toward a more flexible, less centrally directed form of economic organization. In the Soviet Union, also, a reform of the industrial structure is under way, aiming among other things at decentralization of research and development programs.

In the developing nations, too, a trend is evident towards wider acceptance of Adam Smith's theory of economic development. A decade or two ago, many of these countries were seeking to rush headlong into heavy industry, bypassing the development of agriculture and light industry for which their resource base and technical skills were better suited. Barriers to imports were created to speed industrial development, while one industry after another was saddled with restrictions and regulations that made competition in world markets extremely difficult. Political leaders in these countries had become so fascinated with the thought of rapid industrialization that they not infrequently ended up by creating industrial temples, rather than efficient and commercially profitable enterprises.

Some costly lessons have been learned, and some ancient truths rediscovered, from this experience. Of late, developing countries have been reconsidering the benefits of agriculture and light industry as paths to economic progress. More of the developing countries are now encouraging private foreign investment, and practically every nation is seeking ways to raise productivity, open new markets and foster a spirit of enterprise among its people.

Policy makers across the world thus keep coming back to the principles enunciated by Adam Smith some 200 years ago. A contemporary reader of "The Wealth of Nations" cannot escape being impressed with the vigor of Smith's analysis and its relevance to the world of today. Yet, he will also be struck, I believe, by the fact that nations are nowadays concerned with economic problems that were hardly foreseen in his great treatise on political economy . . . .

We face problems today with which Adam Smith did not concern himself. Economic life keeps changing, and each generation must face anew the central problem with which he dealt so boldly—that is, how best to draw the line between private and governmental activities in the interest of augmenting the general welfare. As we go about this task, we cannot be blind to the imperfections of market processes or to the abuses of market power by business firms or labor organizations. But we also cannot afford to neglect Adam Smith's warning, of which recent experience provides ample illustration, that governments not infrequently create new problems, besides wasting resources that could have been put to effective use by private citizens or business firms . . . .

DISCUSSIONS WITH TOP CANADIAN ENERGY OFFICIALS REGARDING A CANADIAN PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, proponents of the Alaska oil pipeline have consistently alleged that the Canadian Government will impose such rigid conditions on American participation as to make a Trans-Canadian pipeline infeasible. In a letter to all Congressmen 2 months ago Secretary Morton spelled out in considerable detail these alleged obstacles. I must say that to many Members these representations may well have provided convincing arguments in support for an Alaskan pipeline: If the Canadian Government is so negative, how can we talk about a Trans-Canadian alternative?

Mr. Speaker, I have recently returned from a trip to Ottawa Canada, where along with six other Members of Congress, I participated in a 3-day conference organized by the Canadian Parliamentary Center for Foreign Affairs and Trade, a private Canadian organization, partially funded by the Parliament of Canada.

During this conference, I met with Canada's Minister of Energy, Mines and Resources, Donald MacDonald; with Jean Chretien, Minister for Indian Affairs and Northern Development; with other top officials in the area of energy; and with members of the other political parties in Canada.

The substance of these conversations is contained in the report below. I have made every effort to be as objective as possible. I have recounted the "bad news" as well as the "good news"—reporting factors which would tend to delay or inhibit an oil pipeline, as well as those which would enhance its feasibility.

However, I believe that Members of Congress who read the report will agree with my general conclusions: first, that the attitude of the Canadian Government is much more open toward application for an oil pipeline than we have been led to believe by this administration; second, that the studies that have been done to date by the Canadian Government are encouraging to those who believe a Canadian pipeline is feasible; third, that the sources of political opposition to a pipeline are not nearly as strong as some have claimed; and finally, that the receptiveness of the Canadian Government to discussing an oil pipeline with us, and the fact that 3 years of studies have been completed relating to a pipeline, support the proposition that no action should be taken on an Alaskan pipeline until a 6-month crash study is done to compare the Canadian with the Alaskan route, and until the Secretary of Interior begins talks with Ottawa on the availability of rights-of-way through Canada.

Mr. UDALL, Mr. BLATNIK, Mr. HARVEY, and myself have introduced a bill which would require these actions to take place.

The report on my discussions with Canadian Government officials and others in Canada is included in the RECORD at this point:

REPORT ON DISCUSSION WITH CANADIAN OFFICIALS AND OTHERS ON A POSSIBLE CANADIAN OIL PIPELINE

Along with five other members of Congress, I met with a broad spectrum of Canadian Parliamentarians and members of the Trudeau government during the weekend of June 1–3, under the auspices of the Canadian Parliamentarry Center for Foreign Affairs and Trade. The bulk of my time was spent attending the formal program, at which a number of high Canadian officials in the energy area held discussions with us. Particularly fruitful were our discussions with Mr. Donald MacDonald, the Canadian Energy Minister. In addition, I talked with a number of Canadian politicians and private individuals who are playing key roles in the shaping of Canadian policy on gas and oil pipelines through the MacKenzie Valley.

The following material pulls together my impressions of Canadian attitudes toward the pipeline issue, based on these sources.

INTRODUCTION

It should be noted at the outset, that when one talks about "the pipeline" to the average Canadian, it is generally assumed that a natural gas pipeline through the MacKenzie Valley is the pipeline being discussed. Such a pipeline is expected to carry gas from both the MacKenzie Valley and Prudhoe Bay. Canadians assume a gas pipeline will become a reality in the near future whereas they view the prospects for an oil pipeline as being largely dependent on our taking the initiative with them.

The fact that a gas pipeline application is expected to be filed with the National Energy Board (NEB)—the regulatory agency in the energy field—by the end of this year, has significance for those interested in the feasibility of an oil pipeline through Canada. Such an application will signal the conclusion of nearly three years of study by private industry and government regarding the technical, financial, environmental, and land claims problems associated with a gas pipeline. Many of these problems are quite similar to those which surround the construction of an oil pipeline. To a significant extent, these studies and this application would seem to pave the way for the developmental work needed for an oil pipeline. The impression created by proponents of TAPS that such development would have to start from scratch, regarding an oil pipeline, is therefore a misleading one.

If, as expected, an application for a gas pipeline is made to the NEB, the NEB will have the responsibility of determining whether the various problem areas surrounding a pipeline are manageable, and whether the construction of a gas pipeline is in the public interest. If the pipeline is approved, it will then be up to the government to decide whether or not to authorize the go-ahead. A similar procedure would hold for the construction of an oil pipeline.

CABINET RECEPTIVES TO AN OIL PIPELINE

The importance of the Cabinet as a whole in Canada's Parliamentary system, means that each Cabinet member has some input to the Prime Minister on any specific policy issue, such as energy policy. Given this fact, it becomes important to ascertain which Cabinet members are most influential regarding overall energy policy.

The consensus in Ottawa seems to be that Mr. MacDonald's views on energy policy carry considerably more weight with the Prime Minister and the Cabinet than those of any other minister. MacDonald is a former Defense Minister who is regarded as somewhat of a trouble-shooter, whose views are seen as hard-nosed and backed up by good judgment and knowledge of the facts.

In general, I was struck by the positive attitude that the Minister of Energy, Mines and Resources, Mr. MacDonald, and the Minister of Indian Affairs and Northern Development, had toward an oil pipeline.

The following information reflects extensive conversations with Mr. MacDonald, Mr. Chretien and senior advisers in their ministries:

First of all, Mr. MacDonald's reaction to Secretary Morton's letter to members of Congress was one of concern about the way in which the Secretary had, in his view, misrepresented the Canadian posture as being very rigid about American participation in a pipeline.

A letter correcting Mr. Morton's misinterpretation of the Canadian posture was drafted for Mr. MacDonald's signature, but has not yet been sent.

When the Canadian Embassy in Washington contacted the State Department to discuss sending such a "correctional" letter, the Canadian Ambassador was told that this

pipeline business is an internal U.S. matter, and that Canada should stop meddling in it (or words to that effect). This attitude, plus some diversity in Canada over the pipeline issue, which I will describe later on, resulted in Mr. MacDonald's not sending the letter to Mr. Morton. I was told the letter may be sent at a later, more appropriate time—that is, more appropriate in terms of overall American-Canadian diplomacy.

I was told that the points I made in my testimony of April 16 before the House Public Lands and Interior Committee—which rebutted a number of Secretary Morton's interpretations of the Canadian government's position—were correct and important points.

The openness and one might even say, optimism, of the Canadian government on the question of an oil pipeline through the MacKenzie Valley is illustrated by the following points made by Mr. MacDonald and Mr. Chretien:

Recent Administration Statements. Mr. MacDonald felt strongly that the Administration's recent announcement that the U.S. would move ahead with the Alaskan pipeline, but would also discuss a second pipeline with the Canadians, was misleading. Once the United States builds an Alaska line, it will be much cheaper for us to add on to it (via looping), than to build another Canadian line. Since Canadians have minimal use of an oil line in the near future, they will certainly not construct one themselves.

I was told that newspaper reports indicating that the oil companies were negotiating with the Canadian government about rerouting tanker traffic away from Vancouver, in return for a Canadian agreement not to "encourage" U.S. Congressmen in a Canadian pipeline, seemed plausible as a Nixon Administration strategy—since that issue of tanker traffic to the Cherry Point refinery really was the key irritant to Canadians at present. However, I was also told, not by Mr. MacDonald but by an official from the Department of External Affairs, that such talks were not taking place, and that the Canadian government would never be party to such a deal.

Lead time of reasonable length. Lead time for both preparation of an application and NEB approval would be two to three years—with three more years for actual construction.

Financing feasible. Assuming that two pipelines do cost $5.1 billion apiece, 80 percent would be debt financing; financing of two pipelines would thus be feasible. The Canadian government's reasoning is similar to those in my testimony of April 16. I was told that the Trans-Canada pipeline built in 1958 (The Interprovincial Pipeline Corp.) involved a larger percent of GNP than this one would.

Flexibility on Throughput. The Canadian government has *never* said it would want 50 percent of the throughput, as Secretary Morton alleged—although it would probably not settle for less than 25 percent. However, the fears of Canadian oil backing out American oil are unfounded. Any Canadian throughput would be added on by small increments, year by year—as is traditionally the case. Moreover, there woud be plenty of lead time to add on loops if significant new capacity is needed. In sum, Canadian access to the pipeline would not mean backing out of North Slope (American) oil.

No Need to Fear Vulnerability. Americans' fear of vulnerability should be tempered by the realization that a very large portion of Canadian gas lines go through the U.S. side of the border, on their way to Canadian outlets in the Eastern provinces. Any unilateral action by Canada, which is of course highly unlikely in any case, would be absolutely out of the question given the reality of American ability to retaliate against Canadian lines.

Flexibility on Ownership. Although the issue of ownership is a very controversial one, it should not be cast in all or nothing terms. The basic principle should be the right of first refusal: the Canadians should have the opportunity to have 51 percent ownership of equity. If they do not accept this opportunity, then ownership should be open to outside interests.

NEB not biased against pipeline. The Chairman of the National Energy Board, Mr. Howland, is not at loggerheads with Mr. Trudeau, as some have alleged, and would not turn down an application for an oil pipeline, in order to embarass the Prime Minister. Mr. Howland, in fact, is sympathetic to a Canadian oil pipeline, and first proposed it to the Chairman of the Board of Atlantic Richfield over a decade ago.

Building two Canadian pipelines simultaneously. If Canada is prepared to accept a low oil throughput, oil and gas lines could be built simultaneously. However, this alternative was not emphasized. He did emphasize that Canada could build them consecutively.

Native land claims not a major obstacle. Native land claims questions will not be a source of major delay. Such claims could conceivably be cleared up within a year's time from the initial application for a line to the National Energy Board. The government is sympathetic to native claims generally, and in fact is providing the legal funds for natives to develop their claims. Recent application for a caveat (title-registration warning) by the Indians, will be an additional, but not major, source of delay. (The caveat would be a first step toward proving that these natives have "aboriginal" rights to the land, since they never signed a treaty with the Crown in the first instance.)

Environmental problems manageable. The environmental problems created by either an oil or a gas line are manageable. The oil pipeline presents more environmental problems, but they can be dealt with through "environmental engineering." A three-year long series of studies on environmental, social, and other aspects of a pipeline is now being concluded in this area, at a cost of $20 million, and including scores of separate studies, many of which are applicable to an oil as well as gas pipeline.

POSSIBLE SOURCES OF OPPOSITION WITHIN THE GOVERNMENT

Although the two key ministers involved in a northern pipeline policy—Mr. MacDonald and Mr. Chretien—seem quite receptive to an application for an oil pipeline, there are other views in the Trudeau government that seem less hospitable to the idea of an oil pipeline.

During the week of May 21, a report developed by the Department of Finance for a Cabinet task force, on the economic effects of a gas pipeline, was leaked to the newspapers and precipitated debate in the Commons. The report was highly pessimistic about the effect that a gas pipeline would have on the Canadian economy. It argued that as a result of the massive financing needed for the line, the Canadian dollar would become overvalued, inflation would accelerate, and a decline in manufactured exports would occur. The report concluded that the pipeline would mainly benefit the U.S. rather than Canada.

However, the ministers I talked to confirmed that the report was "totally discredited" as far as the Cabinet is concerned. The report assumed full employment (thereby magnifying the inflationary effects—employment is now about 5.5 percent), and made other macroeconomic oversimplifications. Indeed, Mr. MacDonald stated on the floor of the Commons that the report was flatly rejected by the Cabinet. Obviously, the economic effects of the gas pipeline are not that different from those of an oil pipeline. Thus, the rejection of the report by the Cabinet lends support to those who feel the oil pipeline is a viable proposition.

Another source of possible opposition to an oil pipeline is within the Canadian diplomatic corps. It is clearly worried about the fact that the Nixon Administration has chosen the Alaskan route, and that any encouragement by the Canadian government of a Canadian substitute route will be looked on unfavorably by the Administration. Given the fact that delicate negotiations are proceeding on trade and other issues with Canada, and that there is division within Canada itself on the subject of a pipeline, some high officials in the Department of External Affairs feel absolute silence would be the best policy for Mr. MacDonald and others to pursue regarding an oil pipeline to be used by the United States.

This point of view may be shared to some significant extent by the Minister of External Affairs, Mr. Mitchell Sharp—although it is not clear to me to what extent it is shared. This point of view is certainly a factor to consider, as we assess and interpret the views of the Canadian government.

It is, however, disturbing to see that honest discussions cannot take place on this subject without fear by the Canadians that the Administration will regard such discussions as "meddling" in internal affairs of the U.S.

SOURCES OF OPPOSITION AND SUPPORT OUTSIDE THE TRUDEAU GOVERNMENT

The Truedeau Liberal government won last election by the thinnest of margins, capturing only two more seats than the Conservatives, and a minority of the total seats in Parliament. The balance of power is thus held by the New Democratic Party, a socialistic party which sharply increased its representation in Commons. The NDP's stated policy is to ally itself with the Liberals, and to have a "chastening" effect on government policy.

Below are my impressions, based on talks with government officials, leading Parliamentarians and governmental observers, as to how the political situation in Canada affects the feasibility of a Canadian oil pipeline. Despite sources of opposition within the Conservative and NDP parties, my conclusion from the discussion below is that the total opposition is nowhere near as strong as some would have us believe.

RECEPTIVENESS TO A PIPELINE AMONG MOST CONSERVATIVES

Although there is a faction among the Conservatives who would probably oppose an oil pipeline, just as they are opposed to a gas pipeline, most Conservatives would probably support an oil pipeline proposal on general ideological grounds. A large block of M.P.'s are from the western province of Alberta, where oil and gas interests are located.

There is an anti-pipeline block among the Conservatives. This group is passionate and articulate about the alleged distortions that capital-intensive extraction industries, owned by Americans, create in the Canadian economy. They see $5 billion spent for a pipeline, to export Canada's riches, and only a few hundred permanent jobs resulting. Some younger Canadians especially seem angry about this issue and supportive of this point of view.

The mainstream of Conservative thinking, however, is probably better represented by Alvin Hamilton, shadow minister of energy, and former minister of energy in the Conservative government. Hamilton is sympathetic to the idea of more cooperation between Canada, and the U.S. on energy matters. In fact, he would like to persuade the Conservative party to back a policy which would export to the U.S. twice the amount of oil we are now receiving from Canada—up to three million barrels a day—and increase gas shipments by an even greater factor.

Hamilton not only advocates a gas pipeline, but also wants a "unified corridor"—in-

cluding a highway-railway-pipeline complex—to develop the North. He feels that Canada has plenty of capital to build its own pipelines. All these views augur well, in terms of Conservative support for an oil pipeline.

FLEXIBILITY OF THE NEW DEMOCRATIC PARTY

There are many people who feel that the Trudeau government will not last long, given the uncertain alliance that exists between the New Democratic Party and the Liberals. In a Parliamentary system, of course, it takes only one major legislative defeat for the government to precipitate a vote of no confidence in the government.

However, David Lewis, leader of the NDP, feels the government may be much more viable than many people think, for several reasons: NDP obviously enjoys holding the balance of power, which it would not have in a majority government; Lewis is generally determined to make minority government work and thus prove that a multiparty system is good for Canada (in fact, minority governments have been in power five times in the last two decades); finally, there has been a recent decline in public support of the Conservatives—which diminishes their appetite for an election at this time.

Despite NDP opposition to new foreign investment, an oil pipeline—and even more so, a gas pipeline—may therefore be one of a range of issues that NDP may be willing to compromise on.

CONCLUSION

After looking at the sources of sympathy toward a Canadian oil pipeline within Canada, and the sources of opposition, I would say the former are significantly stronger. The key members of the Trudeau Cabinet would seem in favor. The same would seem true for the leadership of the Conservative party. The NDP is more flexible than is supposed. Canadian nationalism, while growing, is tempered by the reality of Canada's economic interdependence with the United States.

We should also be mindful of the fact that the Canadian government established, some time ago, a Cabinet task force on northern oil development. This task force is now finishing up an overall discussion paper on energy matters, due for release soon. This extensive research and development process does not at all square with Administration assertion that a Canadian oil pipeline effort would have to start from ground zero in terms of planning.

KEMP ANNOUNCES SUPPORT FOR AGRICULTURAL, ENVIRONMENTAL, CONSUMER APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, due to a long-standing commitment in my district, I was unable Friday, June 15, to cast my vote on final passage of the Agricultural, Environmental and Consumer Protection Appropriations bill for 1974.

I was prepared to cancel the commitment until, shortly before the final vote, I found that the bill would pass without difficulty, in fact it did, 304–3.

Had I been present, I would have voted for the bill. Reasons for my support include the reduction of the ceiling on the annual farm subsidy to $20,000, a measure I supported by the introduction of legislation; the $100 million demonstration program to help clean up Lake Erie and the other Great Lakes, and my support for rural development, especially as it relates to water management programs and economic development in Erie County, N.Y., and in the other States.

THE LEGAL SERVICES CORPORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to announce my intention of offering an amendment tomorrow to H.R. 7824, the Legal Services Corporation Act.

The amendment will prohibit any funds authorized in this act from being used for legal assistance in court cases involving the transportation of public school students for desegregation purposes.

The amendment will be offered at page 30, after line 8 of the printed bill, by inserting the following:

(6) To provide legal assistance in connection with so much of any legal proceeding as seeks to require the transportation of students as a means of overcoming racial segregation.

Page 30, line 9, strike "(6)" and insert "(7)".

STATEMENT OF THE HONORABLE TOM RAILSBACK BEFORE THE HOUSE OF REPRESENTATIVES ON ABSENTEE VOTING FOR AMERICAN CITIZENS OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK), is recognized for 25 minutes.

Mr. RAILSBACK. Mr. Speaker, today, I am sponsoring, along with the distinguished chairman of the House Committee on the Judiciary, Mr. RODINO, the introduction of legislation which would allow U.S. citizens living abroad to vote in all Federal elections. More specifically, the bill would provide that no citizen who is otherwise qualified to register and vote in his domiciliary State, with respect to any Federal election, shall be denied the right to vote in such State merely because such citizen is residing outside the United States and has relinquished his place of abode or other address in the State—provided that he has not qualified as a voter in any other State.

The right to vote is one of the most basic rights of American citizenship, yet over 750,000 Americans—including thousands of businessmen and women, missionaries, teachers, lawyers, students, engineers, and many others residing overseas are denied the Federal franchise. This occurs because the majority of States impose rules which require a voter's actual presence or maintenance of a home in the State; or which raise a doubt of voting eligibility of nonresident domiciliaries whose date of return is uncertain; or because the citizen is unsure whether he or she will return to the State of last residence or be assigned to a different State; or the State has confusing absentee registration or voting forms that appear to require the maintenance of a home or other abode in the State.

Last year the Bipartisan Committee for American Voters Overseas surveyed the election officials of the 50 States as to the ability of overseas American citizens to vote for President and Congress in their respective States. The bipartisan committee is an organization of distinguished business and professional people in Europe of both political parties who have been seeking the enfranchisement of American citizens residing abroad.

Mr. Speaker, the legislation we propose today would allow the American citizen residing overseas to vote in Federal elections in the State in which the citizen had last voted or registered to vote, or if the citizen had not so voted or registered, in the last State in which the citizen maintained a domicile before departing from the United States as long as the individual is otherwise qualified to vote in that State and complies with the absentee ballot requirements of the State and provided the citizen does not qualify as a voter in any other State, territory, or possession of the United States. This is the crux of the legislation we are introducing today. The present checkerboard pattern of domicile rules among the States should no longer be permitted to deny Americans overseas the franchise in Federal elections.

The legislation proposed today would also provide a form which the States may accept as an application for an absentee ballot to vote in a Federal election and as an application for registration to vote in such election if registration is required by the laws of the State. The form is modeled after the Federal post card application form—FPCA—now used in most States as an application for registration and ballot for overseas military personnel and certain other groups which vary from State to State. Although the States are not required to adopt this form it is our hope that whenever feasible they will do so.

The legislation would also establish as Federal law, in clear and unequivocal statutory language, the principle that the exercise of the right to register and vote by a U.S. citizen abroad should not constitute an act which would affect the determination of his or her actual residence—as distinguished from his or her place of voting for Federal, State, or local tax purposes. The Internal Revenue Code and the laws of all but a handful of the States offer Americans currently residing abroad an income tax exemption, in whole or in part, for income earned abroad. The legislation I am introducing today would help assure that the exercise of the right to register and vote absentee by such a citizen would not jeopardize any such income tax exemption.

The Internal Revenue Service has already indicated, most recently in an August 28, 1972, ruling letter to Senator GOLDWATER, that the exercise of absentee registration and voting rights will not jeopardize the nonresident Federal income tax exclusion available to a U.S. citizen residing abroad. The legislation being introduced today would enact this administration interpretation into law for Federal income tax purposes and would assure that the States would not make an inconsistent interpretation of their own income tax laws. I ask unanimous consent at this time to have printed in the RECORD the Internal Revenue

Service ruling letter sent to Senator GOLDWATER by subject.

Mr. Speaker, this proposed legislation does raise several constitutional issues which we will have to explore very carefully during the hearings. Strong arguments may be made on both sides of the issue of whether Congress may legislate to establish new requirements for voting in all Federal elections, different from those which the States have enacted. Constitutional authority, based upon previous decisions by the Supreme Court, appears clearest in support of Federal legislation affecting qualifications for voting for Representatives and Senators. Authority is less clear for elections held to choose electors for the President and Vice President, and for primary elections to choose candidates for Congress.

The principal source of power for Congress to enact qualifications for voters in congressional elections comes from Article I, section 4 of the Constitution, which provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators.

According to the Supreme Court, this provision gives Congress "general supervisory power over the whole subject of congressional elections," *Smiley v. Holm*, 285 U.S. 355, 367 (1932).

The opinion in Smiley stated that—

These comprehensive words embrace authority to provide a complete code for congressional elections, not only as to time and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud, and corrupt practices, counting of votes, duties and inspectors, and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved . . . (285 U.S. at 336; emphasis added).

Those who would limit the scope of article I, section 4, point out that the foregoing in Smiley were but dictum, as the actual holding of the case concerned only the issue of reapportionment of congressional districts by State legislatures. Nevertheless, the quoted paragraph is often repeated with approval in Supreme Court decisions, most recently in the opinion of the late Justice Black in *Oregon* v. *Mitchell*, 400 U.S. 112, 119 (1970), supporting the holding that article I, section 4 empowers Congress to lower the minimum voting age to 18 years in Federal elections, and to abolish durational residency requirements as qualifications for voting in Presidential elections. The broad interpretation of article I, section 4, regarding the supervisory power of Congress over congressional elections appears to be widely accepted in other courts as well. See, for example, *United States* v. *Manning*, 215 F. Supp. 272 (D. La., 1963); *Commonwealth ex rel. Dummit* v. *O'Connell*, 298 Ky. 44, 181 S.E. 2d 691 (1944).

In contrast with the generous powers granted Congress to regulate congressional elections are the relatively scant express powers with respect to elections for the President and Vice President:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States. (Article II, section 1, cl. 3). . . . Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified (Amendment XX, section 3). The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them. Amendment XX, section 4).

The Constitution provides that—

The citizens of each state shall be entitled to all privileges and immunities of citizens of the several states, (Article IV, section 2), and bestows upon Congress the power to make all laws which shall be necessary and proper to carry out this provision. (Article I, section 8, cl. 18).

Further:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. . . (Amendment XIV, section 1).

Congress may enforce the foregoing by appropriate legislation—amendment XIV, section 5.

From these provisions, it is argued that because the right to vote for national officers is a privilege and immunity of national citizenship—*Oregon* v. *Mitchell*, supra, at 149; cf. *Ex parte Yarbrough*, 110 U.S. 651 (1883)—Congress may enact legislation appropriate and plainly adapted to the end of protecting the privilege of voting in Presidential elections. In any case, these questions, among others, will have to be fully explored during the hearings.

Mr. Speaker, throughout American history there has been a continuing attempt to guarantee the franchise and to eliminate arbitrary hindrances to voting to insure that every American citizen has the opportunity to exercise that most basic right in a democracy—the right to vote. I believe this legislation I am introducing today will help further to secure this worthwhile goal.

The letter follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 28, 1972.

HON. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This is in reply to your letter of August 16, 1972, regarding the possible effect that voting by absentee ballot by United States citizens residing abroad may have on their claiming the exclusion from gross income provided by section 911(a)(1) of the Internal Revenue Code of 1954.

Section 911(a)(1) of the Code provides, in relevant part, that the following items shall not be included in gross income and shall be exempt from Federal Income taxation. In the case of an individual citizen of the United States who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) which constitute earned income attributable to services performed during such uninterrupted period.

You forwarded with your letter a copy of a report prepared by the American Chamber of Commerce of Venezuela. That report and your letter indicate concern that if a United States citizen residing abroad signs an application for registration to vote in one of the States and represents in such application no more than that he intends to return to that State as his domicile, he may thereby jeopardize or forfeit his entitlement to the section 911 exclusion from gross income based on his claim of bona fide residence in a foreign country. You are referring in particular to Internal Revenue Service Publication 54(10–71) *Tax Guide for U.S. Citizens Abroad*, 1972 Edition, which provides on page 4:

"A U.S. citizen living abroad may vote by absentee ballot in elections held in the United States (national, State, and local) without jeopardizing his eligibility for tax exemption as a bona fide resident of a foreign country. Such voting will not, of itself, nullify the taxpayer's status.

However, where a U.S. citizen makes a representation to the local election official regarding the nature and length of his stay abroad that is inconsistent with his representation for purposes of the tax exclusion, the fact that he made the representation in connection with absentee voting will be considered in determining his status for the exclusion, but will not necessarily be conclusive.

You are concerned that the "inconsistent representation" language of the above-quoted material might be interpreted to mean that a representation by a taxpayer of domicile in a State and of an intent to ultimately return there is not compatible with the taxpayer's claim of bona fide residence in a foreign country for purposes of section 911 of the Code.

The Service has held in a recently published ruling, Revenue Ruling 71–101, C.B. 1971–1, 214:

"[G]enerally the exercise by a citizen of the United States of his right to vote in National, state, or local elections in the United States by absentee ballot is not an action that would affect the length or nature of his stay outside the United States and consequently would not jeopardize the exemption under section 911(a)(1) of the Code. However, where absentee voting in the United States involves a representation to the local election official regarding the nature and length of the taxpayer's stay abroad that is inconsistent with the taxpayer's representation of intention for purposes of section 911 of the Code, the fact that he made the representation in connection with absentee voting will be taken into account in determining his status under section 911 of the Code, *but will not necessarily be conclusive.*" (Emphasis added.)

It is our conclusion that "inconsistent representation" as referred to in the above cited publications does not refer to a mere statement by a taxpaper that he considers himself a voting resident of a State and ultimately intends to return to that State as his domicile. Such a statement is not incompatible with a taxpayer's claim of bona fide residence in a foreign country. Instead, "inconsistent representations" refer to other representations which the taxpayer may have made to the Service regarding the *specific* nature and length of his stay in a foreign country. If a taxpayer in support of his claim to the section 911 exclusion from gross income makes certain *specific* representations as to the purpose, nature, and intended length of his stay in the foreign country, and

in an application for absentee voting makes other statements which appear inconsistent with those specific representations, the Service must take such inconsistent statements into account *in determining the true facts* upon which the taxpayer bases his claim to bona fide residence in a foreign country. Further, as stated in Revenue Ruling 71-101, even such inconsistent statements will not necessarily be conclusive.

However, the mere representation by a taxpayer made in support of an application for absentee voting that he considers himself a voting resident of a particular State and that he intends to ultimately return to that State, will not by itself in any way affect his claim to the section 911 exclusion from gross income based on bonafide residence in a foreign country.

We hope that this letter will clarify any ambiguities that may have existed with respect to this situation. We hope that no United States citizen living abroad will hesitate to exercise his voting right out of concern that this action may jeopardize his claim to the section 911 exclusion from gross income.

Sincerely yours,

A. FEIBEL,
Acting Chief, Corporation Tax Branch.

IMPEACHMENT

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, in contrast to the reluctance of Members of this House to face up to their responsibility under the Constitution to focus on the role of President Nixon in the Watergate scandal, a large number of Americans are ready to accept impeachment proceedings.

A survey by the Opinion Research Corp., commissioned by CBS News and reported this morning, showed that 48 percent of those questioned believed that President Nixon had knowledge of the Watergate coverup plot. Twenty-three percent thought he had advance knowledge of the break in and burglary at Democratic National Headquarters, while 44 percent said they thought he had no advance knowledge of this illegal action.

According to CBS News, 50 percent of those polled said they favored impeachment proceedings against the President if it was established that he had prior knowledge of both the break-in and the coverup while 41 percent said they would support impeachment proceedings if it developed that Mr. Nixon knew only of the coverup itself.

These figures are based on a very limited sampling, as most polls are, but I find them interesting nonetheless as a contrast to some stories that have been appearing in the press recently, datelined from some area typically identified as the heart of "middle America" and describing citizen reactions to Watergate.

Many of the stories report deep concern, but they also report attitudes ranging from indifference to vigorous defense of the Watergate crime to outright anger at the press for blowing the lid off this whole affair. Some citizens are quoted as saying the newspapers that have exposed this mess and that are continuing to report it should be shut down and their reporters jailed. Others are quoted as favoring what amounts to a totalitarian government in which the President can do no wrong and his critics can be imprisoned.

I have no way of knowing how widespread these views are. I find them shocking and depressing even if they are held by only a small number of Americans. The CBS poll, on the other hand, shows that at least half of those surveyed do not confuse the office of the Presidency with the particular man who occupies it. They are ready to accept the procedures written into our Constitution for correcting malfeasance in office by the President, if that should prove to have occurred. It is reassuring to know that such a significant number of Americans still respect and depend on our Constitution.

I am concerned here today with the responsibility of Congress in upholding and creating respect for our constitutional and democratic form of government, in which freedom of the press, freedom of speech, freedom of assembly, and the rights of the individual occupy a unique role. If indeed there are Americans who are ready to accept wiretapping, burglary, invasion of privacy, sabotage of elections, perjury, and conspiracy as standard political procedure, then what part have we in Congress played in contributing to these values and what does it augur for the future of our democracy?

The New York Times said in an editorial yesterday on the first anniversary of Watergate that—

> If political tyranny ever comes to America, it is likely to arrive not in the guise of some alien ideology such as Communism or Nazism but as a uniquely American way of preserving this country's traditional values.

The Times describes the Watergate scandal as "a profundly sinister event, because in so many of its aspects it reflects an authoritarian turn of mind and a ready willingness on the part of those at the highest levels of Government to subvert democratic values and practices."

The newspaper goes on to ask what would constitute tyranny in the United States and it concludes:

> It would involve reducing Congress to a peripheral role in making Government policy, discrediting the political opposition, suppressing the more aggressive forms of dissent, intimidating television, radio and the press, staffing the courts wth one's own supporters, and centralizing all of the executive power in the hands of the President and his anonymous totally dependent aides.

I agree with the Times when it concludes that President Nixon has made discernible progress toward all of these objectives. I would also add that none of these things could happen if Congress were vigilant in defense of its rights under the Constitution and prepared to reassert its role as at least an equal branch of Government and, in the view of many constitutional authorities, as the foremost branch.

In recent months we have seen encouraging and in some instances successful efforts by Congress to regain its legal authority. Much of this has occurred under the impetus of the Watergate disclosures. Now we are at the point at which we must face the ultimate responsibility assigned to this House by the Constitution: To determine whether there are grounds for charging the President with committing such high crimes and misdemeanors that he should be brought to trial before the U.S. Senate.

I believe the House should be prepared to act to launch an inquiry of its own that will focus on the involvement of the President. By so doing, we can tell all Americans who have grown indifferent or hostile to democracy—or perhaps just despairing that it still works—that the Constitution and the Bill of Rights are alive and well in the Nation's Capital.

At this point, I would like to insert into the RECORD the text of the New York Times June 17 editorial:

SUBVERTING AMERICA

If political tyranny ever comes to America, it is likely to arrive not in the guise of some alien ideology such such as Communism or Nazism but as a uniquely American way of preserving this country's traditional values. Instead of tyranny being the dramatic culmination of radical protest and revolution, it can come silently, slowly, like fog creeping in "on little cat feet."

The Watergate scandal is a profoundly sinister event because, in so many of its aspects it reflects an authoritarian turn of mind and a ready willingness on the part of those at the highest levels of Government to subvert democratic values and practices. Tyranny was not yet a fact, but the drift toward tyranny, toward curtailing and impairing essential freedoms, was well under way until the Watergate scandal alerted the nation to the danger. That is what Senator Lowell Weicker, Connecticut Republican, had in mind when he referred on the opening day of the Senate hearings to the perpetrators of Watergate as men "who almost stole America."

What would constitute tyranny in the United States? It would involve reducing Congress to a peripheral role in making Government policy, discrediting the political opposition, suppressing the more aggressive forms of dissent, intimidating television, radio and the press, staffing the courts with one's own supporters, and centralizing all of the executive power in the hands of the President and his anonymous, totally dependent aides. During his years in office, President Nixon has made discernible progress toward all of these objectives.

There is no evidence that he aspires to dictatorial authority for himself, but there is abundant proof that he seeks to alter the balance between the power of Government and the liberties of individual citizens. There is evidence, too, that Mr. Nixon's guiding philosophy is that the ends justify the means. Virtually all the major figures in his political entourage—campaign manager, deputy campaign manager, chief fund raiser, White House counsel, personal attorney, White House staff chief, domestic policy chief, and appointments secretary—have now been implicated in allegedly illegal or unethical behavior. So many gamesters pulling "dirty tricks" cannot be an accident. Their presence in the top level of the Nixon Administration reflects a philosophy of ruthless pragmatism.

A lively competition between the two major parties is at the heart of the American political experience. To rig that competition in an election year by trying to "frame" the chairman of the other party, by tapping the

telephones, stealing the mail and "bugging" the offices of the opposition politicians, and by sabotaging the campaign activities of opposition candidates and collecting information to blackmail them—to try to rig the outcome of an American election in this despicable fashion is to subvert self-government. It is as subversive as the actions of any Communist agent or Ku Klux Klan lynch mob.

In his testimony before the Senate Watergate committee, Jeb Stuart Magruder explained the ethical basis of the Administration's actions on the grounds that public officials had become "somewhat inured" to illegal activity after years on contending with antiwar protesters who violated the law deliberately. But those who openly and peacefully violate the law in obedience to their conscience do so because they believe their moral witness will help society to change an unjust law or an unjust policy. Such protesters emulating Gandhi, Thoreau, Martin Luther King and other apostles of civil disobedience are prepared to go to jail for violating the law, even though they think the law is unjust.

Only revolutionaries who want to overthrow society commit violent or terroristic acts and then seek to escape capture and conviction. Civil disobedience casts up some difficult moral and legal questions, but it affords no pretext or justification for Government officials and politicians in the governing party to violate the law in secrecy and then cover their misdeeds with perjury. Such misdeeds are not acts of individual conscience; they are expressions of the gangster mentality that typifies every authoritarian political movement.

There are those who find Watergate "boring" and think the media are devoting too much attention to it. But since the dawn of human history, Pollyanna has always been more popular than Cassandra. What matters is not whether some Americans are weary of the evil tidings of Watergate but how it affects their thinking about their own responsibilities as citizens and about their Government and their country. Watergate was a series of crimes and conspiracies against individual liberty, against democratic electoral process, and against lawful government. Only when the great majority of citizens know the full story of these crimes and conspiracies can the restorative work of reform and renewal begin.

THE BREZHNEV VISIT: AN OPEN LETTER TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, upon the start of Leonid Brezhnev's so-called working summit with the President, the Sunday, June 17, issue of the New York Times carried "An Open Letter to the American People" signed by 66 American scholars in defense of Ukrainian intellectuals. The letter simply and factually points to the type of despotic regime led by this Russian successor of Khrushchev, Stalin, and Lenin.

The current cultural repressions in Ukraine, the largest of the captive non-Russian nations in both the U.S.S.R. and Eastern Europe, raises the question as to whether we are for scruples or rubles in dealing with this contemporary despot.

The letter should be an eye opener to every American with a politico-moral conscience, and I commend it to the reading by every Member in Congress as we approach our determination of the trade bill regarding the U.S.S.R.

The aforementioned letter from the New York Times follows:

AN OPEN LETTER TO THE AMERICAN PEOPLE

Fellow Citizens:

Mr. Leonid Brezhnev of the Soviet Union will be arriving here tomorrow on a state visit upon the invitation of President Nixon. His avowed purpose in coming is to improve mutual relations between the Soviet Union and the United States, judging by his address of May 1 in Moscow when he said "We shall in the future, too, facilitate a favorable development of Soviet-American relations on the principle of mutual respect and mutual advantage."

This "advantage" he speaks of was partly attained last year when the U.S. Government and Mr. Brezhnev's Government signed a trade agreement enabling the Soviets to buy $750,000,000 worth of U.S. grain over a three year period. The "advantage" here is that $500,000,000 of that sum will be paid with monies generously loaned by you, the American taxpayer. Moreover, Soviet representatives have been pressuring the U.S. Government and the Congress to grant the U.S.S.R. another advantage: a most-favored nation status (MFN), which would provide American credits for the U.S.S.R. to finance its trade with the U.S. It would also remove certain tariffs that are in force against the U.S.S.R. and other Communist countries.

GRASS VIOLATIONS OF HUMAN RIGHTS IN UKRAINE

As part of the great American intellectual and academic community, we address ourselves to you, citizens of the United States, on behalf of hundreds of Ukrainian intellectuals who are being systematically persecuted by the Soviet secret police and courts in defiance of the Soviet Constitution itself and of the United Nations Universal Declaration of Human Rights, which the U.S.S.R. Government and the Government of the Ukrainian Soviet Socialist Republic both solemnly pledged themselves to observe and respect.

This past December the Soviet Union observed the 50th anniversary of its founding, emphasizing that the "nationality problem" had been satisfactorily solved, and that all the non-Russian peoples of the U.S.S.R., constituting over 50 per cent of its entire population, were "happy" to live there. Conspicuously absent from these official pronouncements were less "happy" features of the current regime, as well as those of Brezhnev's predecessors, Stalin and Khrushchev. We recall to mind:

The Stalin-produced famine in Ukraine in 1932–33, which resulted in the death by starvation of over 7,000,000 Ukrainian men, women and children;

The wanton destruction of the Ukrainian Autocephalic Orthodox Church in the 1930's, along with the arrest and execution of over 40 Ukrainian Orthodox archbishops and bishops and over 20,000 priests and monks;

The brutal destruction of the Ukrainian Catholic Church in Western Ukraine and Carpatho-Ukraine in 1945–46, resulting in the arrest and execution of hundreds of Ukrainian Catholic priests, nuns and monks and the subordination of over five million Ukrainian Catholics to the Kremlin-controlled Russian Orthodox Church, against their will and belief.

The wholesale liquidation in 1945–1950 of members of the anti-Nazi and anti-Soviet Ukrainian Insurgent Army (UPA) and their families;

The mass deportation of Ukrainians to the far-flung areas of the U.S.S.R., especially Siberia and Central Asia, many of them sent by "administrative order," without benefit of trial, never by choice.

Under Brezhnev's leadership, the Soviet government has been ruthlessly Russifying not only populous Ukraine, but other so-called "Union Republics." Byelorussia, Lithuania, Latvia, Estonia, Moldavia, Armenia, Georgia, Azerbaijian and Turkestan. Some three million Soviet Jews have been subjugated to age-old persecution, and now we also have the case of the youth educated in Ukraine under Communism—the Ukrainian intellectuals.

THE CASE OF THE UKRAINIAN INTELLECTUALS

From 1965 to the present the Soviet government, under Brezhnev's direction, has pursued a campaign of repression of Ukrainian intellectuals that is tantamount to cultural annihilation. The overwhelming majority of these men and women, we stress, have been reared under the Soviet system in Ukraine. They are writers, poets, literary critics, journalists, professors, teachers, artists, engineers and research workers. These are presumably the flower of 50 years of Soviet rule.

Yet, in 1972 alone, over 100 Ukrainian intellectuals were arrested in Ukraine and charged, as were even greater numbers before them, with "anti-Soviet agitation and propaganda." Many of them have already been tried in camera and sentenced to lengthy prison terms. Their crimes? Glorifying the Ukrainian past, reading pre-revolutionary books by Ukrainian authors (now banned in Ukraine) and copying and disseminating speeches of Western leaders, including the encyclical Pacem in Terris of the late Pope John XXIII. Some of them discussed among themselves ways and means of legally resisting the forcible Russification of Ukraine and the continued destruction of its culture; still others protested against the unbridled persecution of the national minorities, notably the Jews.

All that they did is legal and acceptable in the normal functioning, free democracy, such as ours. Our society is one of conflicting opinions, values and hopes. In the resulting interplay of opposing views we see democracy at its best. As Americans we speak freely. In the Soviet state, however, even those who embrace Marxism and are legal citizens of the Ukrainian Soviet Socialist Republic have been victimized by a double-talk regime. For the record, let us consider:

Yuriy Shukhevych, 40, son of General Roman Shukhevych, commander-in-chief of the Ukrainian Insurgent Army. He was first arrested and convicted in 1948 at the age of 15, serving 20 years for refusing to denounce his anti-Soviet father. In September, 1972, for further "deviation" he was sentenced to five years of normal incarceration and another five years in a chastening labor camp.

Svyatoslav Karavansky, 53, poet and journalist. In 1944, he received a 25-year sentence, but was released in 1960. He translated Charlotte Bronte's Jane Eyre and other alien works into Ukrainian. Worse, he wrote ardent petitions to the Communist authorities protesting the persecution of Jews and other national minorities. In 1965, he was rearrested and sentenced to eight years seven months at hard labor.

Valentyn Moroz, 37, Ukrainian historian. In 1966, he was arrested and sentenced to five years at hard labor for "deviation." While in the slave camp, he wrote A Report from the Beria Preserve and A Chronicle of Resistance in Ukraine; in the latter work he assailed the Russification of Ukraine and the police terror. Released in 1968, he was rearrested in June,

1970, and the following November he was sentenced to nine years at hard labor.

Vyacheslav Chornovil, 35, TV journalist, publicist and literary critic. In August, 1967, he was sentenced to three years at hard labor for simply compiling factual material on the arrests and trials of 20 Ukrainian intellectuals in 1965–1966. His documentary book, The Chornovil Papers, was published by McGraw-Hill Book Company in 1968. Released in 1969, he was rearrested in January, 1972 and in February of this year was sentenced to seven years at hard labor, including five years of "exile" from his native Ukraine.

Ivan Dzyuba, 42, editor, literary critic and author of such books as Soviet Literature, The One Who Chased Out the Pharisees, and Internationalism or Russification?, which was published in English in London (1968). In January, 1972, in the wave of new arrests conducted by the KGB secret police, he was arrested and interrogated on his "contacts" with Ukrainian anti-Soviet organizations abroad. He was expelled from the Union of Writers of Ukraine for "preparing and disseminating materials bearing an anti-Soviet and anti-Communist character." The following March he was sentenced to five years at hard labor.

Ivan Svitlychny, 44, noted Ukrainian literary critic and author. Arrested first in 1966 while working for the Shevchenko Institute of Literature in Kiev, he spent eight months in jail. He then wrote articles for Ukrainian journals in Poland and Czechoslovakia and translated the work of the French poet, Pierre-Jean Beranger. In 1972, he was seized and kept in isolation, and in March of this year, was sentenced to seven years at hard labor.

Evhen Sverstiuk, 45, literary critic, publicist and essayist. Arrested in 1965, he was imprisoned for several months. His essays dealt primarily with the era of Stalinist terror in Ukraine. One important work, Cathedral on the Scaffolding, has been widely circulated in Ukraine as an underground publication; in March, he, too, was sentenced, to five years at hard labor.

Leonid Plyushch, 33, Ukrainian cybernetics specialist and a member of the Human Rights Committee under the chairmanship of Professor Andrei D. Sakharov. He was remanded to indefinite detention in a psychiatric ward.

Ihor Kalynets, 34, poet and literary critic and author of such poetry collections as Poetry from Ukraine and Summary of Silence. He was sentenced in November, 1972, to nine years at hard labor.

Mykhailo Osadchy, 37, writer and university professor. He translated into Ukrainian the poems of Garcia Lorca and published his own collections of poems, Moon Fields, and Cataract. He was sentenced in 1972, to seven years at hard labor.

Nina Strokata-Karavansky, 48, a microbiologist at the Medical Institute, and wife of convicted Svyatoslav Karavansky. She refused to denounce and divorce her husband. The charge was that she maintained contacts with "suspicious" persons in Kiev, Lviv and Moscow. In May, 1972, she was sentenced to four years at hard labor.

Stephania Shabatura, 35, artist and specialist on Ukrainian rugs. She incurred the wrath of the KGB by demanding admission to the secret trial of Valentyn Moroz and by signing a petition in his behalf. In July, 1972, she was sentenced to five years at hard labor.

Irena Stasiv-Kalynets, 38, college teacher, writer and wife of poet Ihor Kalynets. A writer of poetry for children, she taught both Ukrainian language and literature at the Polytechnical Institute in Lviv. In July 1972, she was sentenced to six years at hard labor.

Vasyl Stus, 35, poet and literary critic. In December, 1971, he joined a "Citizens' Committee for the Defense of Nina Strokata-Karavansky." The "reward" for his support came in September 1972: five years at hard labor.

INNOCENT VICTIMS OF TOTALITARIAN GENOCIDE

Fellow Americans:

Our President has long experience with the Soviet leaders, including meetings with them in their own capital. He cannot fail to recognize that these Ukrainian intellectuals and similar hundreds of others in Ukraine, are not criminals. He must be aware that the Soviet courts, so dishearteningly reminiscent of Hitler's "people's courts," insist on trying these young people under an article of the Ukrainian Penal Code (Art. 62) which spells out punishment for "agitation or propaganda for the purpose of undermining the Soviet rule."

The Soviet Russian Government and that of the Ukrainian Soviet Socialist Republic are signatories to the United Nations Universal Declaration of Human Rights. Article 19 states explicitly:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Are these rights to remain mere words, fellow Americans?

It is plain that Brezhnev and his cohorts are engaging in a genocidal effort to blot out Ukrainian consciousness through an official and systematic Russification of Ukraine. Their aim is no less than the destruction of the Ukrainian identity.

These so-called "deviationists" are actually martyrs in the cause of human freedom. As perceptive human beings, they have recoiled from the corruption of the Soviet courts, the KGB terrorization, the very negation of humankind inherent in the appalling and abysmally cruel efforts of the Kremlin to compel a wealth of nations to respond to and live by the nature of but one—the Russian.

On January 21, 1969, the party organ in Kiev, Pravda Ukrainy, reported that in the previous year 7,000 students had been expelled from the universities, technicums and other institutions of higher learning in Ukraine for "ideological disloyalty." So many, and at once?

Recently, Brezhnev ousted from the Politburo Peter U. Shelest, his erstwhile colleague and trusted viceroy in Ukraine, accusing him of fostering "Ukrainian nationalism" there. There is national consciousness among Ukrainians, of course. But the widespread resistance in Ukraine, we submit, is the reaction to a totalitarian onslaught upon human rights.

Two outstanding American leaders who understand the plight of the Ukrainian people and their oppression by Soviet regimes in the past and today have commented. The Hon. Jacob K. Javits, U.S. Senator from New York, in a letter of May 13, 1973, wrote, in part:

"The commemoration of the 40th anniversary of the man-made famine of 1933 in the Ukraine expresses our memory of and sense of solidarity for the aspirations of all peoples for freedom and basic human rights. The heinous acts of the past and especially the repressions of the present—such as the suppression, arrest, and trial of Ukrainian intellectuals and the ransoming of Soviet Jews wishing to emigrate—cannot be overlooked in an overall "bargain of convenience" with the Soviet Union. To do so would be a betrayal of ourselves and the freedom for which men and women have fought and suffered for centuries and which is the base of our own freedom . . ."

Mr. George Meany, President of the AFL–CIO, in his letter of May 23, 1973, wrote, in part:

"Nor have the objectives of the Communist tyranny changed over the years. The mass arrests and subjugation of the Russian, and particularly the Ukrainian people . . . are current indications of the inhumanity of dictatorship, Communist style . . ."

Mr. Brezhnev comes here ostensibly to seek a bettering of relationships with the United States. His main thrust will no doubt be at short-term gains. But should not our President engage him in a transcending dialogue that pre-supposes man and nation to be worthwhile in themselves? If benefit to all mankind is the goal, then repression and persecution of large segments of mankind surely must be inimical, if not fatal, to that goal. A system, however inspired, must cater to the man, never he to the system.

Join with us, Fellow Americans, in urging President Nixon to communicate and emphasize this fundamental belief to his Soviet guest!

(For further information please contact: Ukrainian Congress Committee of America, Inc., 302 West 13th Street, New York, N.Y. 10014. Tel. (212) 924–5617.)

AMERICAN SCHOLARS IN DEFENSE OF UKRAINIAN INTELLECTUALS

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Prof. Michael Balica, Northeastern Illinois U., Chicago, Ill.

Prof. Yaroslav Bilinsky, U. of Delaware, Newark, Del.

Prof. Mortria K. Bohatiuk, Maria Regina College, Syracuse, N.Y.

Prof. Motria K. Bohatiuk, LeMoyne College, Syracuse, N.Y.

Prof. Anthony T. Bouscaren, LeMoyne College, Syracuse, N.Y.

Prof. George W. Carey, Georgetown University, Washington, D.C.

Prof. Nicholas L. Fr.-Chirovsky, Seton Hall U., East Orange, N.J.

Prof. Arthur P. Coleman (Ret.), President, Alliance College, Cambridge Springs, Pa.

Prof. Brutus Coste, Fairleigh Dickinson U., Rutherford, N.J.

Prof. Lev E. Dobriansky, Georgetown U., Washington, D.C.

Prof. Joseph Dunner, Chairman, Dept. of Political Sciences, Yeshiva U., New York, N.Y.

Prof. Eugene W. Fedorenko, Rutgers U., Newark, N.J.

Prof. Irene Fedyshyn, John Jay College, CUNY, New York, N.Y.

Prof. Oleh S. Fedyshyn, Richard College, CUNY, New York, N.Y.

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Prof. Alexander A. Granovsky (Ret.), U. of Minnesota, Minneapolis, Minn.

Prof. Hlib S. Sayuk, Towson State College, Baltimore, Md.

Prof. Bohdan T. Hnatiuk, Drexel U. Philadelphia, Pa.

Prof. Stephan M. Horak, Eastern Illinois U., Charleston, Ill.

Prof. Pei Huang, Youngstown State U., Youngstown, Ohio.

Prof. Henry Lane Hull, U. of Alabama, Huntsville, Ala.

Prof. Jacob P. Hursky, Syracuse U., Syracuse, N.Y.

Prof. John Hvozda, Auburn Community College, Auburn, N.Y.

Prof. Russel Iwanchuk, Kent State U., Kent, Ohio.

Prof. Victor Kaupas, Director, California Institute of Research & Education, Berkeley-El Cerrito, Calif.

Dr. Katherine Kochno, Clarion State College, Clarion, Pa.
Prof. Edward C. Koziara, Drexel U., Philadelphia, Pa.
Prof. Karen S. Koziara, Temple U., Philadelphia, Pa.
Prof. E. M. Liebow, Northeastern Illinois U., Chicago, Ill.
Prof. George Kulchycky, Youngstown State U., Youngstown, Ohio.
Prof. J. P. Maher, Northeastern Illinois U., Chicago, Ill.
Prof. Osyp Martyniuk, Kent State U., Kent, Ohio.
Prof. James McClellan, Hampden-Sydney College, Hampden-Sydney, Va.
Prof. Keith McKean, Youngstown State U., Youngstown, Ohio.
Prof. Russel U. McLaughlin, Drexel U., Philadelphia, Pa.
Prof. Myroslav J. Melnyk, Kent State U., Kent, Ohio.
Prof. Z. Lew Melnyk, U. of Cincinnati, Cincinnati, Ohio.
Prof. A. Milanesi, Northeastern Illinois U., Chicago, Ill.
Prof. Walter Odajnyk, Columbia University, New York, N.Y.
Prof. Michael S. Pap, John Carroll U., Cleveland, Ohio.
Prof. Natalia Pazuniak, U. of Pennsylvania, Philadelphia, Pa.
Prof. Joseph S. Roucek (Ret.), Queensborough Community College, Bayside, N.Y.
Prof. David N. Rowe, Chairman, Dept. of Political Sciences, Yale U., New Haven, Conn.
Prof. Leo D. Rudnytzky, La Salle College, Philadelphia, Pa .
Prof. Miroslav Samchyshyn, Northern Illinois U., Chicago, Ill.
Prof. Konstantyn Sawczuk, St. Peter's College, Jersey City, N.J.
Prof. Joseph Schiebel, Director, Russian Area Studies, Georgetown U., Washington, D.C.
Prof. Rosalind S. Schulman, Drexel U., Philadelphia, Pa.
Prof. Dmytro M. Shtohryn, U. of Illinois, Champaign, Ill.
Prof. Sigismund S. Sluszka, State U. of New York, Farmingdale, N.Y.
Prof. Basil Steciuk, Seton Hall U., East Orange, N.J.
Prof. Mykola Stepanenko, Central Michigan U., Detroit, Mich.
Prof. Peter G. Stercho, Drexel U., Philadelphia, Pa.
Prof. Ostap Stromecky, U. of Alabama, Huntsville, Ala.
Prof. Anton Szutka, U. of Detroit, Detroit, Mich.
Prof. John Teluk, U. of New Haven, New Haven, Conn.
Prof. Andrew Turchyn, U. of Indiana, Bloomington, Ind.
Prof. Robert E. Ward, Youngstown State U., Youngstown, Ohio.
Prof. Rev. Meletius M. Wojnar, O.S.B.M. School of Canon Law, Catholic U. of America, Washington, D.C.
Prof. Bertram D. Wolfe, Hoover Institution, Standford, Calif.
Prof. Lubomyr R. Wynar, Kent State U., Kent, Ohio.
Prof. Michael Wyschogrod, City U. of New York, New York, N.Y.

NATIONAL GRANDPARENTS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 10 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, tomorrow I shall introduce my National Grandparents Day bill which I am cosponsoring with my good friend and colleague from New Jersey, Mr. HELSTOCKI and more than 100 other Members of this body.

Mr. Speaker, I am delighted at the reception this bill has received from Members on both sides of the aisle. We have very senior Members and freshmen Members who are considered very conservative and Members who are found on the liberal side of most issues. We have crossed all the lines that divide us.

Because of the interest the bill has generated I have postponed introduction until tomorrow, Tuesday. Additional Members wishing to cosponsor may have until that time to add their names to the bill by calling my office.

As of 12 noon today the following Members had agreed to join in support of this bill. I ask unanimous consent that the names of the cosponsors be included at this point in the RECORD.

A list of the cosponsors of National Grandparents Day bill follows:

COSPONSORS OF NATIONAL GRANDPARENTS' DAY BILL

Henry Helstoski, D-N.J.
James Abdnor, R-S. Dak.
Joseph P. Addabbo, D-N.Y.
Glenn M. Anerson, D-Calif.
Frank Annunzio, D-Ill.
Herman Badillo, D-N.Y.
L. A. Bafalis, R-Fla.
LaMar Baker, R-Tenn.
William A. Barrett, D-Pa.
Edward P. Boland, D-Mass.
John Brademas, D-Ind.
Frank J. Brasco, D-N.Y.
William G. Bray, R-Ind.
John B. Breaux, D-La.
John Breckinridge, D-Ky.
Geo. E. Brown, Jr. D-Calif.
Joel T. Broyhill, R-Va.
John Buchanan, R-Ala.
James A. Burke, D-Mass.
Yvonne B. Burke, D-Calif.
Goodloe E. Byron, D-Md.
Donald D. Clancy, R-Ohio
Frank M. Clark, D-Pa.
Del Clawson, R-Calif.
James M. Collins, R-Tex.
John Conyers, Jr., D-Mich.
James C. Corman, D-Calif.
John W. Davis, D-Ga.
Mendel J. Davis, D-S.C.
Frank E. Denholm, D-S. Dak.
John H. Dent, D-Pa.
Edw. J. Derwinski, R-Ill.
Harold D. Donohue, D-Mass.
Joshua Eilberg, D-Pa.
Marvin L. Esch, R-Mich.
Paul Findley, R-Ill.
Edwin B. Forsythe, R-N.J.
P. H. B. Frelinghuysen, R-N.J.
Joseph M. Gaydos, D-Pa.
Barry M. Goldwater, Jr., R-Calif.
Henry B. Gonzalez, D-Tex.
Ella T. Grasso, D-Conn.
Edith Green, D-Oreg.
William J. Green, D-Pa.
James R. Grover, Jr., R-N.Y.
Gilbert Gude, R-Md.
Bill Gunter, D-Fla.
James M. Hanley, D-N.Y.
Michael Harrington, D-Mass.
Augustus Hawkins, D-Calif.
Margaret M. Heckler, R-Mass.
Andrew J. Hinshaw, R-Calif.
Marjorie S. Holt, R-Md.
James J. Howard, D-N.J.
John E. Hunt, R-N.J.
Jack F. Kemp, R-N.Y.
Carleton J. King, R-N.Y.
John C. Kluczynski, D-Ill.
Edward I. Koch, D-N.Y.
Norman F. Lent, R-N.Y.
Clarence D. Long, D-Md.
Joseph M. McDade, R-Pa.
Robert C. McEwen, R-N.Y.
John J. McFall, D-Calif.
Joseph G. Minish, D-N.J.
Patsy T. Mink, D-Hawaii
Donald J. Mitchell, R-N.Y.
Parren J. Mitchell, D-Md.
G. V. Montgomery, D-Miss.
John M. Murphy, D-N.Y.
Robert N.C. Nix. D-Pa.
George M. O'Brien, R-Ill.
Otto E. Passman, D-La.
Edward J. Patten, D-N.J.
Bertram L. Podell, D-N.Y.
Albert H. Quie, R-Minn.
Charles B. Rangel, D-N.Y.
John R. Rarick, D-La.
Matthew J. Rinaldo, R-N.J.
Peter W. Rodino, Jr., D-N.J.
Robert A. Roe, D-N.J.
Benj. S. Rosenthal, D-N.Y.
Edward R. Roybal, D-Calif.
Fernand J. St Germain, D-R.I.
Ronald A. Sarasin, R-Conn.
Paul S. Sarbanes, D-Md.
Patricia Schroeder, D-Colo.
Keith G. Sebelius, R-Kans.
George E. Shipley, D-Ill.
Gene Snyder, R-Ky.
Floyd Spence, R-S.C.
James V. Stanton, D-Ohio
Robert H. Steele, R-Conn.
Frank Thompson, Jr., D-N.J.
Robert O. Tiernan, D-R.I.
David C. Treen, R-La.
Victor V. Veysey, R-Calif.
Jerome R. Waldie, D-Calif.
Charles W. Whalen, Jr., R-Ohio
Charles H. Wilson, D-Calif.
Larry Winn, Jr., R-Kans.
Lester L. Wolff, D-N.Y.
Antonio B. Won Pat, D-Guam
Edward Young, R-S.C.
Samuel H. Young, R-Ill.
John M. Zwach, R-Minn.

UNITED STATES STEEL AND LABOR

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

Mr. MADDEN. Mr. Speaker, progress in steel labor-management relations have made great strides in recent years.

The deplorable bloody strikes of the 1930–40 period have passed into history. Collective bargaining and commonsense in wage and working conditions have brought great dividends to both segments of our economy. The following article from the Gary, Ind.-Glen Park Herald of June 13 is a testimonial for business and labor to emulate in all segments of our economy:

FORTY-ONE STEELWORKERS HONORED AT UNITED STATES STEEL

GARY.—Forty-one (41) veteran Gary Works' employees, whose combined careers total more than 1,685 years of service with United States Steel, were honored at a special Service Award Dinner at the plant this week.

Included in the group were 9 men, who recently passed the 45-year mark in continuous employment with the company. All began their careers with United States Steel during the first half of 1928.

The remaining 32 employees, all hired by the steel firm in the first six months of 1933, were honored at the dinner for reaching the 40-year employment mark.

Gary Works' General Superintendent J. David Carr, host for the dinner, recalled that production surges during the first part of 1928 and 1933 resulted in substantial employment increases. From the ranks of those hired at the time, 82 employees have maintained steady service with the company. Ad additional 41 employees, hired during the same periods, will be honored at a similar dinner later this month.

Forty-five year veterans honored at the event this week were: (Bar & Structural) John D. Benford, 1332 Bigger St., Gary; Joseph W. Myers, 611 Taft St., Gary; and Emery Spisak, 5536 Adams Street, Gary. (Energy) Elbert Pangburn, 3806 Parker St., Hobart. (Field Services) Thomas O'Neill, 3637 Johnson St., Gary. (Metallurgical) Ted Kaciczak, 2206 W. 82nd Pl., Crown Point. (Primary Mills) William C. Grolla, 2800 E. Cleveland Ave., Hobart; and Michael Varso Jr., 3529 Tyler St., Gary (Sheet Products) Samuel Walstra R.R. 3, Chesterton.

Honored for 40 years of continuous service were: (Bar & Structural) Albert Ban, 1505 W. 62nd Ave., Merrillville; Dan M. Bokich, 2841 Edgewater Dr., Dyer; Louis Castellani, 1702 W. 93rd Pl., Crown Point; George Horkavi, 1037 E. 11th Ct., Gary; Edward Mayersky, 113 E. 56th Ave., Merrillville; Alexander Milgi, 4210 Connecticut St., Gary; Gerald B. Reese, 227 Court St., Hobart; James Ricard, 323 Bridge St., Gary; John A. Rzepka, 1610 W. 53rd Ave., Merrillville.

(Field Services) Oryn Carlisle, 421 N. Virginia St., Hobart; and Louis Massa, 1431 W. 56th Ave., Merrillville. (Metallurgical) John Ambrose, 4947 Madison St., Gary; Raymond H. Renn, 301 Crestwood Dr., Hobart; and Steve Yatsko, 4837 Madison St., Gary. (Primary Mills) John Mack, 1144 Harrison St., Gary; Gilbert Schroeder, 4383 Monroe St., Gary; and John Subart, 5583 Bruce Ave., Portage.

(Sheet Products) Alexander Bodak, Jr., 4550 East 81st Ave., Merrillville; Florea Bulza, 320 W. 59th Ave., Merrillville; Charles Burner, 3324 Craig Dr., Hammond; Michael E. Jurewicz, 633 W. 56th Pl., Merrillville; Joseph Koches, 4163 Jefferson St., Gary; Joseph M. Kudryan, R. 4, Valparaiso; Billy McKinney, 977 Marion Pl., Gary; Eddie L. Melton, 2564 Monroe St., Gary; Bernard A. Reynolds, 6120 Ash Ave., Gary; Albert J. Rubino, 1027 E. 29th Ave., Gary; Michael Stefanchik, 495 E. 10th Hobart; Louis G. Sunderland, 2531 Wabash Ave., Gary; Andrew Szalmasagi, 3551 Harrison St., Gary; James Vassallo, 5135 Adams St., Gary; and Martin Yuriga, 333 Roosevelt St., Gary.

BRONX COMMUNITY COLLEGE

(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, Bronx Community College, located in New York's 22d Congressional District, which I represent, is a fine example of the dynamic and growing importance which community colleges are playing in our Nation's educational process. I am proud that New York City has been able to develop a community educational facility of this quality, and the pattern which the college has set in providing an equal educational opportunity for all area students certainly merits public acclaim. On May 27, 1973, the New York Times Sunday magazine published a feature story on Bronx Community College. While I do not agree with all the views exposed by the author, I would like to share the article with my colleagues, and I am requesting that it be reprinted in the CONGRESSIONAL RECORD:

A KIND OF HIGHER EDUCATION

(By Gene I. Maeroff)

Prospering on a diet of academic leftovers, the community college—the stepchild of American higher education—has grown into a strapping, obstreperous adolescent that now, if only by virtue of size, commands the attention that it has frequently been denied in years past. The community, or two-year, college is a peculiarly American institution bastardized from the tradition of higher learning transplanted into New England's soil from Europe three centuries ago. Students attend the community college because of its proximity to their homes, the low cost, the chance to take technical and vocational courses that are not available in the typical four-year academic program, the greater opportunity for individual counseling and remedial studies and—more than anything else—because the community college is not particular about whom it accepts. Though its students are of varying abilities, it is, especially in the urban setting, the last refuge of the educational down-and-outer, the haven of the scholastic ne'er-do-well.

In contrast to the freshman at a four-year college or university, according to a national survey by the American Council on Education, the freshman at a two-year college did less well in high school, has a lower family income and has less-educated parents. He or she is more likely to live at home, to have a job while going to school and to have waited longer before starting college. He or she is also more likely to become a college dropout. While 78 per cent of the students in four-year institutions return for their sophomore year, 66 per cent do so in two-year colleges, the council found. "It may certainly be said that unfilled expectations are the rule rather than the exception among two-year students," says Dr. Alexander W. Astin, research director of the American Council on Education.

Despite its growth and emergence as a major new factor in higher education, the community college is still widely regarded as an institutional Johnny-come-lately, serving an untraditional student body. The community college is often misunderstood—even by its own faculty and students—and frequently is burdened with an adverse image. Authorized to confer no degree higher than the associate's, and usually leaving its doors open to anyone who wants to enter, the two-year college struggles to reconcile its existence with two popular concepts—that a genuine college should be at least somewhat selective, and that it should offer a four-year program.

A typical urban representative is Bronx Community College, which soon will have its own campus but, for the present, makes its headquarters on East 184th Street. It is around the corner from Loew's Paradise and a block and a half off the Grand Concourse, that expansive ribbon of 10-lane concrete along which the borough's blight is being propelled northward, a relentless encroachment of misery that has transformed the once-proud Bronx into the most impoverished of New York's 62 counties.

As irony would have it, the tan, five-story brick building used to house one of the sparkling jewels in the city's tarnished public educational system, the Bronx High School of Science, with its brainy, high-achieving youngsters who carried forth their ambitions to places like Harvard, M.I.T. and Yale. Now—Bronx Science itself having been relocated 21 blocks to the north—the building is home to a different type of school. While learning is still its first order of business, Bronx Community, with a majority of blacks and Puerto Ricans among its 12,700 students, reflects a changing city and different needs. Education at Bronx Community means biochemistry and the history of Western civilization, but it also may mean instruction in the repair of air-conditioners and the punching of computer cards, or even the kind of tutelage deemed necessary to bring undergraduates above an eighth-grade reading level.

Indeed, 70 per cent of Bronx Community's entering students cannot read, write and compute figures on a college level; 52 per cent come from families with annual incomes of less than $7,500, and only 6.8 per cent have fathers who are college graduates. Examples of the deficiencies many of them bring with them are legion. Two students paid to tutor in mathematics tell of having to teach some students how to add 5 and 3; a Yale graduate, teaching English part-time at the college, discovers that the only way he can lift the low reading level of some of his collegians is to use sixth-grade materials he borrows from his mother, an elementary-school principal.

Yet, given this lack of preparation, many of the students harbor a mystical faith that the magic of higher education will somehow alter and elevate them. "They come here thinking that it can change their lives and I agree with them," says George B. Davis, a young black novelist and former newspaperman, who lectures in the English department and coordinates Bronx Community College's black-studies program. "They are less sophisticated than students who go to four-year colleges, and their academic background is not as good. The level of class discussion is less abstract than it might be somewhere else, and many of them have trouble finding time to do homework assignments because they have part-time and full-time jobs. Their lack of preparedness is frustrating to a teacher. But many of them are bright and eager and have had high-school counselors who told them they weren't college material. They found themselves shunted into courses that did not prepare them for college."

Today, there are 2,866,062 students in 1,141 two-year institutions in the United States. There were fewer than a dozen two-year colleges in the nation at the beginning of this century. Most of them were privately supported, finishing-school-type institutions. Until the nineteen-fifties, so sketchy were the records pertaining to the development of junior colleges that the enrollment statistics from different sources conflicted. (In 1948, for example, there were either 211,000 students in 492 institutions, or 465,815 students in 648 institutions.) In the late fifties and early sixties, following the lead of California, junior colleges began to proliferate. By 1968, according to the Association of Junior and Community Colleges, there were 1,924,970 students in 1,038 two-year colleges.

Accompanying the change in junior-college enrollment came a change in appellation. The more frequent use now of the name "community" college reflects a desire by two-year college officials to play down the pejorative "junior"; it also reflects the fact that more than 95 per cent of the two-year students are in publicly supported institutions. As a matter of fact, just this year, Miami-Dade Junior College in Florida—one of the biggest two-year colleges in the country, with an enrollment of 36,500—changed its middle name to "community" because, as one official put it, "We have just gotten too big to be 'junior.'"

Nevertheless, the redesignation of the two-year college seems not to have dispelled feelings of inferiority. Such is the image of the community college that when Dominican-born Gerard Lacay was a freshman at Bronx Community, he was so embarrassed about going there that he was ashamed to wear a sweat shirt bearing the college's name. "Do we tend to have an inferior status? The answer is unequivocally yes," says Dr. Herbert Robbins, psychology coordinator for the school's social-science department. "Four-year schools look down their noses at us and students in four-year schools think students in junior colleges must be inferior. In general, that's the kind of image that community colleges tend to project, and we would like to correct it."

Indicative of the attitude toward the community college is the anxiety that some people have felt since it became known last year that the state is planning to help New York University out of its financial difficulties by allowing City University to buy N.Y.U.'s Heights campus in the Bronx and turn it over to Bronx Community College. The purchase price is to be $62-million and an additional $35-million is to be spent on renovations. Concern has risen over what the community-college students might do to the magnificient Stanford White and Marcel Breuer buildings on the picturesque, 47-acre campus, and to the busts of the famous Americans that line the promenade of the Hall of Fame, high above the Harlem River. "They really believe the Visigoths are coming," says Paul Rosenfeld, a bearded associate dean at Bronx Community, who is handling the logistics of the move, which will occur this summer.

There are no known Visigoths at Bronx Community College, but there are many blacks and Puerto Ricans. For some people, accustomed to associating higher education with white faces, that is a fact of life that still takes some getting used to. Members of the Bronx Community faculty and administration have made a bold attempt to examine their own racial feelings in a series of overnight retreats held during the last year and a half at the Center for Humanistic Education near Albany. The sessions have sometimes led to tears and recriminations. "We've been dealing with the most difficult aspect of teaching—altering human behavior," says Dr. Richard A. Donovan, the college's assistant dean of faculty, who has been the main figure behind the college's humanistic education efforts. "You have to remember that most of us have come out of achieving, middle-class, white, traditional graduate programs, and we were trained to teach people like ourselves. Now, we're trying to face up to the problems of teaching in a multi-racial society."

Bronx Community's predominantly white student body became a predominantly minority student body—a change accelerated by City University's open admissions policy that, since 1970, has assured every high-school graduate of a place in college. In 1969, the last year in which it had a selective admissions policy, Bronx Community's enrollment was 54.8 per cent white, 31.6 per cent black, 11.3 per cent Puerto Rican and 2.3 per cent "others." Last fall, the beginning of the third year of open admissions, the enrollment was 34.7 per cent white, 45.8 per cent black, 17.9 per cent Puerto Rican and 1.6 per cent "others."

Community colleges, particularly in urban locales, tend to attract a larger proportion of minority students than do four-year colleges and universities. One reason is that tuition charges are invariably lower because, with their smaller per-student operating costs, community colleges are designed to accommodate those least able to afford higher education. Another reason is that open admission is the rule at most of them.

This pattern of low tuitions and open admissions has had much to do with raising the black enrollment in higher education throughout the country—a rise of 211 per cent since 1964. It is estimated by the American Association of Junior and Community Colleges that almost 40 per cent of all the blacks in institutions of higher education attend community colleges. Nevertheless, community colleges on the whole serve predominantly white students, for many of the institutions are situated in rural and suburban areas where there are few blacks. If blacks have gained by the spread of the community colleges, then whites have gained even more.

In the opinion of some observers, the role that the community college has been playing vis-à-vis the blacks is of questionable value. "The community college, generally viewed as the leading edge of an open and egalitarian system of higher education, is in reality a prime contemporary expression of the dual historical patterns of class-based tracking and of educational inflation," Jerome Karabel, a Harvard graduate student, wrote last November in The Harvard Educational Review. "The community college is itself the bottom track of the system of higher education both in class origins and [the] occupational destinations of its students. . . . As access to college was universalized . . . separate schools, two-year community colleges [were created to] provide an education for most students that would not only be different from a bachelor's degree program, but also shorter. The net effect of educational inflation is thus to vitiate the social impact of extending educational opportunity to a higher level."

At Bronx Community, students pursuing the associate's degree fall into two categories, transfer and career. The transfer program, which covers 58 per cent of the students, prepares them to go on to a senior college for bachelor's degree students. A student may lay the foundation for a four-year degree in business, engineering, liberal arts, science, even music.

Do community college students go on to four-year colleges? Bronx Community has just completed a study of what happened to the class that entered the college in 1970. It was found that 4 per cent of the open-admission students and 14 percent of the other students (who would have qualified for admissions under the more rigorous pre-open admissions standards) have obtained two-year degrees; approximately 95 per cent of these went on to senior colleges. In addition, 45 per cent of the members of the class that entered in 1970 are still enrolled at Bronx Community. Of the rest, a small percentage transferred to other colleges.

This is consistent with the pattern that shows community college students taking longer to complete their programs than comparable students in four-year institutions. The Carnegie Commission on Higher Education, in a 1970 report, found that, of the freshmen who enter a community college planning to go on to a senior college, about one-half end up in such institutions; furthermore, a majority of those who transfer eventually earn their baccalaureates.

Sometimes transferring isn't all that easy. It is common for some senior institutions to refuse to accept all of the credits earned by community college graduates. The Carnegie Commission asserted in its report that relations between senior colleges and junior colleges still need a great deal of improvement. (The State University of New York has announced that by 1974 it will guarantee that every graduate of a transfer program in one of its 38 community colleges will have the right to be accepted into a senior college or university. The eight SUNY-affiliated community colleges operated by the City University already make this guarantee.)

The nontransfer students at Bronx Community (the 42 per cent enrolled in the career program) are equipped through their education to go directly into the labor market with no further schooling. Typical career programs are medical laboratory technology, legal secretarial skills and data processing. Some of the career programs, such as electrical technology and nursing, though of a terminal nature, provide sufficient background for students to go on for bachelor's degrees if they so choose. (At least two Ivy League universities, eager to boost their minority enrollments in engineering, have encouraged Bronx Community College to steer engineering technology students to them.)

By far the most popular career program is nursing. Students even major in other fields waiting their turn to be admitted to the nursing program, which, with an enrollment of 1,180 is jammed full. Nursing students have their own 13-story building, which contains dormitory facilities, classrooms and laboratories, adjacent to Bronx Muncipal Hospital Center on Pelham Parkway in the northeast Bronx. The students, 96 per cent of whom are women, seem intensely motivated. "For many of them, especially the blacks and Puerto Ricans," says Dr. Beatrice Perlmutter, head of the nursing program, "this changes their whole lives. It makes them professionals, where before they were nothing."

Nursing, though, is the exception. Bronx Community—like most such colleges—has trouble persuading students to go into the technical and vocational programs. They want to major in liberal arts and other fields that parallel those in four-year colleges and universities. If the community college is the bottom echelon of higher education, then technical and vocational programs are the bottom echelon of its curriculum. Bronx Community representatives have even been visiting high schools in the borough to try to talk students into entering the college's career programs.

"There is a selling job that must be done," says the school's president, Dr. James A. Colston. "It is a matter of prestige, and minorities have waited so long to get into higher education that now they've made it, they want to test themselves out at the bachelor's degree level." Dr. Colston, who gave up a lifetime appointment as president of Knoxville College to accept the Bronx Community presidency, was thought to be the first black appointed to head a nonblack college when he was named to his post in 1966, succeeding the founding president, Dr. Morris Meister.

Beyond those enrolled in the regular transfer and career programs, Bronx Community reaches more than 5,000 additional students through continuing education—330,000 hours of noncredit courses given at 63 separate sites for people of all ages who want to acquire the basic skills necessary to get jobs, to upgrade their skills, to get promotions and to fill leisure time. The continuing-education program is primarily paid for by government and foundation grants. For instance, the State Bureau of Manpower Development pays the college $245,000 to teach high-school dropouts to be auto mechanics; and the United States Department of Health, Education, and Welfare pays $80,000 for counseling and instruction to prepare Vietnam veterans for college.

In addition to continuing education, there is another area of activity, sometimes controversial, in which Bronx Community and other two-year colleges may get involved. It is "community service," a gray area in which the college makes its physical and human resources available to surrounding neighborhoods. "Some people have thought the col-

lege should be satisfied to perform only an educational function because that is so important," says Eric Cox of the continuing-education staff. "But I think that in the same way that the land-grant college did wonders for agriculture, so can the community college do much to extricate our cities from the tremendous mess they're in."

Teaching at Bronx Community is conducted by a full-time faculty of 540, supplemented by 400 moonlighters from business, industry and other educational institutions. For faculty members, the biggest difference between working in a community college and a four-year college is the emphasis on teaching. Two-year colleges place much lighter stress on research, publishing and scholarly ventures. A survey released this year by the National Center for Educational Statistics in Washington also found that junior colleges constitute the lowest-paying segment of higher education. The average salary of a university faculty member is $15,301; a four-year college faculty member, $13,059; and a two-year college faculty member, $12,553. Community colleges in the City University are an anomaly because all of CUNY's teachers are represented by the same union, the Professional Staff Congress, which is affiliated with both the National Education Association and the American Federation of Teachers. There is virtually complete parity in pay for community college and senior college faculty in the City University.

Elsewhere in the country, though, community college faculty members not only tend to receive lower salaries than their colleagues in four-year institutions, but also, in general, have more modest academic backgrounds. Fewer of them have Ph.D.'s, and many come into community-college teaching from the ranks of high-school faculties.

The current glut of Ph.D.'s seeking jobs—and the attempt to upgrade community-college faculties—has changed this pattern somewhat. Nevertheless, the essential difference—the lack of orientation toward research and publishing by two-year-college faculty members—remains. Bronx Community has its handful of scholars, such as its plastics-technology expert, Dr. Sheldon M. Atlas, and its authority on Edgar Allan Poe (who was a Bronx resident), Dr. Burton R. Pollin. By and large, however, at a school where fewer than 20 per cent of the faculty members have doctorates, what counts most is teaching and being able to relate to students.

Teachers like Dr. Leo Lieberman skillfully blend entertainment and information to command the attention of their students. Working in a crowded room with a Bible-as-literature class of more than 30 and a text—the Bible—that, in the hands of a more languid professor, would almost certainly be soporific, Dr. Lieberman can make an Old Testament patriarch seem as familiar to his students as the man who runs the corner candy store.

"Who is our next great character?" he asks without bothering to wait for a response. "Abraham. You remember the covenant he made with God. Seared into the flesh through circumcision. Well, in addition, God made another arrangement with Abraham. What was it? You are living on the Grand Concourse in the Bronx and what does God say to do? He says, 'Get thee out of the land you were born in and go to Scarsdale. Get thee out of thy country and from thy kindred and from thy father's house, unto the land that I will show thee.' " Slender and frenetic, he darts from one side of the room to the other, spouting quotations, firing questions. Students thumb quickly through their Bibles, searching for quotations, trying to keep up as he races through the cast of characters . . . Noah, Isaac Esau, Jacob. Perhaps too much Broadway to please the purists, but it is a course many students may remember when the others have been forgotten.

Joseph (Gil) Riley leans less on showmanship, yet he also captivates his students, filling their heads with the essence of organic chemistry. A bruiser of a man who looks as if he had played middle linebacker somewhere (actually, what he played was basketball), Mr. Riley, now a Ph.D. candidate, got his undergraduate education at North Carolina College, a black institution across the street from his boyhood home in Durham. Three years ago, he quit an industrial chemist's job, where he was making twice as much money, to teach kids at Bronx Community.

"I had always done some tutoring on the side," say Mr. Riley, "and I decided it's what I wanted to do most. I have a feeling I do pretty well with kids." He does. This particular day, he is wearing brown corduroy pants and a green sweater. No jacket or tie. He is standing behind a lab bench at the front of a tiered lecture hall, and talking about what happens when an electrical charge enters a ring. "Do you follow me?" the mustachioed Mr. Riley asks a student who is wearing a look of bemusement. "Ask me a question. Maybe I can help you."

"I lost you at the beginning," the student says, and Mr. Riley, lecturing from memory and without notes, patiently reviews what he said moments earlier. And so it goes, as Billy Pilgrim observed, until the hour has been consumed. One step back for each two ahead.

Student after student attests to the personal attention lavished by faculty members and staff at Bronx Community. "The teachers here like to help," says Joanne Turkfeld, a brown-eyed, dark-haired 21-year-old sophomore. "They treat you like a human being." Moreover, the individualized approach is fortified by a flock of full-time counselors and a battery of personalized tutorial services—assistance on a scale that is generally unavailable at a four-year college or university.

"Many students come to a place like this with the feeling that they have been academic failures in high school," says Dr. Cortland P. Auser, the 53-year-old chairman of the school's English department. "They are uptight, and before they can succeed they have to prove to themselves that they aren't failures. We should be sensitive and aware of their needs. It isn't a matter of diluting standards. The standards stay the same, but the approach changes."

Some critics are not so sure of that. They view the low level of prior achievement of so many of the students, and the remedial efforts to improve their performance, as a diminution of standards. "There should be a method of sifting the applicants and choosing those who are best suited to benefit from a college education," declares Samuel D. Ehrenpreis, deputy chairman of Bronx Community's history department and a veteran of 22 years of teaching in the CUNY system. "This is not a class or racial thing. There are numbers of whites from middle-class backgrounds who should be sifted out. No one should be admitted unless he can read and write on a 13th grade level. Unless these matters are corrected, standards are bound to slip. They have been slipping already. We will turn into an educational slum."

The change in the character of the student body since the advent of open admissions manifests itself in disparate ways. In the college's tiny 48,000-volume, 200-seat library, the emphasis is not on research but on helping young people who have seldom been in libraries to learn the skills needed to carry out their assignments. "In a university library," says Dr. Edwin W. Terry, the chief librarian, "the collection is what is important. Here it is service." This means that the job of a librarian at Bronx Community involves teaching students how to use a card file and how to write correct grammar in a research paper. It means, too, telling them politely but firmly about the difference between plagiarism and research.

At Bronx Community, remediation is supposed to be the bridge that carries improperly prepared students to the promised land of college-level courses. It is, in the opinion of some, however, a decrepit trestle that ought to be condemned. "Remediation has been a big flop," declares Richard Heller, a biologist, who has been among Bronx Community's leading boosters of open admissions. "It has been a crash program that has come crashing down around the ears of people who didn't design it well enough."

What is wrong with the remedial program, according to Diane Johnson, an articulate young black who grew up in Brooklyn's depressed Bedford-Stuyvesant section, is that the courses stop short of bringing the student to the college level. In addition, she says that there is little provision for dealing with the emotional and social needs of the students. "I had to take a whole year of remediation and, of course, there was no credit for the courses," Miss Johnson complains bitterly. "It's a damned shame. When I was in high school, I ranked 20th in my class, and then I got here and I was shocked by my low scores on the tests. I was being fooled in high school. The basic problems that most of us have here are the fault of the New York City public school system. It's not that we don't appreciate open admissions. We do. But the big thing is to find methods of remediation that don't penalize us any more than we have been already."

Penalties are something community-college students would prefer to dispense with. Had they not been penalized in one way or another, many of them would never have gone to a community college. They arrive in search of success—though a large number will find only renewed failure—and, when the most abject of them discover success, it is sometimes a story of spectacular dimensions. "Even if only a minority of them make it through, it is that many more who have been saved from going down the drain," says Dr. Morton Rosenstock, the associate dean of Bronx Community's faculty. "I know it sounds like the Salvation Army, but when they make it, we have saved souls."

Peter Velez was saved, and he would be the first to admit it. A Puerto Rican-born high school dropout, he returned to school at night to get his diploma when he was past 20. He thought about college and mentioned it to a counselor, who, upon looking at his grades, admonished him to forget the idea and get a job. He persisted, and, to get him off his back, the counselor told Mr. Velez that he would take care of getting him into college. "I didn't even know that I was supposed to do it myself, and when September came I found out, of course, that the counselor had done nothing." In February, Mr. Velez enrolled in Bronx Community, the only college that would have him. He dropped out after a semester and went into the Army for four years. Last year, at age 30, and the father of two, Mr. Velez, president of the college's student government, was graduated as valedictorian of his class with an A-minus average, winning three commencement awards. Today, the recipient of a scholarship, he is studying for a bachelor's degree in City College's engineering school. "What Bronx Community College did for me I can never repay," he says. "It was my crowning glory, a place where people went out of their way to help me. Without

the chance that the community college gave me, I probably would have had to spend the rest of my life working in a factory."

INEXPENSIVE TRAVEL IS A FAMILY AFFAIR

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

Mr. PODELL. Mr. Speaker, the CAB has taken a strong stand against reduced air fares. The gradual elimination of youth and family fares has already begun. The CAB claims that these fares are discriminatory. If all programs are to be ended because they are discriminatory, regardless of their effects or justifications, an entire range of programs for the handicapped, the elderly, and the poor, will have to be eliminated also. The CAB is giving lip service to the idea of nondiscrimination while continuing to allow military and ministeral reductions, though they are equally discriminatory.

In point of fact, what we are witnessing is another attempt by a Federal agency to represent the best interests of the industry's profit figures rather than the best interests of the public. The CAB is protecting industry from itself; the agency has repeatedly turned down reduced air fare plans submitted by the airlines.

Furthermore, the evidence upon which the CAB has found reduced fares to be unprofitable is, by its own admissions, plagued with inaccuracies. In its December 5, 1972, opinion on reduced fares, the majority of the CAB stated that all of the methods used to measure the amount of new business generated by the discount fares had deficiencies.

A mere four airlines submitted onboard surveys which were considered in this area. Because of this and other inadequacies, two of the five members of the Board found the evidence in the record to be insufficient and dissented from the majority's opinion. "In the absence of more convincing information" they concluded that each individual airline should be responsible for determining the desirability of promotional fares. The legislation I am introducing today would allow just this flexibility.

This follows a CAB pattern recently demonstrated in international flights. Fearing the effects of competition on profits, the CAB vetoed the proposals of the major European airlines to drastically reduce fares for transatlantic flights. Thousands who anticipated vacations abroad, finally within their means, were disappointed by the Board's action. The plan to eliminate special domestic rates as well shows that they were not motivated by a policy of promoting "seeing America first." The CAB is simply devoted to high fares across the board.

The alternative reduced fare plan currently being proposed by TWA is inadequate. This plan calls for a reservation with deposit 90 days in advance with payment in full due 60 days prior to the day of departure. This is not how travel in America traditionally works. Only rarely are plans so sufficiently firm months in advance that people will be willing to risk such a substantial amount of money.

Rather than ending youth fare, the program should be expanded so as to include the elderly. The elderly do not have a greater right to travel, but they have the greatest opportunity to travel; a time when they are not subject, year round, to a rigid schedule. For the rich air travel will never be a problem, no matter what age group they fall into. However, the middle class have the opportunity for travel when they are young and when they are old; this mobility is very much dependent on reduced air fares.

We often lament the break up of the family in America. Yet at a time when the entire Nation must be viewed as a prosepective market for work and education, air travel is often the only way of reuniting families. The costs of higher education are already exhorbitant; the elimination of youth fares will prevent children away at school from visiting with their families.

For the elderly this can be an even greater hardship. Many live at a low-income level where full fares are prohibitive. Yet, often, the ability to visit and be united with their children and grandchildren provides the greatest joy and meaning at this time of life.

I urge the CAB to reconsider its positon. I also urge my colleagues to support legislation authorizing reduced air fares for youth and for the elderly. These fares in past years have provided great benefits to our children in terms of education, travel, and the reunion of families. They have equal potential to enrich the lives of our senior citizens.

I am today introducing legislation to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act that would authorize general reduced-rate transportation and for handicapped persons and for those over 65 years of age. It would eliminate the "standby" procedures for these groups of people as clearly impractical.

The legislation also authorizes reduced air fare rates for persons under 21 years of age on a "standby" basis. I am requesting hearings on this and similar measures at the earliest possible date in hopes that some action will be taken before the peak of the summer travel season is over.

RETRENCHMENT ON THE INFLATION FRONT

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

Mr. PODELL. Mr. Speaker, last Wednesday, President Nixon announced that he was abandoning the ill-conceived policies of phase III to reinstitute a system of strict economic controls. In his speech last week, the President announced the reimposition of price controls, similar to those we experienced during phase I.

We seem to be going around in circles in the matter of controlling inflation. We started in August 1971 with a system of across the board wage and price freezes, to control a widely spiralling rate of inflation. From there we went to a fairly stringent program of economic controls, limiting the rise in prices and wages to levels considered to be consistent with inflationary control and economic growth. This system was abandoned last January for phase III, which removed most controls, and sought to let the economy pretty much take care of itself.

President Nixon, surrounded as he was by "free market" economists, felt in January that he was doing the best job possible in controlling inflation. The "free marketers" felt that inflation could be controlled best by letting the operations of the market—supply and demand—occur naturally. In that way, prices would eventually find their level, and inflation would taper off to an acceptable 2.5 percent annual rate.

We saw that this never happened in the 6 months phase II was in effect. Nor, I believe, would it ever have happened. A major reason for this, in spite of the pious pontifications of George Shultz, is that we no longer live in a country where there is a totally free market. In fact, since the days of the great robber barons and monopolies of the late 19th century, we never did. When private manipulations of the marketplace became intolerable, the Government moved in to control the monopolies. Since the passage of the Sherman Antitrust Act in 1890, the Government has been intimately involved in regulating the economy.

This regulation became a full-fledged operation in Roosevelt's New Deal. We may argue from today until the end of time about whether this has been good for the country. But the fact still remains, the free market is a myth, at least on the large scale. True, there may still be unbridled and healthy competition among small business. But when we reach the level of the Lockheeds, the United States Steel Companies, the Littons, and all the other conglomerates, we are dealing with quasi-governmental entities who have long since ceased to engage in full and open competition.

Thus, the President's warning about not coming to rely on economic controls as a narcotic was unfortunate and misleading. Our economy is already controlled by giant corporations. We have all heard in recent days the suspicions voiced by many that the present fuel shortage has been manufactured by the giant integrated oil companies as a ploy to drive the lower-priced independents out of business. The fact that such charges could be seriously considered by Senator HENRY JACKSON indicates to me that a controlled economy is now a fact of American life. The only question is, who is to control the economy, and for what purpose?

Are we to let the giant conglomerates and corporations manipulate supply and

demand solely for their own benefit? The story of last summer's massive wheat sales to Russia, in which the major grain marketing corporations reaped windfall profits of millions of dollars, illustrates the disastrous implications that this would have for the millions of consumers in this country. It was as a direct consequence of the manipulations secretly engaged in by these companies that the price of wheat skyrocketed, pulling along with it the price of other grains, incredible increase in food prices we have seen in the past few months.

The President and his chief economic advisers should be more willing to take the path of the future. The President's imposition of the price freeze was in part a response to pressure from Europe, indicating that the American Government was powerless to control a runaway inflationary spiral. His move was not unexpected, but it did not have the desired results of restoring confidence in the American economy.

It would be disastrous to back away from a strong program of economic controls. We tried this once in phase III, and the Nation experienced a greater growth of inflation than it did before any controls were imposed at all. This is not to say that controls should never have been imposed. Rather, it would indicate that once we have taken this crucial step toward managing the economy—presumably for the benefit of the consumer and taxpayer—we should stick to our guns until the battle is over.

I am looking forward to phase IV with mixed feelings. On the one hand, I have hopes that the President will have learned a lesson from the disasters of phase III. We cannot afford to abandon a strict set of economic controls as long as we are committed to keeping down the rate of inflation. But at the same time, I am fearful that the President will again come under the influence of Secretary Schultz and the "free marketer." The thinking of Mr. Schultz and his colleagues at the Treasury Department is dangerously out of keeping with the needs of the American people and economy. Should they come to reimpose their economic philosophy on the President, and through him, on the American economy, we may never be able to bring inflation under control.

Mr. Speaker, I urge Persident Nixon, in the next few months, to give serious consideration to working out, and then sticking to, a strong system of wage and price controls. He should not allow for any exceptions in any sector of the economy, for to do so would only undermine what a system of controls should be achieving. If wages and prices are to be controlled, then controls should also be imposed on profits, on interest rates, on rents and on agricultural products.

Controlling inflation is an all-or-nothing proposition. For the sake of the administration and the people it seeks to govern, let us have no more half-hearted measures in phase IV. Let us finally see some consideration given to those whose dollar buys less and less every day. Otherwise, the President and his advisers would be better off doing nothing than doing something halfway.

THE FEDERAL RESCUE RESOURCE SERVICE BILL

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Occupational Safety and Health Act of 1970 has been cited as the most significant piece of legislation dealing with the work environment of the American wage earner ever passed by the Congress of the United States. This public law directly affects 57 million workers in 4 million work places.

Today I am introducing a bill entitled the "Federal Rescue Resource Service," an amendment to the Occupational Safety and Health Act. This bill will strengthen OSHA's ability to protect by including under its jurisdiction, areas of workplace accidents, especially rescue operations. It provides for a Federal Rescue Corps to be kept in a state of readiness should it be needed on the scene of workplace disasters. The members of the Corps shall be highly trained individuals with specialization in a variety of areas. While not involved with rescue operations, these persons shall train others in various rescue procedures.

During an emergency situation however, the Corps, along with any needed equipment, shall be rushed to the scene. The Corps will be maintained as a part of the Federal Rescue Resource Service within the Department of Labor. The Service will maintain a running inventory of equipment available as well as a list of those persons qualified to assist in emergency situations. Local authorities will be kept abreast of all available facilities under this Service, along with personnel and equipment on loan from other Federal agencies. The Service will be made available to all through each regional office of the Occupational Safety and Health Administration.

This bill will mean the speedy application of the most qualified help and services at a time when they are most needed. A perfect and recent example of the need for such services is the Bailey's Crossroads high-rise disaster. Here, the collapse of a 26-story apartment building under construction took the lives of 14 men and left nearly 50 others injured. County, State, and Federal officials, along with the developer, made the decision to demolish the building almost immediately in the hope of precluding a subsequent collapse and injury. Some feel however, that this action could have caused the death of several of the trapped men whose bodies had not yet been recovered.

My bill will in all likelihood alleviate this situation, by providing the personnel capable of making such decisions and equipment with which to proceed safely and quickly.

The United States now considers worker protection to be an area in which a coordinated effort by labor, management and all levels of government is both justifiable and necessary.

The Federal Rescue Resource Service will further promote this effort in the safety field and the Occupational Safety and Health Administration is the perfect housing unit. Although much remains to be done, occupational safety and health have come a long way in the United States since the industrial revolution. The Federal Rescue Resource Service is yet another step toward more complete public protection.

A section-by-section analysis of the Federal Rescue Resource Service bill follows:

SECTION-BY-SECTION ANALYSIS OF THE "FEDERAL RESCUE RESOURCE SERVICE"

To amend the Occupational Safety and Health Act of 1970 to establish a Federal Rescue Resource Service.

Section 35. (a) Workplace accidents occur occasionally which often require specially qualified personnel and equipment. This section establishes a program to aid local authorities in the tracing and aquisition of needed personnel and equipment in order to effect rescue operations.

(b) A Federal Rescue Resource Service shall be established by the Secretary and maintained within the Department of Labor. This Service shall:

(1) maintain an inventory of equipment for use in rescue procedures.

(2) maintain a listing of names, addresses and qualifications pertaining to rescue personnel.

(3) inform local authorities of the facilities and persons available for their use in emergencies.

(4) arrange with other Federal agencies for the sharing and exchange of needed equipment and personnel.

(5) when necessary, arrange with various individuals, contracts allowing for the use of their services without prior notice.

(6) provide resource information to employers.

(c) Each regional office of the Occupational Safety and Health Administration shall maintain an office of the Service.

(d) A Federal Rescue Corps shall exist within the Service, established by the Secretary. Its members, trained in a variety of specializations shall be kept in a state of readiness in case of emergency. When they are not needed for rescue, it will be their responsibility to train others in emergency procedures.

ANNIVERSARY OF SOVIET INVASION OF BALTIC STATES

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

Mr. STRATTON. Mr. Speaker, last Friday marked a sad anniversary for all those who hold freedom to all human beings. It was 33 years ago that the U.S.S.R. sent its troops sweeping the free Republic of Lithuania and the other Baltic States, Latvia and Estonia, thus beginning a reign of terror and repression that continues in some form to this day.

Horror upon horror has been inflicted upon these nations since 1941. The Communists have "resettled" one-fourth of the combined populations of these Baltic nations in Siberia and other places, in a vain attempt to break the cultural and nationalistic spirit of their people. These despicable practices also continue today, yet the Soviet Union has still not been able to dim the hope for freedom that thrives in the hearts of these Baltic people.

Just last year we heard of widespread rioting in Lithuania as the people of that nation demonstrated their refusal to ac-

quiesce silently in the dictatorial policies of the Soviet Union. Other reports of anti-Soviet activities continue to reach the West.

So this is the spirit, Mr. Speaker, that continues to win the admiration of people all over the free world and serves as an inspiration for us all. And it is in this spirit that we mark this anniversary of the invasion of the Baltic States by reminding ourselves of their plight and renewing our pledge to continue to work for the freedom of all captive nations.

THE 300TH ANNIVERSARY OF FATHER MARQUETTE'S DISCOVERY OF THE MISSISSIPPI RIVER

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

Mr. ZABLOCKI. Mr. Speaker, a ceremony sponsored by the National Father Marquette Tercentenary Commission commemorating the 300th anniversary of Father Marquette's discovery of the Mississippi River was held today before the statue of Father Marquette in Statuary Hall of the Capitol. The Tercentenary Commission was most grateful for your presence and your fine remarks at the brief ceremony this afternoon.

As you know, two Wisconsin grade school students, Melanie Tallmadge, a sixth grader from Wisconsin Dells, and Mark Luelkehoelter, a fifth grader from Antigo, winners of the Wisconsin State Father Marquette drawing and essay contests, were the guests of honor of the Tercentenary Commission. Miss Tallmadge, of Indian heritage, won first prize with her painting of Father Marquette. Luelkehoelter wrote the prize-winning essay, "My Journey With Fathers Marquette and Joliet."

Minority Leader GERALD R. FORD in his remarks emphasized the contributions of Father Marquette to the Great Lakes area. He recounted the numerous ways the great explorer was memorialized in the State of Michigan.

Also participating in the ceremony were our colleagues: Hon. HAROLD V. FROEHLICH, a member of the Tercentenary Commission, Hon. VERNON W. THOMSON, Hon. LES ASPIN, Hon. WILLIAM A. STEIGER, Hon. DAVID R. OBEY, Hon. GLENN R. DAVIS, Hon. HENRY S. REUSS, and Hon. ROBERT W. KASTENMEIER, Hon. MELVIN PRICE, and KENNETH J. GRAY, of Illinois.

Mr. Arnold J. Winograd extended greetings on behalf of James C. Windham, chairman of the National Father Marquette Tercentenary Commission and Mr. John M. Fedders, attorney with the Washington law firm of Arnold & Porter, represented Marquette University.

At this point, Mr. Speaker, I would like to insert the remarks made by the participants at the brief ceremony today commemorating the 300th anniversary of Father Marquette's discovery of the Mississippi River:

REMARKS OF HON. CLEMENT J. ZABLOCKI

Mr. Speaker, I am pleased to extend a warm welcome on behalf of Mr. James C. Windham, Chairman of the National Father Marquette Tercentenary Commission at this ceremony commemorating the 300th Anniversary of Father Jacques Marquette's discovery of the Mississippi River.

Today we honor a great explorer and a great man of our early American heritage.

In paying tribute we recognize the significance of Father Marquette's contribution to shaping the history of the Midwest—America's heartland.

Let us today recall Father Marquette's deep commitment to the belief that religion can advance man beyond the restrictions of his physical environment and can provide man the inner strength to solve his most severe problems. Indeed, it was Father Marquette's commitment to religion and his fellowman that motivated his discovery and exploration of the Mississippi River.

Father Marquette's life exemplifies the ideals of selflessness, friendship and equality among men. As we try to uphold these principles of justice and equality, let us remind ourselves of Father Marquette's example and rededicate ourselves to the principles that no man deserves privilege at the expense of others, and that all men deserve freedom and justice as long as they accept their corresponding responsibilities.

As we strive for human progress, let us not forget to preserve the natural and scenic beauty of the Mississippi River as discovered by Father Marquette and his followers 300 years ago on June 17, 1673. Indeed resolve to conserve the resources and beauty of our entire Country.

REMARKS OF REPRESENTATIVE CARL ALBERT

It is a great privilege for me to participate in this ceremony commemorating the 300th anniversary of Father Jacques Marquette's discovery of the Mississippi River. I can remember reading during my childhood of this important discovery and admiring the man who made it. That admiration still remains with me today as I think about the significance of his venture and the deep spiritual commitment he carried with him and shared with others.

Father Jacques Marquette opened to the world the greatest waterway in the United States. He initiated a transformation of the heartland of America into a thriving transportation, commerce and communication link to virtually every country on the face of the earth.

Coming from a state which is locked into the Midcontinent, I can appreciate first hand the fruits of Father Marquette's courageous venture. The Mississippi's impact on the states represented here today has been phenomenal, surpassing our broadest expectations. The Mississippi has been the Midcontinent's lifeline in commerce, and its richest symbol of progress and prosperity.

The natural beauty of this mighty river should be preserved and utilized in a way that brings honor to Father Jacques Marquette whose image stands tall today in the hearts of all of us who pause to remember his great contribution to our nation.

REMARKS BY MR. ARNOLD WINOGRAD, REPRESENTING MR. JAMES C. WINDHAM, CHAIRMAN OF THE NATIONAL FATHER TERCENTARY COMMISSION

On behalf of Mr. James C. Windham, Chairman of the National Father Marquette Tercentenary Commission and Chairman of the Pabst Brewing Company, I want to thank Representative Clement J. Zablocki and everyone else who has contributed to making this Tercentennial celebration such a success.

REMARKS OF MR. JACK FEDDERS, ESQ.

It is a pleasure and privilege to represent Marquette University at this ceremony paying tribute to Father Jacques Marquette on the occasion of the 300th Anniversary of the discovery of the Mississippi River. The Jesuit Fathers, the Faculty, the alumni and students of Marquette University join in tribute on this occasion commemorating Fr. Marquette.

INSPECTION RIDDLED BY INADEQUACIES

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

Mr. MELCHER. Mr. Speaker, I have been supplied a copy of an investigation of meat inspection in the U.S. Department of Agriculture, conducted by Inspector General Nathaniel E. Kossack last year, which reveals a discouraging failure and inability of that agency to provide the sort of inspection to which meat producers and consumers are entitled.

It reveals that 38 out of 88 domestic plants reviewed by the Inspector General had questionable sanitary situations, 11 of them described as "unacceptable".

It reveals that meat, including horsemeat, is being imported into the United States without inspection because Customs fails to refer the cargoes to USDA meat inspectors.

It reflects wholly inadequate chemical residue testing of both domestic and imported meat and inadequate facilities for the work.

It reports that Lloyds of London charges much higher rates for insurance against cargo rejection if meat is being shipped to Norfolk, Va., than to any other port because Norfolk enforces regulations most stringently—a sad commentary on inspection of ports that do not measure up to the level of Norfolk. It is also a sad commentary on the exporters to the United States who buy such insurance. Their best insurance against cargo rejection would be to produce meat and meat products in which they have confidence enough not to require insurance against rejection.

There are a great many other weaknesses in inspection detailed by the Inspector General, as well as reports on specific plants and episodes.

Soon after I came to Congress, I expressed my concern about the adequacy of imported meat. Meat imports were then restricted by quota but are now allowed to come into the United States without limit.

We have a sampling procedure for inspecting imported meat at the docks where it enters the United States. Less than 1 percent of each shipment is thawed and actually inspected. If the number of defects found in the samples indicates that there is only one minor defect per 30 pounds, one major defect per 400 pounds, and one critical defect per 3,000 pounds then the whole lot is allowed to come on in and go into hamburger, weiners, sausage, soups, TV dinners, or out on the counter, defects and all.

Tolerance of any amount of hair, dirt, blood clots, cysts, ingesta, manure and other defects is difficult for me to understand.

The Inspector General's report on laboratory analysis of meat samples for additives and chemical residues reflects

confusion in management, lack of manpower and workable equipment, suspensions of testing in important areas and other shortcomings.

Laboratories have repeatedly been directed to backlog—freeze—or give up on work they cannot get at. This included samples taken to examine for the banned DES, for fats, moisture and additives, and for vegetable oils in animal products. In February 1972 a survey was ordered of organo-phosphorous compounds in meat of certain Australian plants, but no methodology or instructions were issued. The backlog of work in the Northeastern United States caused a suspension of normal sampling altogether for 30 days starting in February of 1972. And the Inspector General described much laboratory equipment in bad shape and inadequately maintained.

I am including the text of the Inspector General's report which has been supplied to me in the RECORD.

I regret that it did not reach me sooner. I would have requested the able Congressman from Mississippi (Mr. WHITTEN) to look into the needs of the meat and poultry inspection program for funds to correct the deficiencies found by the Inspector General.

Since the House has passed the Agricultural Appropriations bill, I shall send a copy to the Senate Agricultural Appropriations Subcommittee with the suggestion that they look into it.

However, I certainly do not think the responsibility for inadequate inspection of the meats that go on our table should be regarded as the responsibility of the appropriations committees. It is the responsibility of all of us.

We need to provide funds for adequate inspection.

We need legislation, such as I have proposed, to authorize and direct greatly improved imported meat inspection.

We need legislation which I have proposed—and Senator PHIL HART proposed in the Senate before I came to Congress in 1969—to initiate inspection of fish and other marine products.

Then we need determination to require a professional job from the administrators.

Because inspection of meat and animal products is the responsibility of all of us, I am putting in the RECORD the Inspector General's report so members of Congress and the public can see just where we stand in regard to the Meat and Poultry Inspection Program. It is anything but reassuring.

The report follows:

AUDIT REPORT: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION PROGRAM AS OF MAY 31, 1972, REPORT NO. 60102-1-W

A. Introduction

This report consolidates the results of an audit of the Office of the Inspector General of the Meat and Poultry Inspection Program (MPIP). At the beginning of our audit, this program was under the Consumer and Marketing Service (C&MS). However, Secretary's Memorandum No. 1762 transferred MPIP to the Animal and Plant Health Inspection Service (APHIS), effective April 2, 1972.

Numerous organizational changes in the MPIP at both Headquarters and field levels had taken place since the 1969 OIG review. Significant changes occurring during this audit were: (1) The Regional Offices were reduced from eight to five; (2) Area Offices within Regions were being established; (3) Circuit Offices were being closed. We reviewed all of the Regional Offices, but tested the circuits on a selected basis. In addition, we visited laboratories, Training Headquarters, Training Centers, import inspection facilities, and 88 Meat and Poultry establishments throughout the country. Separate audit reports were not issued for any of the above entities.

We did not review operations of the Federal State Cooperative Meat and Poultry Inspection Program during this audit.

A statistically chosen sample of 95 in-plant inspection personnel was utilized to (1) permit program-wide projection of conditions based on selected interview questions and (2) locate these personnel at their assigned plant and thus provide an objective basis for selecting meat and poultry establishments to be reviewed. Guidance and technical assistance was furnished by the C&MS Statistical Staff. Exhibit A explains the selection of the sample and the relative significance of the results obtained. The 95 sample personnel were located at 88 establishments. The Regional Directors arranged for the appropriate Circuit Supervisors, or assistant, to accompany us to these plants. These personnel performed a formal sanitation inspection, prior to the start of daily operations, utilizing either the Slaughter or Processing Establishment Review Guide (Form CP 461 or 468). After operations commenced, we observed the conduct of inspection and handling of the product on a selected basis. We interviewed the Inspectors-In-Charge, and some of the inspection staff at each plant. Records were examined in the Government office at the plant.

Our objective was to determine whether the overall program of inspection was being managed and operated in an effective and efficient manner. More specifically, to appraise the adequacy and effectiveness of policies, procedures, instructions, and management controls in correcting conditions reported in prior audits and investigations and assuring currently that only clean, healthy and wholesome products were passed for human consumption.

In fiscal year 1972, the MPIP had a budget of $162 million and about 7,800 employees. There were approximately 5,941 establishments under Federal inspection.

B. Summary

The MPIP had operated in a generally effective manner considering the many changes in workload and management which affected the stability of the organization in the year and a half that MPIP has existed. However, many problems with the program for inspecting meat and poultry products persisted although audits and investigations had repeatedly reported these conditions over a six-year period. Although considerable progress had been made, during a period of uncertainties caused by continuous reorganization, there was a need for more substantial and timely improvements.

Our audit confirmed the immediate need to reenergize and motivate the field inspection force. In essence, there was little evidence of significant leadership action to offset the demoralizing effects of industry and public criticism of the inspection program. Positive actions needed to improve the support and commitment of MPIP personnel to the goals and objectives of the current reorganization plan included: (1) Strengthening communications between the managerial and supervisory levels; (2) Developing a Code of Ethics to assist in preventing employee misconduct and undesirable behavior; (3) Maintaining adequate Government offices at official establishments, and (4) Designing a new official emblem for the MPIP to promote pride and self-respect among employees.

Additional efforts are needed to improve the sanitation conditions of many establishments. A review of 88 plants disclosed that 38 needed improvement in maintaining clean facilities, equipment, and operations. Conditions in eleven plants were clearly unacceptable. These conditions were generally caused by: (1) Plant inspectors-in-charge and circuit supervisors not carrying out their respective responsibilities in a forceful and effective manner; and (2) Absence of a planned and documented improvement program whereby plant management was committed to bringing facilities and equipment up to a satisfactory condition.

Most Regional Directors had not fulfilled their responsibilities to direct and manage the import inspection program. Consequently, adverse conditions in facilities and inspection were found at many ports of entry and inland inspection points. Industry criticism related to inconsistent import inspection would be lessened and consumers would be assured of receiving a more wholesome product if additional measures were taken to bring known problem plants in countries of origin into compliance. Also, the credibility of import inspection would be strengthened if individual inspectors were required to be fully qualified and were issued a certificate attesting to their competence. Although the entry of imported products is subject to the separate jurisdiction and responsibility of USDA and U.S. Customs, the effectiveness of the total inspection function depends upon mutual coordination and cooperation between both organizations. In such instances working relationships between MPIP and U.S. Customs needed strengthening. MPIP, with a more important role in consumer protection, needs to take the initiative to provide assistance and secure the necessary cooperation.

Better coordination of the analytical workload of the field chemical laboratories is needed. Various Headquarters Divisions had developed special programs without assurance that the laboratories could perform the work. Consequently, the routine workload was overburdened and overtime costs were incurred in an unsuccessful attempt to analyze all samples.

Little justification existed for continuing the analysis program for fats, moisture, and additives at current MPIP sampling levels. In 1971, less than 3 percent of the total samples analyzed for this purpose were in non-compliance. Workloads had not been adjusted to place primary emphasis on the more important analysis programs to detect residues harmful to consumers.

The capabilities of some laboratories were reduced because an equipment management program was lacking. Some equipment needed to be repaired or replaced on a more timely basis.

Although the Training Centers were operated in a very commendable manner, there were no systematic approach to planning and evaluating the training programs. Neither the Regional Offices nor the Training Headquarters had developed a system of priorities and criteria for identifying training needs. Further, additional emphasis needed to be placed on (1) the training of supervisory personnel and intermittent employees and (2) implementing standardized procedures for on-the-job training.

Part IV of this report contains some comments of a general nature relative to MPIP operations.

II—RECOMMENDATIONS AND DISCUSSION WITH MANAGEMENT

A. Recommendations

ASSOCIATE ADMINISTRATOR, MEAT AND POULTRY INSPECTION

1. Undertake action to improve the performance of MPIP personnel. Specifically:

a. Direct a frequent written message to field supervisors to promote interest, support,

and understanding of policies and objectives. (See Details, 1)

b. Develop a Code of Ethics for MPIP field inspection personnel to encourage desirable behavior. (See Details, 1)

c. Require official establishments to provide adequate inspection offices and welfare facilities. (See Details, 1)

d. Authorize a new official emblem for the MPIP. (See Details, 1)

2. Further improve the system for assuring that clean and sanitary conditions are maintained in official establishments:

a. Require the plant Inspector-In-Charge to: (1) make thorough sanitation inspections; and (2) insist that management correct unsatisfactory conditions. (See Details, 2)

b. Institute a planned and documented program nationwide for improvement of plant facilities and sanitation. (See Details, 2)

3. Require Regional Directors to fulfill their responsibilities to manage and direct the import inspection program. (See Details, 3)

4. Take additional actions to improve the quality of meat exported to the United States by: (1) intensifying the effort to raise the quality of products from foreign plants of origin; and (2) requiring individual inspectors to earn a certificate attesting to their qualifications and competency. (See Details, 4)

5. Strengthen cooperation with U.S. Customs officials at ports of entry receiving imported meat and poultry products. (See Details, 5)

6. Assure that the workloads of the field chemical laboratories are established on a coordinated and efficient basis. (See Details, 6)

7. Revise the Regulations to require processing establishments to use commercial laboratories certified by the MPIP in obtaining quality analyses for fat, moisture, and additives. (See Details, 7)

8. Establish an equipment management program to improve the operation of the field chemical laboratories. (See details, 8)

9. Assure that formal training programs are planned and carried out on a basis of priority and need. (See Details, 9)

10. Initiate an expanded program of supervisory training. (See Details, 10)

11. Emphasize informal on-the-job training programs including prescribing standardized procedures to be followed. (See Details, 10)

B. Discussion with Management

A draft of the Detail and Exhibit sections of this report was submitted to MPIP officials on June 13, 1972. A preliminary discussion was held on June 29, 1972, with the MPIP officials listed below:

Dr. Kenneth M. McEnroe, Associate Administrator; Dr. Fred J. Fullerton, Deputy Administrator, Field Operations; Dr. Harry C. Mussman, Deputy Administrator, Scientific and Technical Services; Mr. L. L. Gast, Director, Compliance Staff.

The Office of the Inspector General was represented at that conference by:

D. F. Reynolds, Assistant Regional Inspector General for Audit, Region II; Albert L. Clepper, Supervisory Auditor-In-Charge, Region II; Ralph A. Capone, Auditor, Region II; Kenyon Male, Auditor, Region II; Robert L. O'Brien, Auditor, Marketing and Consumer Programs, OIG, Headquarters.

MPIP officials generally concurred with the substance of our findings. Certain revisions and corrections were made in this report based on their comments. In view of the numerous changes which occurred in the organization during the audit, they will consider including a statement of corrective actions taken or planned as an attachment to this report.

A final discussion was held on September 28, 1972, with the APHIS officials listed below:

Dr. Frank J. Mulhern, Administrator; Dr. Fred J. Fullerton, Deputy Administrator, MPIP Field Operations; Dr. Victor H. Berry, Assistant Deputy Administrator, MPIP; Dr. Harry C. Mussman, Deputy Administrator, MPIP, Scientific and Technical Services; Dr. T. R. Murtishaw, Deputy Director, MPIP, Scientific Services Staff; Dr. L. L. Gast, Director, Compliance Staff, MPIP.

APHIS officials generally concurred with our findings and recommendations. Their comments are included in Exhibit E of this report.

OIG was represented at the final discussion by:

Mr. Nathaniel E. Kossack, Inspector General; Mr. George B. Wood, Deputy Inspector General for Agricultural Health, Inspection and Research; Mr. D. F. Reynolds, Assistant Regional Inspector General for Audit, Region II; Mr. A. L. Clepper, Supervisory Auditor-in-Charge, Region II.

III—DETAILS

1. Direction

Timely and decisive direction was needed to (1) secure maximum support and commitment or MPIP personnel to the goals and objectives of the reorganization plan; (2) instill a stronger sense of professional pride, loyalty, and integrity among the field inspection force; and (3) demonstrate more convincingly to employees, the industry, and the public that the MPIP was and is dedicated to the enforcement of standards of inspection that will protect the consumer from unwholesome meat and poultry products.

C&MS Notice 1272 dated June 3, 1971, announced the plan for reorganization of field offices and personnel. The Administrator, C&MS, reassured all employees of the MPIP that many uncertainties as to the future of the MPIP had been resolved and that each would have a meaningful role in the new organization. More specifically, that the field organization would consist of the present eight Regional offices; changes affecting employees would be announced according to a scheduled plan; a high level of Program effectiveness had been, and was being, maintained.

However, criticism of the MPIP intensified during the period following release of this Notice. Major impacts included: (1) reports of the General Accounting Office disclosing adverse conditions in the import and poultry inspection programs; (2) release of the controversial discourse "Sowing the Wind" by the Center for the Study of Responsive Law; (3) the returning of Federal Grand Jury indictments against 41 food inspectors in the Boston circuits for misconduct; and (4) extensive Congressional and news media faulting of meat and poultry inspection.

C&MS Notice 1319 dated November 19, 1971, indicated that there would be five Regional offices with 34 Area offices. Later, Secretary's Memorandum No. 1762 dated January 19, 1972, announced the creation of APHIS in USDA of which MPIP would become a part.

Our interviews with 64 Circuit Supervisors and approximately 300 inplant inspection personnel disclosed that the above events have had a disturbing and unsettling influence upon the field organization. Morale was generally low. These factors could have contributed to the numerous deficiencies in sanitation, condition of facilities, and conduct of inspection in 38 of the 88 plants we visited. (See Detail–2).

We believe that the recommendations in this report, if implemented, would result in increased program effectiveness. However, the immediate need to reenergize and motivate the inspection force appears to be a prerequisite for improvements throughout the system. We realize that there are no instant solutions to this problem. In essence, the collective negative effects of industry and public criticism and organizational instability over many years must be overcome. At this time, the reorganization has generated a climate conducive to change. Many key personnel are making a "fresh start" in new positions. Therefore, we are suggesting some actions of a leadership nature which could exploit this momentum and restore vitality to all levels of the MPIP.

a. In our opinion, effective circuit supervision is the key to the success of the inspection program. Most of the supervisors we interviewed were attempting to adjust to the loss of their circuit offices and as yet undefined relationship with the new Area office. Many were skeptical as to the necessity for these changes and apprehensive of new policies and direction resulting from staff changes in the Regional offices. We could not establish a nationwide pattern among these personnel to indicate that there was, in fact, extensive support and commitment to the program leadership at the Washington Headquarters level.

A stronger bond of mutual confidence and respect was needed between line officers. We believe a frequent personal message from the Deputy Administrator to supervisors would promote better understanding and provide the reassurance needed to secure optimum performance in the days ahead. A newsletter to explain Departmental and agency policies, dispel rumors, and inspire professionalism should help strengthen the linkage between the managerial and supervisory levels and thus result in benefits throughout the system.

b. The reputation of the MPIP continues to be tarnished by considerable employee misconduct. These incidents not only contribute to the undermining of public confidence in the inspection program but also tend is discredit the positive accomplishments of those with greater integrity. Disciplinary measures were generally swiftly applied; however, these are reactions rather than solutions to the problem. Greater emphasis should be given to the prevention of undesirable behavior.

Regional guidance was directed largely toward new employees who received the USDA Employee Handbook containing the Code of Ethics for Government service, and Appendix I—Employee Responsibilities and Conduct. However, a 1970 review by the U.S. Civil Service Commission disclosed that the highest number of disciplinary actions are taken against employees of 46–50 years of age with 11–20 years of service. The requirements for yearly counseling of all employees in this area were vague. Our tests at the Regional offices disclosed a lack of documentation to verify that supervisors had discussed conflict of interest and conduct with employees. A statistical sample of inspection personnel indicated that at least 1,330 and possibly as many as 2,805 employees had not discussed the subject of ethical conduct with a supervisor during the past year. (See Exhibit A.)

The recent indictment of nearly 50% of the inspectors in the Boston circuits apparently has not served as a deterrent to adverse behavior elsewhere. Our audit exposed 10 incidents nationwide involving conflict of interest, neglect of duty, and falsification of records.

Based on our interviews, we concluded that many veterinarians and food inspectors erred unknowingly. For example, some seemed unable to make a clear distinction between what constitutes wrongdoing and what was good public relations with the industry. We believe a Code of Ethics for Meat and Poultry Inspection would eliminate confusion by specifying acceptable and nonacceptable behavior both on and off the job.

Poster-size enlargements of the Code could be printed and required to be prominently displayed in the Government Office at each plant to serve as a constant reminder to employees of their duties and obligations.

c. An effort should be made to assure that the inspection office in each official establishment where required be adequately equipped, clean, and business-like in appearance. We observed 87 offices and related welfare facilities and found 14 in need of improvement. For example:

Est. 396—(Iowa) Govt. office in old dilapidated building outside main plant. Needed cleaning.

Est. P-898—(Ark.) Govt. office small and overcrowded. Broken file cabinet. No lockers or space to dress.

Est. P-377—(Okla.) Welfare facilities inadequate. Office needed chairs. Poor dressing space.

Est. 492—(Pa.) Govt. office space inadequate. Very congested condition.

With the exception of infrequent visits to an MPIP Training Center or Regional Office, most inspection personnel find the inspection office in the plant to be their sole identity with the agency and the Department. Offices that were poorly equipped and maintained offered little incentive for employees to enforce strict inspection and sanitation standards within the plants. Supervisors should be reminded of the importance of adequate office facilities and of their responsibility to secure satisfactory accommodations as provided for in the Regulations.

d. The MPIP needed a new official emblem. The design should be bold, distinctive, and appropriate for use by all personnel. Meat inspectors were readily recognized because most worked with a white frock, hardhat, and badge. By contrast, poultry inspectors wore a protective apron and, for the most part, were undistinguishable from plant employees. Although the benefits of more extensive and uniform use of badges, insignia, and decals cannot be measured, we believe such use would promote pride and self-respect and reflect a better image of Federal inspection.

The foregoing recommendations are not intended as a panacea for the many problems facing the MPIP. Previous audits and consultant studies have identified the need for revision of laws and regulations, increased funding, and better personnel administration. We contend that leadership was wanted and needed by the field inspection force and that this form of motivation was essential to improvements in the organization.

2. *Establishment reviews*

Additional emphasis needed to be placed on improving the system for preventing, detecting, reporting, and correcting unsanitary conditions in meat and poultry plants. In many instances neither plant management nor inspection personnel had accepted their responsibilities to eliminate unacceptable sanitation conditions and product contamination resulting from facilities, equipment, and operation.

Circuit Supervisors performed a preoperational sanitation check during our review at 88 establishments throughout the country. The results of these checks and subsequent observation of operations disclosed 38 plants where numerous improvements were needed in sanitation, condition of facilities, and conduct of inspection. The condition of each plant reviewed is presented in Exhibit B.

a. Poor sanitation at 19 of the 38 plants was caused by plant inspectors and Circuit Supervisors not carrying out their responsibilities in a forceful and effective manner. Generally, the Inspectors-in-Charge were not using the Sanitation Report, Form CP-455, to advantage. This report was either not: (1) prepared daily; (2) distributed to management; or (3) followed-up by consultation with plant management to secure corrective action. In some instances hostile and uncooperative attitudes on the part of management had not been promptly reported to Circuit officials.

Most Circuit Supervisors were not making monthly visits to these establishments. The frequency of visits varied from once every 2 months to once a year. There was little evidence of documentation in the form of in-depth reviews or trip reports to indicate the progress made on previously disclosed conditions, on items needing further correction, or the actions expected of the Inspector-in-Charge.

In our opinion, there were no valid excuses for these unsanitary conditions to have existed. We noted in many instances that plant management had not fully accepted their responsibility to provide sanitary plant conditions. Instead of performing their own check of conditions to assure that the plant was in satisfactory condition prior to the preoperational inspection, plant management personnel were content to accompany inspection personnel on the sanitation checks and wait for the inspector to point out items needing recleaning. This situation was previously observed during our special review of 11 establishments performed in December 1971. As stated in that report, "MPIP must create an understanding that plant management is responsible for maintaining a sanitary plant and take measures to entirely meet that responsibility."

b. In the majority of the cases where poor sanitation was noted, the condition was compounded by deficiencies in facilities or equipment. Examples of these conditions are presented in Exhibit C. Although Inspectors-in-Charge were expected to resolve sanitation problems on a day-to-day basis, it was readily apparent that planning improvements involving large financial outlays, and establishment of deadlines, required the backing of officials at the Circuit and Regional level. We were informed that some Circuit Supervisors had established informal deadlines, both oral and written, for completing repairs, but evidence of effective follow-up action to secure compliance was lacking.

Prior to our audit, some circuits in the Western Region had unofficially instituted a Facilities and Sanitation Planned Improvement Program in order to upgrade these areas at certain problem plants. Results of this program were so satisfactory that, on April 5, 1972, the program was instituted regionwide. In addition, on May 3, 1972, the newly established North Central Region instituted a Project Improvement Program to document programming in the upgrading of facilities and equipment. The two programs were basically similar although the two Regions were using locally devised forms that differed somewhat.

During our audit we visited seven plants in the Western Region that had been cited for serious sanitation deficiencies during our prior audit in 1969. We found substantial improvements at five of these plants where planned improvement programs had been effectively implemented.

In our opinion, a program of planned improvements was vital to improving establishment facilities and sanitation. The value of this type of program is that it organizes effort between program people and plant management to develop an easily understood and viable method for identifying and correcting unacceptable items in the establishments. Also, there is a basis for taking action when due dates are not met in a satisfactory manner.

In order to provide for a planned and documented program for improvement of plant facilities and sanitation, the MPIP should develop and institute a facilities and sanitation planned improvement program applicable to all regions of the country.

Import inspection

The inspection of imported meat and poultry products at many ports of entry needed improvement. The majority of the Regional Offices had not exercised necessary direction and control over this activity. As a result, operational deficiencies persisted at numerous locations.

Considerable progress in import inspection had occurred since our 1965 review. In essence, a system of product quality control and certification extending from the country of origin to the port of entry in the United States had been developed and implemented. However, the effort to establish this system produced broad and general policies and instructions that were interpreted differently by the Regions. Consequently, nonuniform and inconsistent inspection pratices, frequently at variance with the regulations, adversely affected the program. A review by the Program Review and Compliance Branch; a study by the Processed Food Inspection Division; and an audit by the GAO attested to the problems with the import inspection program.

The Northeastern and Western Regions had the heaviest import workloads. Our tests in the Philadelphia and New York City ports disclosed that the Northeastern Regional Office was directing a generally effective program of inspection. The Western Region, on the other hand, was not adequately managing the import activity.

Although our tests within the Southwestern and Southeastern Regions were limited, we believe the conditions found at the major import locations we visited indicated the need for stronger control from the Regional Office. Evidence of direction by the Northern, North Central, and Mid-Atlantic Regional Offices was generally lacking. Since these offices have been closed, no further details are presented. However, Exhibit D contains a summary of conditions found at various inspection sites within these Regions. The Kansas City Region was not reviewed because the import workload was negligible.

The Director, Western Region, delegated authority to the Officer in Charge, San Francisco Circuit, to act as Regional coordinator for import work. Notice of this action, dated December 1, 1970, included the statement ". . . Washington level reports based on a summation of import actions indicate a continuing difference of the requirements as applied by individual inspectors. Furthermore, differences between the standards applied at the ports of Seattle, San Francisco, and Los Angeles persist." Our review disclosed that this assignment was an additional duty to be performed in conjunction with the regular circuit workload. Although assisted by two subcircuit supervisors (GS-11), the OIC, (GS-12), had responsibility for 34 Federal, 25 Talmadge-Aiken, and 28 State plants. Approximately 14 inspectors were appointed primarily to import work in Los Angeles, San Francisco, Portland, Seattle and Honolulu. Both the OIC and the Regional Office staff acknowledged that no meaningful coordination and review of Regional import activity had been effected in the past 2 years.

We determined substantially that:

(1) No follow-up reviews had been made at Los Angeles and Seattle to verify that the deficiencies reported by the PRC review team had been corrected. Conditions at Los Angeles were still inadequate.

(2) Rejection rates between circuits and inspectors had not been compared and analyzed.

(3) Workloads in the various circuits had been reviewed to support the need for overtime charges.

We could not determine that the Southwestern Regional Office had attempted to manage the import program. Authority was delegated to the Circuit Supervisors. The Deputy Director for Processing stated that

import activities were directed from Washington. This belief was held by many personnel. For example, the import inspector at El Paso was in the habit of by-passing both Circuit and Regional Offices and phoning direct to Foreign Program personnel in Washington for advice and guidance.

The ports of Houston and New Orleans handle mostly canned product. The majority of frozen boneless product was inspected at Laredo and El Paso. Our findings at this latter location are presented in Exhibit D.

The Southeastern Regional Office had made an effort to coordinate import inspection. Records and reports were available. The Deputy Director for Processing had made field visits to import locations and initiated action to correct deficiencies. However, a need for increased direction at the Tampa port was evident.

We reviewed inspection in Jacksonville and Tampa. Jacksonville handled mostly canned product. Tampa was a major import location handling an average of 10,000,000 lbs. of product monthly, the majority being frozen boneless meat. The Deputy Regional Director for Processing reviewed operations in Tampa in June 1970 and reported numerous deficiencies in supervision and conduct of inspection. Later in 1970, the PRC reviewers found similar conditions. At the time of our review in March 1972, circuit supervision was totally inadequate. Two GS–9 inspectors, neither designated as in-charge, were attempting to schedule a heavy workload at two facilities and maintain control.

We were informed by Washington office staff that the position of Regional Import Coordinator has been approved and would soon be functioning at all the Regional Offices. Later, on June 29, 1972, the Director, Field Operations Division, informed us that, although the responsibility for directing and coordinating import inspection activities would be assigned at the Regional level, the decision to create a new title and position was still pending.

In our opinion, the above action, in addition to adoption of stricter requirements for inspection facilities, would substantially improve the program. Optimum effectiveness appeared to be contingent upon strong Regional Office direction, and Regional Directors should be required to fully meet their responsibilities to manage the import inspection program.

Application of import inspection standards

Additional measures need to be taken to achieve uniformity and consistency in import inspection between Circuits and Regions. MPIP actions in the form of increased formal training, improved supervision, and revision of reguations will likely resolve these problems on a long-range basis.

More timely improvements in meeting import standards can be obtained by (1) intensifying the effort to bring known problem plants of origin into compliance; and (2) certifying inspector qualifications and competency.

a. Much of the criticism directed toward import inspection related to inconsistencies in the rate of rejection of unwholesome product between inspectors and ports. A difference as small as one percent is significant when expressed in terms of thousands of pounds of product. Many complex variables such as type of product, volume offered, quality control at the plant of origin, and experience of inspectors affected the decision to accept or reject a particular lot. These factors, in addition to the fact that the sample inspection program was less than three years old, amplified the difficulty in securing uniformity and consistency nationwide.

Some importers insured against loss due to USDA rejection. The principal underwriter, Lloyds of London, based insurance premiums not only upon the loss experience of individual brokers, but also upon the average rate of rejection by MPIP inspectors at the various ports.

Because of the keen competition for trade, inconsistency in inspection between ports can result in a port being at an economic disadvantgae. A case in point was Norfolk, Virginia. Strict standards of inspection had resulted in high rejection rates for most types of meat products. Accordingly, insurance rates were adjusted higher for this port during 1971. Some importers apparently diverted cargoes to other eastern ports where inspection was more lenient. The MPIP had responded to several complaints and Congressional inquiries regarding this situation. The Norfok Port and Industrial Authority intended to continue to appeal for relief.

We believe this type of controversy is damaging to the program. It could surface at other ports. To secure uniformity, the MPIP should offset the pressure on import inspectors by applying equal pressure to the foreign plants of product origin. For example, the MPIP data indicated that about 54 percent of the total product rejection from Australia came from 20 of the 156 plants authorized export to the United States. Likewise, about 75 percent of the total product rejection from New Zealand came from 10 of the 45 approved plants.

Stronger efforts to secure a consistently higher quality of product exported to the United States would not only ease the difficulties associated with rejection rates, but would also increase the probability of the consumer receiving more wholesome meat.

b. A system for certifying import inspectors qualifications and competence to enforce regulations and procedures would strengthen the program. The missing element for such a system was a means of check inspection to evaluate each inspectors performance and provide an appraisal of formal and OJT training programs.

Import inspectors were vested with substantial authority which, for the most part, was final. Such responsibility should not be assigned casually. The MPIP wants inspection neither overly strict nor overly lenient, but rather proper and correct in application of standards. This could be verified frequently by observation of work habits, review of paper work, and physical rechecking of product samples to confirm the inspectors conclusions.

The Director, Field Operations Division, agreed that there was a need to confirm the accuracy of individual inspectors, but that the concept of certification would require further study since many additional food inspectors will be assigned import inspection duties as consignments to inland destination points increase. The workload to accomplish the certification would increase substantially.

We believe that there is a need to improve the credibility of import inspection. A system of certification to include check inspection, would resolve many problems and should be implemented.

5. Cooperation with U.S. Customs

Some U.S. Customs procedures and practices did not assure that: (1) All meat and poultry products entering the United States were authorized for entry and if legal, presented for inspection; (2) MPIP was notified disposal actions affecting rejected product; (3) Imported inedible horsemeat was properly inspected. Various laws and regulations protect consumers from unwholesome or contaminated foreign meat and poultry products. Separate jurisdiction and responsibility is vested in both USDA agencies and U.S. Customs; however, each compliments the other and mutual coordination is needed for the import system to function. We believe some problems in this area could be resolved if MPIP were to make a stronger effort to provide assistance and secure cooperation with Customs.

a. Imported meat and poultry products were illegally entering United States consumer channels. These products included those which were unauthorized imports and those which, although authorized for import, had not been presented to MPIP inspectors for inspection. Customs officials at the ports were apparently not identifying all imported meat and poultry products requiring Federal inspection by MPIP inspectors before release in commerce. Some imported products were erroneously referred by Customs to Food and Drug Administration representatives who released them without MPIP inspection.

Our review of files and records at MPIP Circuit offices and Program Review and Compliance offices in New York and San Francisco disclosed the following examples of recent improper imports entering the United States:

(1) Uninspected meat and poultry products from the Peoples Republic of China were found in New York, Philadelphia, Chicago, San Francisco, and Boston. Since meat and poultry products from this country are ineligible for importation the products should not have been allowed off the ship.

(2) Canned meat products from the Republic of Korea were cleared by Customs, even though the importer's invoice showed items which contain, or could contain, meat. Canned meat products from Korea are not eligible for import into the U.S.

(3) Canned meat products, imported from Switzerland, were cleared for entry into the U.S. by the Food and Drug Administration and Customs. They were not made available to MPIP inspectors. These products included Ravioli (beef and pork), Canneloni (beef), Tortellino (pork and beef fat), and Le Favori Pete (pork).

(4) Canned meat ravioli from Italy was cleared by Customs without being presented to MPIP inspectors. Canned meat products from Italy have not been allowed in the United States since April 1967. At the time of disclosure only 619 of the 1,248 cans imported were detained and subsequently destroyed. The remainder were apparently already sold.

(5) Canned pork products from the Philippines were cleared by Customs for entry into U.S. without being subjected to inspection by MPIP inspectors. The importer's invoice clearly identified the items as "meat" and "pigs legs." When disclosed, the items remaining on hand were detained and subsequently destroyed under the supervision of an MPIP inspector.

(6) Canadian frozen chicken livers were cleared by Customs and by the Food and Drug Administration. All documents clearly identified the fact that chicken livers were in the shipment; however, the shipment was not offered to MPIP inspectors.

In our opinion, the MPIP should contact Customs officials at major ports of entry and offer assistance in identifying meat and poultry products required to be made available for inspection before being cleared for entry. This would help prevent illegal products from entering consumer channels and also assure that the wholesomeness of all legal products be determined.

b. Circuit officials at the New York City Port of Entry were not always advised of U.S. Customs actions to deport or destruct products rejected by MPIP. Although this situation was not found elsewhere to this extent, we believe it warrants reporting because of the volume of imports at New York.

Part 327.13 of the Federal Meat Inspection Regulations require MPIP inspectors to report inspection findings to the Director of Customs and to request the Director to refuse admission to any product which is designated as "U.S. Refused Enrty." The notification to Customs must request that they

direct that the product be exported by the consignee within 30 days after such notice is issued unless the consignee, within the 30 days, causes the destruction thereof for human food purposes under the supervision of a Program inspector.

The New York Import Inspection Circuit Office used a preprinted letter to advise Customs of rejected shipments. The letter contained all the prescribed information and requested Customs to advise them when the product had been exported. Our review of the files disclosed rejected notices in a pending file issued to Customs as far back as 1967, for which there was no evidence of a reply from Customs on product disposition. There were 19 such notices issued in 1967; 15 issued in 1968; about 40 issued in 1969; and about 100 issued in 1970 for which a reply had not been received from Customs as of March 1972. We were told that once the notices were sent to Customs, no further action was taken by the Circuit office to determine what action Customs had taken, if any, on the rejected shipment. Without timely followup by the Circuit office, there were no assurances that the reject notices were not lost in the processing cycle or inadvertently not acted upon by Customs. The New York Circuit should establish a coordinated procedure with Customs officials to assure that rejected imports are disposed of within the prescribed time limits.

c. A need existed for USDA inspectors, either MPIP or Animal Health, to provide technical assistance to U.S. Customs inspectors in assuring that inedible horsemeat was properly decharacterized with dye and charcoal prior to release in commerce. Inedible horesmeat imports were not adequately inspected for decharacterization by the Customs inspectors assigned inspection responsibilities at the El Paso, Texas, Port of Entry. The Customs inspectors were not sufficiently trained in sampling procedures and in identifying proper decharacterization of the product. As a result, the probability of unwholesome horsemeat being directed into consumer channels were increased. Horsemeat and horesmeat products, whether decharacterized (inedible) or nondecharacterized (edible), may be imported when accompanied by a USDA approved official horse meat inspection certificate from the country of origin. Mexico and Canada are the principal suppliers. Both types of product are used in animal pet foods. However, edible horsemeat, if wholesome and properly labeled, can be sold for human consumption, thus it is subject to USDA inspection. Inedible product, on the other hand, is examined only by U.S. Customs. The majority of both types of product enter the United States at various points in Texas and Minnesota.

In 1970, over 167,000 pounds of inedible horsemeat was imported through the port of El Paso, Texas. U.S. Customs officials there informed us that this amount was greatly increased in 1971 but did not have figures to substantiate the increase. Discussion with the Assistant Director of U.S. Customs at El Pao revealed that Customs does not have the facilities to off-load an entire shipment of horsemeat at the Customs dock. In lieu thereof, his Customs inspectors look into about five boxes to determine that they contain meat and not other high duty or unauthorized items. We were told that although Customs inspectors knew that inedible horsemeat was supposed to be decharacterized, they did not have a complete understanding of what complete decharacterization is. There are no defrost facilities at the dock, therefore, none of the product is ever defrosted or chopped in its frozen condition to insure complete decharacterization. Another factor contributing to superficial inspection was that inedibles have duty-free entry.

We were further advised that Customs had not requested official guidelines or instructions from USDA on sampling procedures, how to determine if decharacterization is proper and complete, and what to do when decharacterization is incomplete. The Assistant Director of Customs stated that he was not adequately staffed to inspect 100% of the imports. He stated that U.S. Customs was willing to cooperate with USDA in any way within the confines of their time and manpower to assure proper inspection of inedible horsemeat imports.

There appeared to be an unwillingness on the part of USDA officials to get involved. An official of the Animal Health Division stated that they had turned over inspection of inedible horsemeat to the Plant Quarantine Division and didn't have anything more to do with it. The Plant Quarantine Division official told us that they only see the paperwork on inedible horsemeat and do not make any of the actual inspection of the product. MPIP inspectors had consistently refused to respond to Customs requests to confirm the degree of decharacterization.

This audit did not disclose any instance of either edible or inedible horsemeat being diverted improperly into channels for human consumption. However, the PRC Branch in Dallas, Texas, had discovered one instance of inedible, not properly decharacterized, mixed with edible product in a warehouse near the border. Although this product was ordered by ARS for use in the screwworm eradication program there was no control to prevent its improper use. Also, the MPIP does not have the resources to verify that all horsemeat reaches the consignee intact and is used for the purpose intended. Since the Animal Health Division has different consumer protection responsibilities, we believe MPIP should make an effort to cooperate with U.S. Customs in assuring that consumers are properly protected from unwholesome products.

6. Coordination of laboratory services

Better coordination of the analytical workload was needed between the Field Operations Division, Standards and Services Division, and the Laboratory Services Division which includes the field chemical laboratories. Special analysis programs were developed at the Washington Headquarters level without prior assurance that the laboratories had the capabilities to perform the work without overburdening the routine workload. In turn, the laboratories had not kept higher level fully informed of workload problems on a timely basis. As a result, several thousand samples received from program inspectors were discarded without analysis. Overtime costs were incurred in an unsuccessful attempt to analyze all samples. The overall efficiency of the laboratories was impaired.

The major functions of the chemical laboratory in the food control program were determining product composition, controlling use of chemical additives and checking for residues. Most of the analytical work of the filed laboratories was generated by the analyses program for fat, water, protein, and other additives in products to determine compliance with prescribed Federal levels of acceptance. The other major portion of the workload concerns residue control analyses for heavy metals, pesticides, and hormones which may be harmful to consumers. In addition to these routine sampling programs, field laboratories were involved in special programs such as those for detecting diethylstilbestrol (DES) and polychlorinated biphenyl (PCB). DES is a growth promoting hormone added to cattle feed and PCB is a chemical contaminant occasionally found in poultry feeds.

Chemists in charge of the field laboratories stated that they were not consulted when a new sampling program was developed and little consideration, if any, was given as to their capabilities to process samples generated by the new programs. Instructions were usually received from the Laboratory Services Division, sometimes verbally, and sometimes in writing, when a new sampling program was initiated. Some examples of programs initiated without proper planning and coordination by the Laboratory Services (LS), Field Operations (FOD), and Standards and Services Division (SSD) were as follows:

a. On March 29, 1971, the Chemistry Group, issued instructions to the laboratories stating that the Field Operations Division had requested them to "gear up" for a high priority program. The program was for 6,000 diethylstilbestrol (DES) samples to be analyzed during the remainder of calendar year 1971, and sampling would begin April 5, 1971. These instructions voiced the realization by the Chemistry Group that the workload would be heavy since there was a manpower shortage and the analysis methodology had not been fully evaluated. The labs were told to freeze the samples if they couldn't get the method to work. They were also told to backlog indefinitely the chlorinated hydrocarbon (CHC) samples so that work could be carried out on the DES samples. No actions were taken to suspend CHC sampling or to adjust the rate of incoming samples from other programs to compensate for this added workload. Labs were told to do the best they could and backlog the rest of the samples. In November 1971, the Chemistry Group advised the labs to discard all diethylstilbestrol samples for which analysis could not be started within 10 days of the collection date and backlog all other routine residue samples in the same category. Again, no action was taken to reduce the input of samples to the labs to more nearly equal the quantity the labs could process.

b. In July 1971, the FOD sent instructions to Regional Directors explaining a "Hamburger Study" that was to begin. These instructions were not received by the concerned laboratories. The laboratories began receiving numerous samples for the study without any notice of what to do with them. The Chemistry Group, LS, told the labs that they were also unaware of the study. Instructions were eventually received by the laboratories from circuit offices of the FOD. The FOD originated this study but did not coordinate it with the LS or any of the laboratories prior to dissemination.

c. The Chicago laboratory was assigned a program for identifying animal and vegetable oils in animal tissues during 1971. As of March 1972, approximately 120 samples had been received and backlogged. No analysis was made because of an excess of higher priority work and an absence of methodology to perform analysis. Inspectors were still submitting samples at the time of our audit. It appeared that the program should have been suspended.

d. A February 22, 1972, letter was issued by the FOD to the Regional Directors advising them that during the months March through May 1972, their Foreign Program Branch would conduct a survey for organo-phosphorus compounds in meat from certain Australian establishments. The letter prescribed the sending of samples to the laboratories for analysis. The laboratories, however, had not received any instructions on this program. The New York lab stated that samples were received and they did not know what to do with them until after they consulted with the LS. As of April 5, 1972, the San Francisco lab had not received any official instructions on the testing to be conducted and told us that they did not have established capabilitiy for isolation to determine the existence or organo-phosphorus compounds.

Our audit disclosed that most of the labs had not maintained accurate and complete control records over the samples to include dates received, backlogged, or analyzed, condition, results of analysis and final disposi-

tion. Consequently, we could not verify the accuracy of statistical reports forwarded to the Chemistry Group. However, summary data prepared by the Chemistry Group for all seven labs in the period January–May 1972 indicated that 5,672 samples were discarded of which 3,156 were residue samples. The labs incurred over 6,000 hours of overtime in this period. Some examples of the workload conditions were as follows:

(1) The St. Louis laboratory had difficulty in managing the workload. The analysis of routine samples was halted and a program for arsenic residues was abandoned due to special work generated by the PCB crisis. About 425 samples were discarded in the first quarter of 1972.

(2) The San Francisco laboratory experienced difficulty with the workload because of a shortage of capable personnel experienced in residue testing and an absence of priorities. Backlog of samples had been eliminated largely by use of about 4,300 overtime hours in the period July 1971 to March 1972. However, about 650 residue samples were discarded in the same period.

(3) The workload at the New York laboratory had increased substantially since July 1971. Resources and capabilities were not adequate to prevent backlogs. About 1,200 overtime hours were expended in the period July 1971 to March 1972. To alleviate the huge backlog of samples at the N.Y. laboratory, inspectors at establishments in the Northeastern region were advised to suspend routine sampling of products for 30 days beginning February 4, 1972. The lab also obtained permission to discard about 300 fat, moisture, and additive samples in February 1972. In addition, about 500 samples for residue analysis were discarded during the period August 1971–February 1972. Even with these actions, the backlog at the N.Y. laboratory increased from 569 samples on March 7, 1972, to 971 on April 17, 1972. Without a control over inputs, it appeared evident that more samples will have to be discarded without analysis.

The Laboratory Services Division should establish and implement workload planning and control procedures to assure that laboratories have the capability to analyze samples generated from routine and special programs. Coordination between LS, SSD, and FOD, and with the concerned laboratories, is essential towards an effective workload control system, particularly when special programs are contemplated. An effective control system would considerably reduce the unnecessary costs and wasted efforts incurred by program inspectors and laboratory personnel in processing samples which ultimately must be discarded. Available man-hours at the laboratories could be better managed and overtime could be considerably reduced.

7. Analysis program for fat, moisture, and additives

Workload priorities had not been adjusted at the field chemical laboratories to place primary emphasis on the more important programs for detecting residues harmful to consumers. A disproportionate share of the resources at these laboratories were applied to analyses designed to detect excesses of fat, moisture and additives in products. The need to adjust priorities was included in the MPIP Plan of Work for 1971. We found that the desired changes had not been fully implemented. Further, that a considerable number of residue samples were backlogged at the laboratories and subsequently discarded. Some of the overtime used by the laboratories to reduce backlogs was directed to these analyses for fat, moisture, and additives rather than to residue analyses.

The analysis of product for fat, moisture, and additives is part of the overall regulatory control program. Approximately 4,000 federally inspected processing establishments are monitored for compliance with standards set by regulations. About 91,600 such samples were submitted to the seven chemical labs in 1971. These were analyzed without cost to the industry. In addition, either plant laboratories or commercial laboratories can be certified by the Laboratory Services Division to conduct these analyses. In Washington, D.C., the MPIP monitors the technical competency of the certified labs by comparing 25% of the results with a matching sample analyzed by one of the MPIP labs. At the time of our audit, there were about 160 certified labs, the majority owned and operated within the individual processing establishment. However, the desire to prevent disclosure of "special formulas" and obtain free Federal quality control analysis had resulted in only nominal use of certified labs by the industry.

Our review disclosed little justification for continuing these analyses for fat, moisture, and additives at present levels. In reaching this conclusion, major consideration was given to the following factors:

(1) Less than 3% of the total samples analyzed for fat, moisture, and additive content by the MPIP laboratories in 1971 were out of compliance with standards. The noncompliance rarely, if ever, constituted a direct threat to human health. Generally, sampled lots were retained by MPIP inspectors only when a series of previous samples indicated continuous noncompliance.

(2) The MPIP Plan of Work for 1971 had acknowledged the lower priority required for this program as follows:

Objective: Increase the capacity to analyze for antibiotics and chemical residues, food additives, chemical compounds and packaging materials."

"Execution: We expect to increase staffing to take care of these increasingly important problems. However, as noted earlier, we may also need to make a reduction in certain sampling programs of a less critical nature. For example, it may be necessary to reduce the number of analyses of products with respect to purely economic factors, such as fat, moisture, and extenders. So that this reduction not be excessive, we contemplate an increased utilization of private "certified" laboratories to run many samples for the industry and at industry expense. Sufficient determinations will be made to assure that approved levels for these substances are not abused."

(3) About 500 processing establishments have adopted a Statistical Quality Control program approved by MPIP. In essence, the plants have accepted the responsibility to manufacture a higher quality product and MPIP in turn reduced the workload by sampling only a portion of the product. The program includes such controls as fat and moisture content analysis by a certified or commercial laboratory.

Generally, these establishments without a laboratory, but participating in the program, had not incurred excessive costs through the subsquent use of commercial services. Therefore, we believe this practice could be extended on a much broader basis to include the many plants not having an approved Quality Control Program.

In our opinion, the MPIP could fulfill its regulatory responsibilities and adequately protect consumers by performing analyses for excess fat moisture, and additives only as a means of monitoring the technical competence of certified labs. Further, this workload could be lessened by reducing the sampling requirements for establishments where products are consistently in compliance with Federal standards.

Consideration should be given to revising the Regulations to require processing establishments to use the commercial laboratories certified by the MPIP in obtaining quality analyses for fat, moisture, and additives.

8. Laboratory equipment management

A program for replacing obsolete, unserviceable, and uneconomically repairable equipment was lacking. This significantly added to the reduced capabilities of the field laboratories to effectively provide laboratory services for the meat and poultry inspection program. Although annual inventories of equipment were made, the results were not used to identify and report those equipment items that should be planned for replacement. We also noted that some newly acquired equipment items were not effectively utilized due to improper planning as to site location and adequacy of installation.

The Laboratory Services Division needed to establish an equipment management program for the equipment items peculiar to laboratory operations. The program should identify current and future equipment requirements for each of its laboratories. Provisions should be made for identifying and phasing out obsolete and uneconomically repairable equipment sufficiently in advance to assure timely budgeting for replacements.

The following are examples of the type of equipment conditions noted in our review:

a. At the Chicago laboratory, the two Gas Chromatographs (GC) in use were old and reaching obsolescence. Due to their age and stage of obsolescence, needed repairs were frequent, costly, and caused excessive downtime. One of the GC's had to be altered each time in order to run specific types of analyses. This caused use of overtime on weekends as this was the only time available to alter the GC and run certain analyses. Also, a need for an Atomic Absorption unit was expressed by the Chemist-in-Charge. He stated that this unit would have resulted in substantial time saved in analyzing samples for arsenic content and would have given the laboratory the capability to make analyses for heavy metals instead of remailing the samples to the Beltsville laboratory for analyses.

b. In the St. Louis laboratory, an $18,700 Kjeldahl unit designed to determine protein content in meat samples had not been used since November 1970 due to faulty installation. The unit was installed in September 1970 and in November 1970 it was found to be improperly installed. Evidence on file indicated that the faulty installation was not reported until November 1971, a year later. We noted that the contractor's warranty had expired on or about September 23, 1971. We also noted that the laboratory used overtime to reduce a backlog of needed analyses. The overtime could have been reduced had this equipment item been operative. The General Services Administration office advised the laboratory on February 24, 1972, that the necessary repairs could not be made until a pending laboratory decision had been made on whether to relocate the unit. This incident indicated a weakness in planning for new equipment acquisition to assure that the items were properly located, adequately installed, and sufficiently tested within the warranty period to determine acceptability.

c. At the New York laboratory, capitalized equipment items in serviceable and unserviceable condition were kept in storage rooms. These appeared to be excess to the labs needs, but were not reported as such. We were told that they were being held for possible future use. A Monroe Calculator valued at $917 and in need of repairs was excess to the labs needs but not reported as such. There were also serviceable items including a vacuum oven and a vacuum pump which were kept in storage rooms. We believe that more effective equipment utilization could be achieved by having all laboratories report monthly to the Laboratory Services Division on equipment on hand and not in use. If the labs cannot justify retention of the items, the LSD should determine whether the items were needed at its other labs and take redistribution or disposition action as necessary.

d. Some of the laboratories experienced delays in getting inoperable equipment repaired in a timely manner. Not all equipment items were covered by a Blanket Purchase Agreement which would authorize field laboratories to place orders for repairs. When equipment breakdown occurred, Chemists-in-Charge had to obtain a repair authorization from both the Chemistry Group in Washington, D.C., and the Procurement Office in Chicago, Illinois. This procedure caused unnecessary equipment down-time and most likely contributed to the excessive overtime used at the field laboratories. Field laboratories should be provided with appropriate procurement authority for obtaining repair services on a timely basis.

9. Identifying training needs

A better coordinated and more systematic approach to planning, directing, and evaluating the training function was needed. In general, much basic information necessary to operate a training program was not adequately maintained, exchanged, and evaluated by the Regional Offices and the Training Branch. There was a lack of communication between these groups which prevented full understanding of mutual problems. As a result, training needs and requirements were not identified and accomplished on a timely basis; the adequacy and effectiveness of the training performed was not determined; some marginal employees of limited capability were retained in the inspection program.

The MPIP Training Program is administered by the Training Branch located in Denton, Texas. Organizationally, it is under the direction of the Field Operations Division. Responsibilities of the Training Branch include developing and implementing a program for the training of Federal, State, and other personnel engaged in meat and poultry inspection programs. To this end, it supervises and directs the activities of the field training centers. Training centers are located in Ft. Worth, Texas; Omaha, Nebraska; St. Paul, Minnesota; Sioux City, Iowa; Gainesville, Georgia; and Springdale, Arkansas.

There were no full-time positions for Training at the Regional Offices of the Field Operations Division. This was an additional duty assigned to a Deputy or Assistant Deputy Director. These offices did not maintain the official personnel file for each employee. Consequently, records of employee experience, performance appraisals, and formal training were kept informally.

The MPIP cannot perform its mission without a cadre of experienced, well-trained personnel. Every employee-supervisor, inspector, and clerk needs to gain and maintain proficiency. Formal, on-the-job (OJT) and self-study methods are commonly used by the MPIP. Because of the number of employees needing training the scope of technical matter to be covered, and the need for consistency, a Training Branch exists to assist the line organization in this effort.

Our audit disclosed that neither the Regional Offices nor the Training Headquarters had developed a system of priorities and criteria for identifying training needs. The training headquarters prepared and sent the Regional Offices schedules of the courses to be offered during the year and the dates the courses were to be held. Thus, training was of necessity, fitted into the training headquarters schedule rather than preparing a schedule of courses based on current identified needs. Then throughout the year, Regional Offices submitted the names of individuals that would attend the various courses. The Regional Offices usually contacted the circuit supervisors to determine who should attend the courses offered. This system did not assure that those most in need of training were identified and sent to training since an inventory of training needs had not been established and since Regional Offices, circuit supervisors, and plant inspectors in charge did not maintain adequate records on training given or needed for individual inspectors. Under this system, each time a course was changed or a new course offered, regional personnel had to recontact circuit supervisors to have nominations submitted.

Consequently, numerous adverse situations had existed. For example:

a. Our interviews with inspection personnel and related record reviews, disclosed many cases where inspectors had either never received formal training or had not been timely trained. In the North and North Central Regions, 9 of the 25 persons sampled had not received any formal training. Eight of the nine had joined the MPIP since 1966. In addition, 12 had waited anywhere from 2 to 23 years to receive training.

b. Very few intermittent employees had received formal training. A survey performed by the training headquarters in 1971 indicated that about 750 intermittent poultry inspectors were employed of which 156 performed all the duties required of a comparable grade full time inspector. Of the remainder, 350 performed post-mortem line work only and 242 performed post-morten and other duties. The survey further disclosed that 459 employees worked on a recurring basis throughout the year within extended idle periods and 291 worked fulltime during seasonal operations. We were informed that many intermittent employees where housewives who for various reasons were reluctant to go to training schools. However, this did not obviate their need for training and their needs should be identified and met, to the extent practical, the same as fulltime personnel.

c. Little emphasis was placed on maintenance or refresher-type courses. During the audit we noted that many MPIP personnel had received little or no formalized training even though they have been employed for many years. However, training headquarters records for 1971 showed that of 2,154 employees attending formal training only 77 employees had attended refresher-type courses. Consequently, many MPIP personnel may not be up-to-date on the newest and best inspection techniques, methods, etc. Such training, and a change in environment, could provide encouragement to employees who may believe they have been forgotten.

d. The special needs of import inspectors were not identified and met until October 1971 when a crash program was implemented. About 180 personnel had received formal training in import inspection as of March 1972. However, at least 40 more inspectors with primary responsibility for imports had not attended the course. Yet to be identified was the number of personnel inspecting imported products at inland destination points who also needed specialized training.

We believe a system for identifying training needs should be established at Regional Offices. The Training Branch should develop a system for retrieving and inventorying this information on a continuous basis. Further, training officials could secure greater cooperation and commitment from the Regions by direct consultation as to the adequacy and timeliness of the courses to be offered.

10. Action on prior OIG addit recommendations

Adequate corrective action had not been taken on some recommendations presented in the previous audit, 161-4-S, dated December 18, 1969.

Recommendations 23 and 24 in that report disclosed the need for expanded programs of both supervisory and on-the-job training respectively. In the past two years, the MPIP had made considerable progress in developing a program. However, we found during this audit that the plans had not been implemented on a meaningful and timely basis.

a. We could not verify that an expanded program of supervisory training had been implemented. In general, training needs had not been determined adequately. (See Detail-9). The Southwestern and Northern Regions had made the most progress in accomplishing both the Civil Service requirement for new supervisory and updating older personnel. The record of the other Regions was less satisfactory. For example, 13 Circuit Supervisory in the old North Central Region were required to have 80 hours of training. Only one had completed it.

Our review disclosed many instances in which better supervision was needed among not only Circuit Supervisors, but also subcircuit supervisors and plant Inspectors-in-Charge. This condition had contributed adversely to plant sanitation, inspection procedures, and employee conduct, development, and morale. We realize that training, by and of itself, does not necessarily make a good supervisor, but it is the most widely recognized vehicle for assuring improvement. In our opinion, the MPIP needed to place additional emphasis on this activity.

b. Recommendation 24 called for a standardized program of on-the-job training. With the exception of two self-learning guides developed by the Denton staff, little progress had been made in this area. We noted that one of the above guides for processing had been distributed to very few plants. A poultry inspection guide was still being tested in several Regions.

We believe it is essential that the capabilities and suitability for employment of newly-hired inspectors be thoroughly evaluated and documented during their probationary period. Since all cannot receive formal training oi a timely basis, a systematic program of OJT is needed to adequately make the above determinations. Unsatisfactory and marginal employees must be identified promptly and either removed from the rolls or have improved their performance to the extent that there is a reasonable assuance they will perform satisfactorily.

GENERAL COMMENTS

a. Our interviews with food inspectors throughout the country revealed a general distrust of the Food Inspector Career Appraisal Program (FICAP). This situation was brought about by review board action taken to lower ratings when a circuit average is consistently above the other circuits. We were told by the inspectors that the ratings were lowered by regional officials who had no knowledge of the individual's job performance. This situation resulted in lowered employee morale since the concerned individuals believed that this was done to insure the promotion of other inspectors. We believe that the cause of this situation was inadequate communications and explanation of the workings of the FICAP system.

b. Results of interviews with 95 statistically selected inspectors indicated that possibly as many as 42% of the inspection force had not had a physical examination within the past three years. Present requirements do not specify any check-ups or physical examinations subsequent to the preemployment physicals. We noted that some States, such as Arkansas, require plant personnel to obtain yearly health certificates. It seems reasonable to us for MPIP to provide, at a minimum, blood tests and chest X-rays on a periodic basis to help insure that inspection personnel are free from communicable diseases.

c. We noted that printing requirements and distribution of certain publications could be greatly reduced. We were informed that the Directory of Meat and Poultry Inspection Program Establishments, Circuits and Officials was distributed to inspection offices in sufficient quantity that each inspector could have his own copy. This publication is

reprinted in its entirety every two months. We were told in several instances that one copy was retained for office use and as many as 25 others were thrown away. In addition, since the Directory is printed in a form suitable for use in a loose-leaf binder, it would appear reasonable to reprint only those pages requiring change. Several poultry inspectors questioned the need for them to maintain an up-to-date Manual of Meat Inspection Procedures. These inspectors had no training or experience in red meat, were in areas which were predominantly poultry raising areas, and had no expectation of transferring into red meat. We also noted that inspectors were receiving individual copies of a publication entitled "Dairy Plants Surveyed and Approved for USDA Grading Service." Inspectors told us they had no possible use for this publication. We were unable to assess the cost impact of this overdistribution of publications, but believe that a more limited distribution would result in considerable savings.

d. The chemistry laboratories were located in buildings not designed as laboratories and safety hazards, both potential and actual, were present. Some safety surveys have been performed and safety hazards identified, but corrective action was not always taken on a timely basis. Of particular concern was the delay of GSA building managers in acknowledging and providing needed equipment and improvements at the Chicago, Kansas City, and San Francisco laboratories. Because of the inherent danger in working with chemicals, volatile gases, etc., laboratories should be constantly checked for potential safety hazards and timely actions taken to have these hazards eliminated.

NATHANIEL E. KOSSACK,
Inspector General.

OCTOBER 18, 1972.

EXHIBIT A

SAMPLE SELECTION

The Administrative Services Staff, MPIP, maintains a record of personnel assignments in the Field Operations Division. Assignment information is prepared by the Regional Offices on the Form CP-490, Assignment Record, At intervals of approximately two months, a cumulative listing of active and in active assignments, by occupation, by Region, is issued. For the purposes of this audit, it was necessary to prepare a machine listing of each assignment. The C&MS Automated Data Systems Staff performed this task. The resultant inventory was edited to remove Regional Office, Circuit Supervisory, and clerical personnel. The net in-plant inspection force as of November 1, 1971, was 7,685 personnel.

The sample was designed to produce estimates that would be accurate within a range of plus or minus 10 percent with a confidence level of 95 percent. This required that 95 personnel be selected for interview. Greater accuracy, within a range of 15 percent, would have required 367 interviews. Since an estimation of conditions indicating trends, rather than precision, was desired, an increased allocation of audit time and manpower was not justified.

A sample of 95 inspection personnel was selected by random numbers. These were later verified at the Regional Offices. These persons were interviewed and asked to respond to 20 sample questions. In no instance, did any person refuse to answer the questions because of fear of self-incrimination.

The responses to intervew questions are shown in Exhibit A. This also shows the computed sample error rate and the results projected to the universe of 7685 personnel.

STATISTICAL PROTECTION OF MPIP INSPECTION PERSONNEL [1]

Interview checklist	Responses		Sample error rate (percent)	At 95 percent confidence level projected number of inspection personnel in universe	
	Yes	No		Lower limit	Upper limit
1. To your knowledge, has the circuit supervisor inspected your work in the past 6 months?	89	6	6.3	161	1,030
2. Has a supervisor discussed your work performance with you in the past year?	91	4	4.2	61	822
3. Are you required by your supervisor to receive his advance approval before suspending inspection?	16	79	16.8	761	1,983
4. In your present assignment under your present supervisor, have you ever suspended inspection for sanitation deficiencies?	76	19	20.0	961	2,259
5. Has your present supervisor ever overruled your decision to suspend inspection?	2	93	2.1	15	599
6. Has your present supervisor discussed the USDA employee conduct regulations with you?	70	25	26.3	1,330	2,805
7. Do you receive the biweekly program issuance by mail?	94	1	1.0	[2] 0	415
8. Is the manual of inspection procedures readily available for your use?	93	2	2.1	15	599
9. Can official records and reports be stored securely in the Government office facility?	93	2	2.1	15	599
10. Have you been in your present assignment without rotation, more than three years?	32	63	33.6	1,821	3,389
11. Have you ever refused a promotion?	14	81	14.7	630	1,806
12. Do you receive overtime pay almost every pay period?	72	23	75.0	5,003	6,402
13. In the past year has any plant owner or manager ever threatened, intimidated or interfered with the performance of your official inspection duties?	14	81	14.7	630	1,806
14. Do you have any other employment?	9	86	9.5	330	1,337
15. In the past year have you worked for pay outside official duty hours for any segment of the meat and poultry industry?	1	94	1.0	[2]	415
16. Do you have any relatives employed at the plant(s) where you are assigned?	0	95	0	[3] 0	238
17. Do you purchase products from any establishment where you conduct official inspection?	16	79	25.8	761	1,983
18. Do you use your private vehicle in performing official duty?	58	37	61.0	3,889	5,418
19. Did you have a physical examination within the past 3 years?	65	30	31.5	1,691	3,220
20. Is your eyesight corrected by glasses or contact lenses?	57	38	60.0	3,804	5,372

[1] Universe of 7,685 inspection personnel as of Nov. 1, 1971.
[2] The value is less than 1.
[3] Although the sample disclosed no errors, it does not necessarily follow that there are no errors in the universe. It can be said that there is a 90-percent assurance that no more than 238 inspectors have relatives employed at plants where they are assigned.

Note: These results are an estimation of the extent of the conditions tested. Since the reliability of all the responses could not be verified no further claim to the accuracy of the projections is intended or implied.

EXHIBIT B

GENERAL SANITARY CONDITION OF PLANTS REVIEWED BY MPIP AND OIG PERSONNEL

Number	Name and location	Need		
		Acceptable	Improvements	Unacceptable
P356	Chestnut Ridge Farms, Salorsburg, Pa.		X	
706	Triolo Bros., Wrightstown, N.J.	X		
1435	Boulevard Beef Co., Hartford, Conn.	X		
7878	Thumann, Inc., Jersey City, N.J.	X		
1861	Schloesser & Weingarten, Inc., Roosevelt, N.Y.	X		
376	Cross Bros. Meat Packers, Inc., Philadelphia, Pa.	X		
7887	Peter D. Villari, Inc., Philadelphia, Pa.	X		
657	Baum's Bologna, Inc., Elizabethtown, Pa.		X	
544	Formost Kosher Sausage Co., Philadelphia, Pa.	X		
449/P12	R. J. Reynolds Foods, Inc., Lockport, N.Y.	X		
492	Fairbanks Farms, Inc., Asheville, N.Y.	X		
P87	Swift & Co., Georgetown, Del.	X		
P935	Paramount Poultry, Inc., Harbeson, Del.			X
914-I	The Kroger Co., Salem, Va.	X		
1451	Bay State Beef Co., Inc., Washington, D.C.		X	
P806	Holly Farms Poultry Industries, Inc., Temperanceville, Va.	X		
P413	Gold Kist Poultry, Boaz, Ala.	X		
P6666	Spring Valley Farms, Inc., East Gadsden, Ala.	X		
P419	Breeden Poultry & Egg, Inc., Morganton, N.C.			X
P843	Armour Creameries, Marshville, N.C.			X
P1284	Central Soya of Canton, Inc., Canton, Ga.		X	
P890	Canton Poultry, Inc., Canton, Miss.			X
P477	Dent Poultry Co., Buena Vista, Ga.			X
P910	Harrison Poultry, Inc., Bethlehem, Ga.	X		

Number	Name and location	Need: Acceptable	Need: Improvements	Need: Unacceptable
P687	Southeastern Poultry of South Carolina, Inc., West Columbia, S.C.			×
P868	Cagle's Inc., Atlanta, Ga	×		
P323	Ralston Purina Co., Trussville, Ala	×		
P519	Wayne Poultry Co., Laurel, Miss		×	
P6529	Poultry Products Co., Inc., Montgomery, Ala	×		
P192	Gold Kist, Inc., Guntersville, Ala	×		
A-24	The Quaker Oats Co., Marion, Ohio	×		
P473	Wayne Poultry Co. Div. of Allied Mills, Inc., Fort Recovery, Ohio.	×		
217	Lincoln Meat Co., Chicago, Ill	×		
17-S	John Morrell & Co., Chicago, Ill	×		
1227	Great Lakes Packing Co., Chicago, Ill		×	
89	The E. Kahn's Sons Co., Cincinnati, Ohio		×	
298	Gus Juengling & Son, Inc., Cincinnati, Ohio		×	
914G	The Kroger Co., Solon, Ohio		×	
P1019	Kralis Brothers Poultry, Inc., Warsaw, Ind		×	
6863	Marburger Pkg. Co., Peru, Ind	×		
3-H	Swift & Co., Rochele, Ill		×	
20-Y	Wilson-Sinclair Co., Albert Lea, Minn		×	
P529	A-G Cooperative Broiler Plant, Arcadia, Wis	×		
396	Dubuque Packing Co., Dubuque, Iowa			×
2-SD	Armour & Co., Huron, S. Dak		×	
17-U	John Morrell & Co., St. Paul, Minn	×		
P301	Dairyland Poultry, Inc., Endeavor, Wis	×		
8988	Joppru, Inc., Thief River Falls, Minn	×		
6786-A	Great Lakes Steak Co., Detroit, Mich			×
807	American Beef Packers, Inc., Oakland, Iowa	×		
244	Iowa Beef Processors, Inc., Mason City, Iowa		×	
245-A	Iowa Beef Processors, Inc., Fort Dodge, Iowa	×		
199-N	George A. Hormel & Co., Fremont, Nebr		×	
P286	Armour & Co., Washington, Ind		×	
205	Emge Packing Co., Inc., Ft. Branch, Ind			×
425	Kenosha Packing Co., Inc., Hebron, Ill		×	
110	Contris Packing Co., Inc., Findlay, Ohio			×
125	City Dressed Beef, Milwaukee, Wis		×	
7023	Sixty-Six Packing Co., Tucumcari, N. Mex	×		
P463	Texas Poultry & Egg Co., Dallas, Tex	×		
P632	O. K. Processors, Inc., Van Buren, Ark	×		
P846	Hanford Produce Co., Clarksville, Ark	×		
377	Beeville Packing Co., Beeville, Tex		×	
P898	Hanford Produce Co., Charleston, Ark	×		
401/P459	Oakridge Smokehouse, Schulenburg, Tex	×		
18/P212	C. Finkbeiner, Inc., Little Rock, Ark	×		
2277/P746	Prospect Farms, Inc., N. Little Rock, Ark	×		
P350	J-M Poultry Packing Co., Inc., El Dorado, Ark		×	
P138	Campbell Soup Co., Fayetteville, Ark	×		
P705	Montaire Corp., De Queen, Ark	×		
P7085	Holly Creek Fryers, Inc., Broken Bow, Okla	×		
P7156	Hope Foods, Inc., Hope, Ark	×		
P377	Swift & Co., Muskogee, Okla	×		
343	Puckett Packing Co., Sayre, Okla		×	
P172	Arkansas Poultry Co-op, Inc., Bentonville, Ark		×	
P481	Tyson's Poultry, Inc., Springdale, Ark	×		
P963	Ralston-Purina Co., Springdale, Ark	×		
2372	Clayton Packing Co., St. Louis, Mo		×	
P391	Kansas Food Products, Inc., Hill City, Kans	×		
P117	Poppy Food Co., Los Angeles, Calif	×		
224-8	Hygrade Food Products Corp., Spokane, Wash		×	
4-G/P133	Campbell Soup Co., Modesto, Calif		×	
537F	Oscar Mayer & Co. Inc., Vernon, Calif		×	
7056	Interstate Packing Co., Fort Collins, Colo	×		
7693	Terminal Food Center, Inc., Butte, Mont		×	
2800	Stoeven Bros., Dixon, Calif		×	
1616	Palace Meat Co., Yuba City, Calif	×		

EXHIBIT C

EXAMPLES OF ADVERSE CONDITIONS DISCLOSED BY ESTABLISHMENT REVIEWS

1. No. 396—Dubuque Packing Co.—Dubuque, Iowa

This is a very large slaughtering and processing establishment employing about 3,500 workers. The plant slaughters approximately 1,500 cattle, 11,000 hogs, and 2,300 sheep and calves per day.

Some of the most significant items noted were:

a. The links on the chains used for hanging cattle to the rail for processing were encrusted with manure and grease and presented a definite source of contamination when the cattle were dehided.

b. Large splashes of grease were falling from the cattle rail in the kill floor area.

c. The rear portions of the hog scalding vats were caked with old hair, grease, and scum. The metal support beams to the rear of the vats were rusted away to the point that they appeared to be in danger of falling under the heavy weight of water, thus presenting a potentially dangerous situation.

d. Each carcass cooler inspected had dirty and cracked floors, walls, and ceilings. Condensation on the ceilings was very heavy and fell directly on the carcasses. Also, unprotected carcasses were rubbing against the pillars in the cooler which were caked with old blood from previous contacts.

e. The dry storage warehouses were in extremely bad condition. Many bags of sugar, cereal mixes, and other conditioners for meat additives were broken open and their contents were exposed and spilling on the floor. The floors were encrusted with old dirt and spillage of meat conditioners. There was dirt, dust, and filth everywhere. Dried dog feces were in the floor in one area and birds were flying about freely.

f. In the processing departments there appeared to be direct contamination of processed meats by contacts with rust, grease, old and rotten meat and fat in cracks and crevasses of machinery, conveyors, knives, and saws. There were hundreds of meat carts filled with chunks of boned pork and beef, ground meats, and sausage mixes which were uncovered and exposed to heavy dripping of ceiling condensation throughout the plant.

These were just a few of the more significant deficiencies noted during our review. It is readily apparent that this plant is in great need of an improvement program involving the outlay of a considerable amount of money.

2. No. 6786-A—Great Lakes Steak Co.—Detroit, Michigan

This is a small processing establishment which was recently granted Federal inspection. The plant was formerly under State inspection. The circuit supervisor had only been in place for two weeks when our review was made. Sanitation was very bad. Of 30 items rated by the circuit supervisor on the CP-468, 10 were rated unacceptable and eight were considered minor variations. Some of the major items noted were:

a. There was a build-up of grease, dirt, and other substances on the floor of the freezer.

b. The pattie machines, cutting boards, boning tables, and grinder/chopper were not clean. Evidence from previous use was observed.

c. There were cracks in the freezer floor and the floor in the receiving area was badly pitted and not clean.

d. Product control was poor as various primal cuts of meat were pumped with a tenderizing solution and placed on racks in the freezer while similar primal cuts not pumped were frozen in the same manner. There was no evidence of either product being tagged or identified while in the freezer to prevent mislabeling.

3. P419—Breeder Poultry and Egg, Inc.—Morganton, N.C.

This is a poultry slaughter plant. On the day of our review the sanitary conditions were completely unacceptable and operations were held up for 2¾ hours on three of the four lines. The fourth line was down for the entire day due to a defective rubber drive belt. Rubber particles peeling from this belt would have fallen onto the product. Some of the major deficiencies noted were:

a. The blood tunnel did not appear to have received any cleaning effort. The dried blood build-up on the rails and shackles within the tunnel was about ¼ inch thick.

b. The gizzard peeling machines had a build-up of meat and gizzard scrappings of from ¼ to ½ inch beneath the rollers and we were unable to determine when the machines had last been disassembled for cleaning. The Inspector-in-Charge stated that to his knowledge this had never occurred.

c. The picking machines had to be recleaned three times and still there was a large handful of feathers packed into one corner of the machine.

d. Woden baffles were present in the ice house even though they had been scheduled for replacement prior to the review.

e. Shatterproof light fixtures had not been installed and the Inspector-in-Charge was not aware of the requirement.

4. 657—Baum's Bologna—Elizabethtown, Pa.

This is a slaughtering and processing plant. However, the slaughter operation is very small. Several items in the facilities and maintenance area were rated unacceptable by the circuit supervisor. They were as follows:

a. Rails—wooden scaffolding and wooden rails in the bologna holding cooler need replacement with ones of noncorrosive and cleanable material.

b. Operating areas—several items including supporting frame-work of boning tables need reconditioning to eliminate flaking paint and rusted metal; asbestos pipe covering fraying in several areas over the stuffer; and rusted product stand in the coarse grinding room.

c. Dry storage area in basement needs to be closed off from the furnace room and thoroughly cleaned.

5. 205—Emge Packing Co.—Fort Branch, Ind.

This is a slaughter (cattle, hogs) and a pork product processing establishment. This plant was rated as unacceptable by the reviewing team. There was some actual product contamination in the curing areas with considerable potential for additional contamination. Some deficient areas noted were:

a. Lighting was bad in general throughout the plant with one of the hog coolers having almost no light.

b. The floors in the kill area were extremely slick which could have been prevented by proper cleaning. Excessive amounts of rock salt were spread on the slick spots to prevent slipping.

c. In the processing area, some walls were crumbling and loose paint was evident as well as some rusty metal fixtures.

d. There was loose plaster in the chopping room and ceiling leaks in the basement pork holding cooler. In the pork packing and south pickle pumping rooms, ceilings were leaking so badly that the water was running down the walls with product contamination occurring in the pickle pumping room.

e. There were some foul odors in the corners of the kill area and one of the drains gave off the odor of urine.

6. No. 377—Beeville Packing Co., Inc.—Beeville, Texas

This is a relatively small red meat slaughtering plant handling about 75 head of cattle a day. Sanitation was barely adequate. Although there has been extensive work at this plant recently there are several additional areas requiring improvements.

a. The rails and rollers were not high enough to prevent large cattle from dragging on the floor. The plant was designed to handle calves.

b. The dry storage area was filthy and in unkempt condiiton with cobwebs and crickets in evidence.

c. The outside premises were not in conformance with the two-year old blueprints which indicated that certain areas were to be paved.

d. Lighting in the offal cooler was insufficient.

e. Meat being transported from the plant was not hung in the trucks but was being laid on the floor which had evidence of meat particles from previous shipments.

7. No. P–843—Armour Creameries—Marshville, N.C.

This is a turkey slaughtering and processing plant. Turkeys are prepared ready-to-cook with some being pumped with self-basting ingredients. A cut-up line was also operated on a limited basis. Poor sanitation and maintenance of equipment has been a chronic problem.

a. The plant was initially visited on a Friday, but the plant was not in operation and wasn't scheduled to resume until the following Wednesday. At this point, it was noted that the overhead areas were in poor condition with heavily encrusted rust and flaking paint. Some of the light fixtures were so badly rusted that they crumbled when touched. The circuit supervisor advised the plant to replace rusted through lights and to have the flaking overhead under control by Wednesday or they would not be allowed to operate.

b. On return Wednesday, operations were held up for four hours for additional scraping of rust in the packing area and at the inspection station.

8. P–286—Armour & Co.—Washington, Ind.

This is a turkey slaughter and turkey product processing plant averaging a daily kill of 8,000 birds. The plant is relatively new but conditions were not satisfactory.

a. The overhead ventilation blower was not filtered and was blowing dirt onto the iced product.

b. There was inadequate access to wall areas in the dry storage area for rodent control.

c. The ice making machine, when activated after a period of inoperation, spews out rusty ice. There is an enclosed line with an auger drive that delivers ice to the dropping point. The galvanized duct used as a drop guide was rusty and water was dripping from it into the ice in the tank below.

d. The area used as a loading dock also housed a compressor and a battery charging unit. The compressor was leaking oil and the charger was leaking battery acid on the floor. There was no retaining walls to restrict the flow of these items. The floor had a layer of oil that was not completely washed off and the leaking acid had corroded the floor.

9. No. 224–B—Hygrade Food Product Corp.—Spokane, Wash.

This is a medium-sized processing establishment. The plant is about 60 years old and has many areas not suitable for use requiring continual review for sanitary conditions. Some of the items rated unacceptable by the circuit supervisor follow:

a. There was evidence of a leaking ceiling in the inedible hallway. Floors were deteriorating in the inedible hallways, lower inedible area, and offal pack room, and there was a broken wall in the inedible pack area.

b. There was scaling paint over the door to the loading dock and areas of rust on the grinder and several scales.

10. No. 110—Contris Packing Co.—Findlay, Ohio

This slaughter establishment kills only boars (80–90 per day) and the meat is sold to other plants for processing. The facility is old and general appearance is poor. Although plant management had been informed of our visit and were instructed to do everything possible to make the plant appear sanitary, the entire plant was rejected for additional clean-up resulting in a thirty-minute delay in operations. Review of Forms CP–455 revealed that the plant is rejected on the average of twice a week for poor sanitation.

a. In the anti-mortem area, repairs were needed on the pens and roof.

b. There was evidence that improved maintenance was needed in the inedible area and that two doors needed replacing in the offal area.

11. P-890—Canton Poultry Co.—Canton, Mississippi

This poultry slaughter establishment is a medium-sized facility killing young chickens at the rate of 6,000 per hour. The sanitation of the equipment was rated unsatisfactory and operations were held up for almost three hours until all equipment was cleaned. In addition to the unclean equipment, the following items were noted:

a. Areas of scaling paint on the walls and some areas of rust on the overhead structures in eviscerating room.

b. In the carcass cooler there were some holes in the wall and some breaks around the door jamb.

c. Also some scaling paint and rusty shields in the picking room.

12. P-477—Dent Poultry Company—Buena Vista, Ga.

This is a medium-sized slaughtering establishment processing young chickens at the rate of 100 per minute. Operations were held up for two hours while improperly cleaned equipment was rewashed. In addition the following items were noted:

a. The floor of the shipping dock was not properly drained.

b. The lighting in the carcass coolers was inadequate.

c. There were cracks and holes in the wall of the offal house and water occasionally backed up on the floor.

d. Water pressure was insufficient to properly wash the sides of the eviscerating trough allowing blood and fecal matter to accumulate.

13. No. 425—Kenosha Packing Co.—Hebron, Illinois

This establishment is a cattle slaughter plant with an approved kill rate of 26 per hour. Slaughter of cattle under the Kosher kill method was taking place during our review. In general, sanitation was below average and product contamination was taking place as described below:

a. Carcass contamination was occurring from the point of initial hide split at the brisket to the point where the hide puller was applied. The skinner would scrape the area where the incision was to be made with his knife, wipe the blade on side of the front leg, and then begin the skinning operation without rinsing the knife.

After skinning back approximately six inches of hide on each side, the hide with the matter wiped on it would lap over and contact the already partially skinned carcass.

b. The doors around the kill floor exiting the building were of such poor condition that an excessive insect problem would occur with the arrival of warm weather.

c. The blood pit in the head skinning area wasn't draining properly and the skinner was standing in approximately eight inches of blood.

14. P–687—Southeastern Poultry of South Carolina, Inc.—W. Columbia, S.C.

This establishment is engaged in the slaughter and dressing of young chickens. At the time of our review the plant was operating two split lines at an average rate of 22 birds per minute per inspector. Generally, preoperative sanitation was adequate although several items of equipment had to be recleaned including fat buildup inside one of the chillers. However, other items of a more serious nature were noted.

a. The blood tunnel was not washed down during the noon break. This allowed congealed blood to block the drain resulting in a blood buildup of almost twelve inches.

b. The larger cooler was dirty with dirty water standing in the floor drain and there was a strong offensive odor. The cooler was ordered cleared and cleaned.

c. The overhead ice manufacturing room had water soaked plywood covers in two areas which allowed water and condensation to drip into the ice storage room below. The walls in the ice storage room were of cement blocks that had deteriorated to the point that by rubbing your hand on the wall you would gather large quantities of powdered cement plaster.

d. Once the plant had started their daily operations, the conditions of sanitation deteriorated without any apparent concern for continuous housekeeping by employees or management. DOA's were left lying on the floor during the noon break. Employees were allowing product to spill over on the floor. The circuit supervisor commented that there were times when concern for the wholesomeness of the product were seemingly jeopardized by employee indifference.

15. No. 2800—Stoeven Brothers Meat Co.—Dixon, Calif.

This is a slaughter establishment killing cattle and sheep. At the time of our review, sanitation was generally satisfactory. However, we noted that the circuit supervisor had made an extensive review just five days prior to our visit and a planned improvement program listing many facility deficiencies was established. These facility deficiencies still existed at the time of our review. Some of these items are:

a. Condensation on the upper drain from the overhead unit in the lamb cooler running down a beam onto the carcasses.

b. Cracks in the ceiling of the cow cooler.

c. Paint peeling on the overhead in one of the chill boxes.

d. Mold on the walls and ceilings in the lamb and beef coolers.

We further noted that morale among inspection personnel at this plant was extremely low due to supervisory problems mentioned elsewhere in this report.

16. P–935—Paramount Poultry—Harbeson, Del.

This is a large poultry slaughter and processing plant. The cleanup of this plant the night before our visit was inadequate even though the plant was aware of our visit. Inspection was withheld for approximately two hours for recleaning.

EXHIBIT D

SUMMARY OF IMPORT INSPECTION CONDITIONS AT SELECTED PORTS OF ENTRY AND INLAND DESTINATION POINTS

New York, N.Y.

We reviewed inspection at 2 facilities in the New York Port Authority, 2 facilities in Newark, N.J., and 2 facilities in Jersey City, N.J. Generally, we observed that inspection was being conducted in a proper manner. All inspectors assigned full-time import duty had received formal training. Circuit supervision and guidance appeared to be continuous.

Four of the 6 above facilities used for conducting inspection of imported product, although acceptable under current regulations, will not meet the criteria for designation as "official import inspection establishments" as proposed by MPIP.

The approved label file contained obsolete labels and did not make a distinction between those approved and those obsolete. There were about 422 labels from 69 non-approved establishments.

Importers or their agents were not given receipts for samples collected for laboratory analysis, contrary to Part 327.11 of the FMI.

U.S. Customs was properly notified when foreign products were rejected for entry into this country. However, Customs had not always notified MPIP of the final disposition action. The circuit did not follow up to secure a response, and thus did not have full assurance that the rejected shipments were, in fact, exported or destroyed.

Baltimore, Md.

There was one inspector assigned full-time import duties. He had received formal training and circuit supervision appeared adequate. We observed the inspection of canned product and the sealing of containers for destination shipment.

An inspection facility was not provided by Baltimore importers. Conditions of can inspection were performed at the docks or cold storage warehouses and sample cans were taken to the circuit office for product examination. This was not a desirable procedure for inspection.

We noted that the inspector was not following the proper procedure when laboratory results showed excess phosphate in canned hams. The next shipment should have been retained until laboratory results were obtained.

Other than these comments, inspection procedures appeared adequate and the assigned inspector was well versed in his duties.

Norfolk, Va.

We reviewed all areas and facilities where product is accepted for inspection. We observed the inspection of canned goods and frozen boneless beef. The inspectors were experienced, well trained, and enthusiastic concerning their work. Circuit supervision appeared to be excellent.

Records of the Foreign Programs Branch, MPIP, indicated that the Norfolk inspectors had rates of rejection higher than any other port in the United States for all types of products. This had resulted in an industry complaint and several Congressional inquiries. Based on interviews with MPIP and industry personnel, observation, and record examination, we determined that:

(1) The inspectors are strict enforcers of laws, regulations, and procedures governing import inspection. We observed inspection of a shipment of about 547,700 pounds of frozen beef from New Zealand. Twenty-three lots consisting of 411,240 pounds were accepted, but 4 lots of 93,480 pounds were rejected. The extent of hair, bone, and extraneous matter in the latter was obvious.

(2) Officials of the Norfolk Port and Industrial Authority advised substantially that neither they, the meat importers or insurance brokers, had any evidence which would tend to discredit the conduct of inspection by the USDA inspectors at Norfolk. In essence, their complaint was not that inspection there was too strict, but that, by comparison, it was too lenient at other ports.

(3) The crux of the controversy is higher meat rejection insurance rates for product consigned to Norfolk than for other eastern ports where USDA rejection rates are lower. In essence, the largest underwriter, Lloyds of London, bases insurance premiums not only upon the loss experience of individual brokers, but also upon the average rate of rejection by MPIP inspectors at the various ports. The Norfolk facility apparently lost some trade as meat importers utilized ports with lower rates. Reduced meat cargoes also appear to have an adverse economic impact on handlers, warehousemen, and truckers.

Wilson, N.C.

Designation inspection was conducted at Manufacturers Bonded Warehouse, Est. 3892. This facility has been receiving product from the Norfolk Port of Entry since March 1971. About 2.2 million pounds of frozen beef and lamb have been consigned. (107 lots). Only 6 lots of lamb had been rejected.

Neither the Inspector-in-Charge or the three inspectors assigned part-time import duty had any training in imports. The inspectors were scheduled to receive OJT Training from personnel in Charleston, S.C.

Inspection was conducted in a small room lacking screen doors. Flies were a problem. Paint was flaking from the walls near the examination table.

Random samples were selected and marked in the prescribed manner. However, the inspector then returned to regular duty at a nearby plant until notified that the samples were defrosted. There was no supervision or control over the actual cutting, weighing, and bagging of samples. We noted that the sample bags leaked water from the defrost tank.

Jacksonville, Fla.

Inspection was conducted at one of two approved facilities in cold storage warehouses. There was one inspector assigned import duty. He had received formal training. Circuit supervision appeared adequate.

Facilities and equipment were adequate. One facility was still in the construction stage. The only exception noted there was scaling paint on the ceiling.

We observed the inspection of canned product. Samples were selected and handled in accordance with prescribed procedure.

Tampa, Fla.

We determined that two full-time and two part-time inspectors were attempting to handle a heavy workload. There was a complete breakdown of supervision. The Circuit Supervisor had been on detail in Puerto Rico for over a year. The acting supervisor was in poor health and had not checked the import work in over six months.

The two full-time inspectors, both GS–9, shared responsibility for scheduling the work. Neither was designated as being in-charge. They expressed a need for guidance in many areas of import procedure. Both had received formal training.

The facilities approved for inspection were adequate, but records indicate that sanitation had been a chronic problem since 1970.

While observing the unloading of frozen boneless beef from Australia, we noted that one shipment of 1,120 cases was broken down into 8 lots of approximately 180 cases per lot.

This shipment was from the same establishment in Australia and had the same marking on each case. The inspectors were not aware that they could combine these lots. As a result, they had selected four times as many samples as were needed. Such practices could account for the extensive overtime hours charged at this port.

There had been four instances in the past 9 months where consignments from Tampa were found not stamped as "U.S. Inspected and Passed." The inspectors explained that this was an oversight on the part of warehousemen doing the stamping. They did not have time to check this procedure.

The Regional Office was aware of many deficiencies in import inspection at Tampa, including supervision, since a review in 1970 by a Deputy Director. There had been no effective follow-up action.

The Area Office in Tallahassee currently has responsibility for the Tampa circuit. We presented our findings to the Area Director and noted that corrective action was promptly initiated.

St. Paul, Minn.

This circuit is a destination inspection point. They receive frozen boneless and processed product. Both inspectors working full time on imports had received import training.

We reviewed the inspection of frozen boneless horsemeat from Canada at establishment #3991 Merchants Refrigeration. The product usually received here is fresh boneless horsemeat. However, the product received for inspection at the time of our review was frozen boneless horsemeat. The inspection room at this facility was new and very adequate for inspection of the usual product. There were no racks for defrosting of frozen product. The samples were defrosted by hot air on the floor of the inspection room while they were in the receiving containers. The drainage was not adequate enough to handle all the blood and the floor had to be washed before and during inspection causing a delay in time.

The samples were chosen by use of a random numbers table but all product was not subject to sampling. The product was received on a railroad car in a frozen state. It was not going to be unloaded until two days after it was received. Since it would take two days to defrost the samples by hot air, they were selected on the day of arrival. The product was in 100 lb. bags and stacked about 12 bags high in the car. Therefore, the samples had to be taken off the top layer of the shipment. Most of the shipment was not subject to the chance of being sampled.

Every sample was not weighed although there was a scale in the room. The inspector spot-checked a couple of the samples to find out if he was taking the required 12 lbs. He was usually inspecting more than a representative sample (Some samples weighed as much as 24 lbs.).

Detroit, Mich.

This circuit receives a large amount of both processed product and frozen boneless beef. We could not observe the inspection of boneless beef as none was being shipped during our review. We were able to inspect the facilities used for boneless beef inspection. This was a very good facility. The inspectors were approving their own overtime and forwarding the T/A's directly to the Regional Office. One inspector stated that the Circuit Supervisor had never observed him inspecting product.

During our review of processed product inspection various deficiencies were noted. The inspection was performed at Motor City Cartage Co. They did not have any defrost facilities but inspection of frozen boneless lambs legs was performed. The inspector inspected and passed this product without having it defrosted. When asked why this procedure was used the inspector stated they do not receive very much frozen product at this plant and were therefore given the inspection of what does come in without re-

quiring defrosting. (The amount received in this shipment was eight boxes of about 30 lbs. each.)

Processed product from establishment 102 (Canada) began entering the country about the first part of March 1972. To the present date (April 27, 1972) 12 lots, consisting of about 23,000 lbs. have entered the U.S.A. The product, which was various pounds of All Beef Franks, Smoked Franks, Corned Beef, Roast Beef and assorted samples, has not been sampled for laboratory analysis by the import inspectors. When the inspectors were asked why a history of compliance has not been established on these products, they stated it was an oversight on their part.

Importers are allowed to determine what constitutes a lot. For example, processed product from Canada was coming in by truck. This product is broken up into the amount each purchaser is buying and called a lot. A separate 410 is made out for each lot by the broker and then sent into the U.S. There is usually five or six lots on one truck. Each lot consists of the same product from the same establishment. The inspector stated that the reason they inspect each as a lot is because they were told that each separate Form 410 constituted a lot.

Samples were being chosen by use of a random numbers table but when the lots were unloaded the pallets were not stacked with the required amount of 25 boxes per pallet. Some of the pallets contained less than 25 boxes while others had as much as 38 boxes on them.

Cincinnati, Ohio

This circuit is a destination inspection point. The usual product received here is containerized boneless beef from Australia. The inspector has not received import training. The circuit supervisor felt that any processing inspector could perform import inspection.

During our review it appeared that the inspector was doing a very adequate job. The samples were selected according to procedures and inspection was made on these samples. There has been no rejections of shipments at this site for about a year.

The inspector stated they do not use a refused entry stamp and that he has never heard of one. He also stated that his supervisor has never observed him while he was actually inspecting imports.

St. Louis, Mo.

Destination inspection was conducted at several approved cold storage warehouses. One full-time inspector was assigned import duty. He had not received formal training in import inspection. The Circuit Supervisor had formal training in imports and was providing continuous guidance.

No inspection was being performed at the time of our visit. We observed the facilities approved for inspection and found them to be adequate.

El Paso, Tex.

This port has a heavy volume of both import and export work. One full-time inspector is assigned both duties. A part-time inspector assisted when available. The latter had not received formal training.

The full-time inspector is experienced and conscientious. However, he appeared to have too great a workload. About 20 percent of his time was spent inspecting poultry, lard, and beef tripe being exported to Mexico. There were about 9 shipments each day. In addition, during our visit he was attempting to perform inspection of frozen boneless beef at two warehouses about five miles apart. He had received little direction or supervision from either the Region or Circuit office. He was in the habit of telephoning direct to the Foreign Program Branch in Washington when a crisis or problem developed.

The facilities approved for conducting inspection were adequate. Inspection was performed in a proper manner with the exception of the sampling procedure. In most instances, a list of random numbers was given to the dock foreman who called for sample cartons as they were unloaded from the truck. The inspector usually did not observe the procedure due to pressures of other work.

We could not determine the extent of sampling for laboratory analysis during 1971, since the records could not be located. It appeared that very few species samples were taken.

The "U.S. Refused Entry" stamp was applied to all rejected lots. However, we observed that a mixed shipment of edible and inedible horsemeat had all been stamped "USDA inspected and passed." The part-time inspector had not supervised the use of the stamp by the warehousemen. These marks were immediately obliterated from 22 boxes of inedible product.

Seattle Wash.

We observed the inspection of frozen boneless beef and canned product at the ports of Tacoma and Seattle respectively. Three of the four fulltime inspectors assigned import duty had received formal training. Circuit supervision appeared to be highly effective.

The facilities at each port were adequate. We observed that inspection was conducted in a proper manner.

At Tacoma, the service contractors personnel were handling dirty boxes and frozen product without washing their hands. This was corrected. We noted that the deficiencies found during the PRC review in 1970 had been corrected.

There had been little direction from the Regional Office. The authority of the San Francisco Circuit Supervisor as regional coordinator was not recognized.

San Francisco, Calif.

We reviewed inspection at two facilities equipped to handle frozen boneless beef and two where canned product was examined. There were four full-time inspectors assigned import duty. They had received formal training. Circuit supervision appeared to be adequate.

The facilities approved for inspection of imported product were acceptable. Inspection appeared to be conducted in the prescribed manner. Most of the deficiencies noted in the PRC review of 1970 had been corrected. However, we noted that overflowing bloody water from a defrost tank was still being dumped into the bay instead of a sewer. Also, the temperature of the defrost water was not adequately controlled and many samples had a "cooked" appearance.

At the outset of this audit, the Regional Office had almost totaled disinvolvement from the import inspection program. Since December 1, 1970, the San Francisco Circuit Supervisor was delegated responsibility to act as regional coordinator for import work. This was a burden since he already had a heavy workload. Both the supervisor and the Regional office staff acknowledged that no meaningful coordination and review of Regional import activity had been effected in the past two years.

Los Angeles, Calif.

We reviewed inspection at four facilities equipped to handle frozen boneless product. Generally, we observed that inspection was being conducted in a proper manner. All inspectors assigned full-time import duty had received formal training. Circuit supervision appeared adequate.

The PRC Review of 1970 disclosed that the service contractor had equipped a mobile trailer for examination of frozen product. The deficiencies noted then were still in existence. Although there is adequate equipment for sampling and defrosting, the facilities are inadequate from the viewpoint of space and sanitation. We observed that meat cartons were opened on the outside exposing the product to dust, flies, and other matter. Lack of space prevented a continuous sample preparation and inspection operation. Employees of the service contractor and the inspector had to alternate in the use of the unit.

Adequate welfare facilities were not available within a reasonable distance of the inspection facilities.

The import inspection operation was fragmented throughout the Los Angeles Port Authority. Import applications were processed in the Federal Building downtown. The current Circuit Supervisor had obtained space for a central inspection office in the U.S. Customs Building. We were informed of numerous plans for improving the efficiency of the inspection system.

EXHIBIT E

MPIP STATEMENT IN RESPONSE TO THE REPORT

Subject: Audit Report, Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program—Report No. 60102-1-W

To: Nathaniel E. Kossack, Inspector General, Office of the Inspector General

We appreciate the opportunity of providing you with our response so that it can be included in your final report when issued.

For clarity, we have numbered each response to coincide with each recommendation:

1. We concur in this recommendation and plan to proceed in taking action to carry it out.

We believe, however, for the most part, this recommendation should be expanded to include the entire Animal and Plant Health Inspection Service (APHIS), rather than limit it to the Meat and Poultry Inspection Program (MPI) only. Therefore, we are exploring implementing this recommendation with other APHIS program elements.

2a. Since March of 1972, practically all of the newly created field supervisory positions have been filled. Many with men having little previous supervisory experience. This has necessitated concentrating our efforts in training, developing awareness and understanding of job requirements and responsibilities. Since March 19 meetings have been held between Regional Directors and Area Supervisors and 173 meetings between Area Supervisors and Circuit Supervisors have been held. The primary thrust of these meetings has been defining relationships between the supervisory levels, outlining job requirements including explanations of new job descriptions and fixing of responsibilities. Tape recorders are being issued to supervisory personnel to improve and expedite communications between levels of supervision. We feel progress has been made in this area and is beginning to show in the form of improved in-plant inspectional performance.

The following is a summary of the current status of the plants identified as problem plants at the time of the OIG review. Individual reports relating to specific problem areas in each plant are on file for further review:

Of a total of 38 plants, 30 are now operating at acceptable levels as a result of rehabilitation and facilities improvement programs. Programs were initiated and time schedules established to correct deficiencies. In several plants, problem areas are still rejected for use because needed corrections were not completed.

Eight plants are still in a category of problem plants. Generally, they are in this category because their facilities and buildings are not modern and/or management is less than fully cooperative. Operations in these plants are being conducted at an acceptable level, but they are frequently interrupted because of problems with sanitation of equipment and facilities. Improvement programs are of a continuous nature. Where sanitation continues to present problems, delayed operations are not uncommon especially in older plants and in those where plant management does not place the required emphasis on sanitary operations.

2b. We are developing a form and procedure for documenting progress and results of plant improvement and rehabilitation programs. Also, the daily sanitation form (CP 455) is being revised and the instructions for its use are being improved. This should be ready by December 1972.

3. All regions have instituted direction and control measures to improve import inspection, i.e., (a) Staff members assigned import responsibility meet frequently with Washington staff to coordinate procedures and discuss means to further unify applications nationally. (b) They now actively emphasize the need to unify import inspection within their individual areas of responsibilities. (c) Import training courses have been backed strongly. Import inspectors and supervisors were made readily available for training. (d) Active steps are being taken to insure improved firstline supervisional coverage in the areas of frequencies of visits, knowledge of import inspection, and uniform application of inspection.

The Western Region now conducts regional reviews of major ports, meets with import supervisors, and executes followup reviews. Rejection rates between ports are now being compared and analyzed. Workloads are being monitored to determine manpower needs for adequate and efficient application of import inspection in a manner to minimize unnecessary overtime charges. What has been stated for the Western Region is generally applicable to each of the other four regions.

It is unfortunate that the then Southwestern Regional Deputy believed that "Import activities are directed from Washington." This was not Field Operations policy but, admittedly during the turbulence attendant to the recent organization, considerable referral of decisions to Washington took place. During this period, Washington often furnished information and answers to import inspectors who could not get answers locally. In most cases, this was done with approval and knowledge of the regions. There was no intent to encourage a habit of bypassing local supervision. In summary, the majority of direct calls from field inspectors, including the El Paso individual, were prompted by local supervisors who did not have answers to certain problems. This practice is no longer sanctioned by the Washington staff and regional or local supervision. All referrals to Washington must be routed through local to regional supervision. Responses follow a similar communication chain.

Prior to the audit, Tampa had been identified as a continuing problem port with most deficiencies related to inadequate supervision. Since that time, Southeastern regional and Washington staff visits, training of individuals and new local supervision have improved the overall situation to the level of good and efficient import inspection. As a mitigating circumstance just prior to the OIG audit, the Tampa supervisor was lost to the takeover of Puerto Rico, leaving supervision of Tampa again obviously inadequate. This inadequate supervisory situation did not appear to affect the application of good and efficient import inspection. As stated, both assigned inspectors are of equal grade (GS-9). One had been recognized unofficially as being in charge and apparently managed imports in an adequate manner. The newly assigned area supervisor has now identified, in writing, an import inspector in charge.

Regional Import Coordinator—Prior to OIG audit, regional responsibilities for imported products, the application of import inspection and coverage of import facilities were not specifically identified in any staff member's job description.

A recently revised job description, however, definitely fixes the responsibilities for a region's imported products program to an appropriate regional staff member.

Each region presently has an assigned GS-1863-13 identified with responsibilities for coordinating its regional import inspection program.

4. It is the assessment of Foreign Programs that the recent emphasis on training and the improved supervisory coverages have lessened the problems of varied interpretations between inspectors. Correlation meetings of import supervisors including group visits to each port within their regions have also helped decrease variations in application of inspection between ports. Continued improvements can and will be made.

Procedures to identify specific problem plants (foreign producers) direct to Foreign Reviewers have been instituted. There are now means available to identify plants incurring substantial or abnormal rejections at time of inspections or from Washington based computer data checks. Such information is channeled through Foreign Programs Staff by cable to resident or responsible Foreign Reviewers. Such findings prompts immediate visits to these plants by Foreign Programs Reviewers and officials of the foreign inspection system.

The complex variables which contribute to the differences in rejection rates between ports are being reduced by close correlation of information between import inspectors and Foreign Reviewers. The recent training program and increased supervisory effort by MPI is also lessening differences in application of procedures.

Although insurance underwriters may utilize a known port's rejection rate, their main interests and information are based on those shipments which they insure. The insured importers do not represent the entire industry nor do they insure all their imports. Usually only those products they feel may not pass inspection are insured.

A recent study of computer data showed that individual ports' do not all receive products from the same plants. In cases where they did, the results did not vary too greatly.

Another point of interest is that the port of Norfolk is considered by some importers to be too expensive to use. Comments indicated that total handling costs through Norfolk are approximately 20 cents a hundred weight more than other eastern ports.

The concept to license or certify formally trained import inspectors and allow only these individuals to perform import inspection is not consistent with MPI policy. Recent direction is to eliminate rather than create "the select specialist" and train enough individuals to cover needs. Regional offices are responsible to have enough formally trained inspectors available to cover import assignments. The training group will continue to provide formalized import training courses.

Discussions have been held with training group staff concerning: (a) Development of refresher course packets to keep trained inspectors informed and up to date. (b) Means to evaluate the effectiveness of training and identify possible future training needs. The development of the Import Inspection Handbook, an inspectional guide and/or training publication is presently in progress.

5. Prior to this report, it had been determined that Washington level explanatory meetinsg between MPI, U.S. Customs, Veterinary Services, and Plant Quarantine were needed. To date, this has been done at some of the local levels. The Washington office of U.S. Customs has been contacted to set up preliminary meeting to discuss MPI requirements and cooperation with Customs. It was also agreed that these Washington meetings should cover items such as: Identification of all products amenable to MPI regulations, specific agency responsibilities for inedibles, guidelines for decharacterization of inedibles, cooperative interagency working relationships and a policy for handling refused entries for national program uniformity.

Most inspectors report there is an average to very good working relationship between MPI and Customs officials. This does not offset the fact that unauthorized products did enter the United States, that other products were not brought to the attention of MPI and that the combined MPI/Customs handling of refused entry products is not always wholly acceptable.

We conclude more often than not that unauthorized products which enter the United States are either: (a) smuggled in with other cargo, (b) possibly labeled as other than meat products, (c) hand-carried in by passengers or crewmen and usually do not receive clearance by Customs. Added to these are legitimate entries for personal consumption which are subsequently diverted to unauthorized use.

Regional offices have been advised to instruct import supervisors to meet with U.S. Customs officials and discuss the necessity of being informed whenever a product's or shipment's amenability to MPI regulations is questionable.

Continued control of refused entries until exported out of the United States has not been adequately followed up in all ports. Certain ports have very good controls; others do not. Regional offices have been informed of this problem.

Inedible horsemeat seemed to be a major concern in this audit. El Paso and Minneapolis Import Inspectors advised Foreign Programs that, to their knowledge, no inedible horsemeat has been entered recently. El Paso does receive inedible horse offal entries.

The El Paso inspector claims to occasionally check inedible shipments (on frozen block cutter) to determine degree of decharacterization for his own benefit. He reports Customs had requested this once possibly 10 years ago. Customs does not have the facilities to off-load entire shipments at their inspection plant, nor do they use a true random selection over the entire load. Inspectors in both areas claim Customs is welcome to their sampling plans and experience upon request.

Inedible horsemeat products are presently the responsibility of Plant Protection and Quarantine; however, there is no reason why MPI cannot assist Customs as recommended by OIG.

Section 329.17 B 3 of the Meat Inspection Manual states that identification of the ultimate consignee is needed for importation of "edible" horsemeat. This may be a result of past problems with horsemeat dealers. This is an administrative ruling and has not been tested legally. From a strictly legal standpoint, such product when entered and passed becomes domestic and may move freely in commerce.

6. One hundred percent efficiency in the laboratory is not really possible or expected since we have selective sampling as well as objective programs. Overtime is used to handle unusually heavy workloads. While it might be desirable to staff the laboratories to handle all emergencies, it would not result in the best or most economical use of

manpower. We cannot anticipate the number or extent of emergencies, so to staff to handle every contingency would result, in many cases, in overstaffing and people being idle a good part of the time. Also, we are faced with employee ceilings which do not permit indiscriminate hiring. However, additional ceilings have been requested and where granted, new people are being hired.

It is true some samples were discarded. These were samples collected in 1971 and discarded in 1972. Every effort is made to run all samples submitted; however, if, due to emergency situations, this is not possible, we do try to run part of each type to give the program some data on which to make decisions. Judicious use of overtime is frequently required in these situations.

Generally, we do consult with the laboratories regarding new programs and their capabilities to handle the sample backlog. Nevertheless, there have been cases when they were not consulted, and we are implementing a computerized program to assist in regulating samples and workload in each laboratory. This was initiated with the DES sampling program and is presently being expanded to other residues and eventually to all laboratory samples.

While there generally has been good coordination between the laboratory and other Divisions when new sampling programs were initiated, there have been some exceptions. These problems have been eliminated to a great extent by the recent reorganization. Technical Services, which develops most of the sampling programs in conjunction with the Statistical Services Staff and Scientific Services, which includes the laboratories, all are under the supervision of the same Deputy Administrator. This, with the computerization program, which includes a printout of all proposed incoming objective samples, should preclude similar problems in the future.

Not all of the laboratories have a "logging" program for samples. However, each does have some system of control. Each system is presently being evaluated with the goal of developing the best system which would then be used uniformly in all of our labs.

To further reduce the workload problem, agreements have been made with the States of Kentucky and California to have their laboratories run selected Federal samples. When this program has been fully evaluated, we plan to make similar arrangements with other States.

7. We agree the company should maintain control of the fat, moisture, and additive used in its operations, and we should monitor their results. We presently have a voluntary program involving the use of certified laboratories and plant quality control. This is all we could accomplish under our present regulations; however, we are in the process of preparing for publication in the Federal Register a proposed regulation regarding plant quality control programs which we will monitor. Also, we are looking into the wider use of certified laboratories.

We concur that reduced sampling can be accomplished in plants where products are consistently in compliance. In fact, this has been done with imported products and we are planning a similar program for domestic product when the entire sampling program is computerized.

8. Every effort is made to keep abreast of the most recent technological developments and replace obsolete equipment with the most modern equipment available. This past fiscal year over $500,000 was spent for new equipment. There are instances when some laboratories are not furnished specific types of equipment because of a limited number of samples to be run which would require that equipment. Such samples are directed to the laboratory specifically equipped to conduct those analyses.

A system of maintaining a record of repair for each major piece of laboratory equipment is being implemented. This should further assist in determining when to replace a certain piece of equipment, as well as evaluating the durability of specific brands of equipment. We do not believe it is good policy to dispose of equipment just because it has become a certain number of years old.

9. The reorganization of MPI which began in late 1970 early recognized this need. Earlier, formal training had been hampered by a need to place priority on assisting States in their efforts and by personnel restrictions that limited ability to release individuals for training. Positions in the regional and area offices were established to coordinate training needs (though of necessity including duties in labor-management relations, safety, and civil defense), and the positions have been filled since early 1972. The criticism that priorities have not been established is not founded in fact. Priorities have indeed been established for initial training of new hires and supervisory training. It is futile to state priorities further until significant progress can be demonstrated in these areas. Such progress is almost totally dependent upon hiring ability to permit release of personnel from essential jobs; for which we have made an urgent plea. Our training framework is ready and willing to meet the day when employees can be released for training in greater numbers. We have attempted to relieve the strain also by plans (already implemented in part) to reduce formal on-the-job training at training centers and placing the responsibility on supervision at the worksite with the help of a structured program.

10. A main thrust of the reorganized unit has been increased attention to supervisory training. When the planning and development that has gone into this effort is considered, it is difficult to envision more attention. This effort is just beginning to show fruition with our first areawide session and our first two circuitwide conferences. We are reinforcing this vertical schooling with "one-day one-skill" workshops. Once vertical legs of supervisory meetings are established through each area, we can operate horizontally by centralized conferences. Failure to adequately respond to an earlier noted deficiency—meeting the Civil Service Commission's required 80-hour minimum of supervisory training—can easily, and in some measure properly be laid to neglect. More appropriately, however, it would be noted that in 1970 Circuit Supervisors (then OIC's) were needed to assist in reviews to determine adequacy of State programs, in 1971 positions were not filled pending an evalution of needs in he reorganized unit, the Department in 1971 committed Circuit Supervisors to a State workload that approximately doubled their total duties, and that circuits (210 as opposed to an earlier 145) were only substantially headed in May of 1972. During the hiatus caused by the above, Circuit Supervisors with extremely heavy workloads could be ill-spared for any purpose.

11. Early recognition of the need for an expanded and structured on-the-job training program is demonstrated by the revised direction begun in mid-1971. We are familiar enough with such training to know that without centrally devised and carefully tested programs, it will at best be variable and at worst be largely ineffective. For this reason, implementation has awaited careful preparation of guides and field trials. Structured initial training, by use of the guides, is reduced (in time element) at training centers, but greatly expanded (to an approximate year) overall. Such a guide is on stream for employees hired initially for poultry plants. A similar guide is now in the late stages of field trial for hires into meat establishments.

KENNETH M. MCINROE,
Associate Administrator, Meat and Poultry Inspection Program.

FACT AND RUMOR ABOUT OSHA

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Occupational Safety and Health Act has caused a wealth of controversy and correspondence in the 3 years since its enactment. Public Law 91–596, intended by Congress to protect the American worker from the hazards of his employment, has been accused of every "unfair, dictatorial practice" in the book.

The Job Safety and Health magazine, has printed an article pointing out the misconceptions and misunderstandings that have cropped up as a result of OSHA. The report is invaluable not only as a source of personal information but as a research tool usable in answering constituent inquiries regarding the act. I insert this article from the Job Safety and Health magazine, and commend it to my colleague's attention:

FACT AND RUMOR ABOUT OSHA

(Can you separate fact from fiction about the Occupational Safety and Health Administration? Here's a quiz to test your "OSHA-Q.")

Rumors of thousands of dollars in penalties, possible jail sentences, invasion of privacy, and "Hitler-like" tactics have given many employers concern over the possibility of an inspection by a compliance officer from the Occupational Safety and Health Administration (OSHA).

Most, if not all, of this apprehension is caused by misinformation and misunderstanding.

The Williams-Steiger Occupational Safety and Health Act of 1970, administered by OSHA, was not designed to put employers out of business or in jail, or to raise money for the federal coffers. It was passed "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."

To discover how much—or how little—you know about the Act and its administration, take the following true-false quiz. Some—but not all—of the statements are based on the distortions and rumors that abound. The answers follow on the next pages.

1. OSHA opposes amending the Occupational Safety and Health Act to exempt small employers from compliance with the Act.

2. OSHA's "Hitler-like" inspection system dictates steps an employer must take to correct violations discovered during an inspection.

3. Employees cannot be cited by OSHA, even for flagrant and willful violations of the standards and of company policy.

4. All of OSHA's standards are subject to change, so there's no point in making costly plant alterations now to comply with rules that might not exist next year.

5. OSHA is the government's "big stick" to drive small companies out of business.

6. OSHA published 250 pages of complicated and contradictory standards, and it's impossible to find anyone who understands them.

7. OSHA inspectors levy on-the-spot fines for alleged violations of standards without even giving employers a grace period to correct the violations.

8. Employers should receive a warning—not a fine—for a first violation of standards. First-instance penalties are unfair and represent an erosion of freedom.

9. OSHA has generated a lot of new and

unnecessary recordkeeping requirements to harass employers.

10. The Occupational Safety and Health Act can prescribe penalties of $10,000 or jail sentences for violation of some of its requirements.

11. OSHA can close down a business it finds in violation of the standards.

12. OSHA operates in a vacuum in setting new job safety and health standards.

13. Since OSHA compliance officers arrive for an inspection with no advance warning, the employer has no chance to check the other's credentials and may be letting an imposter on his premises.

14. Some of the standards are unrealistic. The one stating that ice in drinking water shouldn't come in contact with the water is not only absurd, but it has nothing to do with safety or health.

15. OSHA inspections can be ridiculous. Employers can be penalized for such nitpicking violations as not having three-pronged plugs on electric typewriters.

16. Complying with OSHA's safety and health standards would drive profits down and increase costs for the consumer.

17. OSHA sets exacting health standards on toxic agents without considering if industry has the technical knowledge to comply.

ANSWERS

1. True. But the size of an establishment has nothing to do with whether it is a safe and healthful place to work, and all employees are entitled to equal on-the-job protection.

But OSHA does favor amending the Act to allow administrative decisions to exempt from inspection certain classes of employers, such as those in low-hazard industries. Such authority would allow OSHA to direct its efforts to higher-hazard establishments where it is needed most urgently.

2. False. OSHA does not dictate or prescribe what steps an employer should take to come into compliance. The employer is free to decide for himself what action to take, so long as it eliminates the hazard.

3. True. Congress declined to interfere with the traditional employer-employee relationship. Congress concluded that employers should control employees' conduct regarding safety and health practices in the same ways that they handle other cases of disregard for company policies.

If an employer can show evidence of repeated efforts to have his employees comply, his "good faith" will be considered by OSHA in setting any proposed penalties.

4. False. These standards are not temporary. OSHA is updating or otherwise improving some standards, but there will not be a wholesale replacement of present standards.

5. False. There is no evidence that OSHA has driven any small employers out of business. Small, independent businessmen are essential to a vital nation. But Congress, in passing the Act, also recognized that the nation's employees—including those in small businesses—in many cases have not been adequately protected against on-the-job hazards. There are deaths, injuries, and illnesses in establishments of all sizes.

The Act also authorizes loans through the Small Business Administration to small companies that are "likely to suffer substantial economic injury" in complying with the safety and health standards. (See the article on pages 16–20).

6. Partially true. The standards are indeed voluminous, but they need to be. They cover a wide variety of hazards in five million workplaces nationwide. But few, if any, employers could possibly be covered by all of the standards.

For those who need interpretations of the standards, help is available from any of OSHA's 71 field offices across the country. An employer may call or visit the nearest OSHA office (listed in the telephone directory), or he may request a conference with an OSHA representative off his premises. OHSA also is holding 1,200 seminars annually with employers and employees to explain the standards. Many groups in the private sector are publishing those standards that apply to their industries.

7. False. OSHA compliance officers cannot levy immediate fines. At the closing conference after an inspection, the compliance officer discusses possible violations with the employer and asks him to estimate a reasonable time for abating the violations. The OSHA area director, the only one who issues citations or proposed penalties, considers this and other factors in his decision.

If an employer disagrees with the decisions, he may contest them within 15 working days to the Occupational Safety and Health Review Commission, an independent three-member panel. If the employer disagrees with the Commission's action, he can appeal directly to the U.S. Circuit Court of Appeals.

8. False. Congress established a first-instance penalty system of enforcement rather than a first-instance warning because it believed employers otherwise would do little to correct hazards until after an inspection. This belief was based on the rising toll of job-related deaths, injuries, and illnesses in the decade before the Act was passed.

The Act does not represent a deterioration of freedom. Instead, it reinforces the freedom of 60 million employees to work without fear of dangers to their safety and health.

9. False. The limited new recordkeeping requirements under the Act are designed to provide needed data, not to harass employers. Employers with eight employees or more need only keep a log of job-related injuries and illnesses and post an annual summary of these for their employees, plus keep a detailed supplementary record on each case. This is the same information already required on workmen's compensation forms, and these can be used instead of a separate federal form.

Employers with fewer than eight employees are not required to maintain the log of job injuries and illnesses, the supplementary record or the annual summary.

Each employer, however, must report to OSHA if there is a fatality or an accident hospitalizing five or more employees. In these cases, he must notify his nearest OSHA office within 48 hours.

Recordkeeping forms do not have to be sent to the government, with one exception: a relatively few employers each year are required to submit this information as part of OSHA's nationwide effort to develop a more accurate national profile of job injuries and illnesses.

10. True. Proposed penalties can range as high as $10,000 per violation in cases of willful and repeated violations of the Act's requirements. A willful violation that results in the death of an employee is punishable by penalties of up to $10,000 or imprisonment for up to six months. Prison sentences can be imposed only by the courts.

The purpose of OSHA, however, is to assure a safe and healthful work environment for all employees—not to raise funds or administer punishment. In fiscal year 1972 OSHA issued 23,230 citations with proposed penalties of $2,291,000—or slightly under $100 per citation.

The proposed penalties are affected by a number of factors—size of the establishment, gravity of the violation, history of previous violations, and employer "good faith" in attempting to comply with safety and health regulations.

1. False. In a rare case, where a situation of imminent danger exists throughout an entire establishment and the employer refuses to abate the condition, the Secretary of Labor can seek a U.S. District Court order to close the establishment until the danger is abated.

12. False. Initial standards set by OSHA were existing national consensus or established federal standards. The consensus or established federal standards. The consensus standards were developed by such groups as the American National Standards Institute and the National Fire Protection Association. OSHA receives advice on new or amended standards from its National Advisory Committee on Occupational Safety and Health. And OSHA is appointing standards advisory committees—15 by mid-1973—to focus on new amended standards in specific industries or to control specific health hazards. The committees include representatives of employers and employees, state and federal officials, and technical experts. Employer and employee groups, trade associations, industrial hygienists, and others are also encouraged to offer their counsel in developing standards. (See "From the Deputy's Desk," page 31.)

13. False. Although OSHA compliance officers do not give advance notice of inspection except in rare cases, employers may easily check their credentials at once. Each inspector carries Department of Labor credentials that identify him or her as an OSHA compliance officer. The credentials carry a number assigned to each particular officer. The number can be verified by phoning the officer's regional or national office.

14. OSHA has revoked this standard, as well as similar obsolete standards such as the height of toilet partitions.

This standard had originated at a time when ice was chopped from rivers and was not sanitary, so half a century ago it did affect employee health.

15. False. Though an inspector will check to see that electrical devices are properly grounded as necessary, few employers, apparently, believe the inspections have been "nitpicking." In fact, 95 percent of the employers inspected so far have accepted OSHA's citations, proposed penalties, and abatement periods without contest—a good indication that OSHA is administering the Act fairly but firmly.

16. False. In passing the Act, Congress indicated its belief that safety will increase productivity. The costs of complying with the Act will be more than offset by increased productivity, reduced man-hour and equipment losses, improved morale, and lowered insurance premiums and workmen's compensation payments.

17. False. In setting new health standards, OSHA considers feasibility information—for example, the practicalities involved in controlling exposures to hazardous substances in the workplace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. GOLDWATER (at the request of Mr. GERALD R. FORD), from 5 p.m. today through June 19, 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. KETCHUM), to revise and extend their remarks, and to include extraneous matter:)

Mr. BELL, today, for 20 minutes.

Mr. CRANE, today, for 5 minutes.

Mr. ANDERSON of Illinois, today, for 30 minutes.

Mr. KEMP, today, for 5 minutes.
Mr. MIZELL, today, for 5 minutes.
Mr. HOGAN, today, for 10 minutes.
Mr. RAILSBACK, today, for 25 minutes.
Mr. MCCLOSKEY, on Monday, June 25, for 1 hour.

(The following Members (at the request of Mr. DINGELL), and to revise and extend their remarks and include extraneous matter:)

Ms. ABZUG, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. FLOOD, for 10 minutes, today.
Mr. DOMINICK V. DANIELS, for 10 minutes, today.
Mr. MATHIS of Georgia, for 5 minutes, today.
Mr. DENT, for 30 minutes, on June 20.
Mr. GAYDOS, for 30 minutes, on June 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN, and to include a newspaper article.

Mr. BINGHAM and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $467.50.

Mr. MELCHER, to revise and extend his remarks in the body of the RECORD, notwithstanding it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,082.50, and to include extraneous matter.

Mr. RODINO, at the conclusion of his remarks concerning the amendment offered by Mr. BIAGGI, and to include a letter.

Mr. GONZALEZ, to extend his remarks in the RECORD during the course of his remarks on the LEAA bill, and to include extraneous matter.

(The following Members (at the request of Mr. KETCHUM) and to include extraneous matter:)

Mr. MCKINNEY.
Mr. PRICE of Texas.
Mr. GUDE in five instances.
Mr. KEATING.
Mr. VEYSEY in two instances.
Mr. WYMAN in two instances.
Mr. ARMSTRONG.
Mr. MCCLORY.
Mr. WHALEN.
Mr. HOGAN in two instances.
Mr. STEIGER of Wisconsin in two instances.
Mr. FROEHLICH.
Mr. ROBERT W. DANIEL, JR.
Mr. BAKER.
Mr. YOUNG of Alaska.
Mr. FRENZEL.
Mr. SKUBITZ.

(The following Members (at the request of Mr. DINGELL) and to include extraneous matter:)

Mr. HELSTOSKI.
Mr. LONG of Louisiana.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. O'NEILL.
Mr. EVINS of Tennessee in two instances.
Mr. ROY.
Mr. EDWARDS of California.
Mr. RANGEL in 10 instances.
Mr. STRATTON.
Mr. BIAGGI in five instances.
Mr. MANN in six instances.
Mr. WILLIAM D. FORD in three instances.
Mr. EILBERG in 10 instances.
Mr. DOMINICK V. DANIELS in two instances.
Mr. BINGHAM in three instances.
Mr. DONOHUE.
Mr. BRINKLEY.
Mr. VANIK in two instances.
Mr. ANDERSON of California in three instances.
Mr. FULTON.
Mr. HOWARD in two instances.
Mr. STOKES in five instances.
Miss JORDAN in two instances.
Ms. ABZUG in 10 instances.
Mr. ZABLOCKI in two instances.
Ms. CHISHOLM in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1413. An act to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, to the Committee on Government Operations.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 19, 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:

1044. A letter from the Deputy Assistant Secretary of Defense, Installations and Housing, Department of Defense, transmitting notice of five construction projects proposed to be undertaken for the Air Force Reserve, and notice of cancellation of a previous notification pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1045. A letter from the Director, Office of Legislative Affairs, Department of State, transmitting notice of Presidential intent to transfer certain appropriations pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1046. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a copy of an agreement with the Democratic Republic of Vietnam on ending the war and restoring peace in Vietnam, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

1047. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting a copy of a proposed amendment to a concession contract on the South Rim of Grand Canyon National Park, Ariz., pursuant to (79 Stat. 969; 16 U.S.C. 20); to the Committee on Interior and Insular Affairs.

1048. A letter from the Chairman, National Water Commission, transmitting the final report of the Commission on the Nation's water resources, pursuant to Public Law 90-515; to the Committee on Interior and Insular Affairs.

1049. A letter from the Secretary of Commerce, transmitting the 17th program report of the United States Travel Service for calendar year 1972, in compliance with section 5 of the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

1050. A letter from the Director, Executive Office of the President, Special Action Office for Drug Abuse Prevention, transmitting the annual report on the activities of the Office, pursuant to section 233 of Public Law 92-255; to the Committee on Interstate and Foreign Commerce.

1051. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 7950. A bill to extend for an additional year the Manpower Development and Training Act of 1962, and for other purposes; with amendment (Rept. No. 93-288). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. BROWN of Michigan):

H.R. 8761. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL (for himself, Mr. CONABLE, Mr. DAVIS of Georgia, Mr. FINDLEY, Mr. FROEHLICH, Mr. KEATING, Mr. MANN, Mr. QUIE, Mr. RINALDO, Mr. WARE, and Mr. WOLFF):

H.R. 8762. A bill to reform the budgetary process of the Congress to improve congressional control over the budget and national priorities, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. BURGENER (for himself, Mr. ARCHER, Mr. BUTLER, Mr. CRONIN, Mr. DENHOLM, Mr. GUNTER, Mr. KETCHUM, Mr. MOORHEAD of California, and Mr. YOUNG of Illinois):

H.R. 8763. A bill to amend title 5, United States Code, to provide for a reduced retirement annuity for a Member of Congress who remains in office after becoming 70 years of age; to the Committee on Post Office and Civil Service.

By Mr. BURTON:

H.R. 8764. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. DOMINICK V. DANIELS:

H.R. 8765. A bill to amend the Occupational Safety and Health Act of 1970, to establish a Federal Rescue Resource Service; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 8766. A bill to amend the Communications Act of 1934 in order to prohibit the

broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

H.R. 8767. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. FRASER (for himself, Mr. DIGGS, Mr. SARBANES, Mr. ECKHARDT, Mrs. COLLINS of Illinois, Mr. VANIK, Mr. ASHLEY, Mr. REES, Mr. BRADEMAS, and Mr. ANDERSON of California):

H.R. 8768. 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. LUJAN:

H.R. 8769. A bill to provide that members of all commissions, councils, and similar bodies in the executive branch of the Government appointed from private life shall serve without any remuneration for their services other than travel, subsistence, and other necessary expenses; to the Committee on Post Office and Civil Service.

By Mr. NEDZI (for himself, Ms. ABZUG, Mr. BENITEZ, Mr. BRADEMAS, Mr. BREAUX, Mr. BUCHANAN, Mr. CORMAN, Mr. DELLUMS, Mr. FISHER, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HEINZ, Mr. HUNGATE, Mr. JOHNSON of Pennsylvania, Mrs. MINK, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MOSS, Mr. RHODES, Mr. ROYBAL, Mr. STOKES, Mr. SYMINGTON, Mr. TREEN, Mr. WAMPLER, and Mr. YOUNG of Illinois):

H.R. 8770. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. PERKINS (for himself and Mr. DOMINICK V. DANIELS):

H.R. 8771. A bill to strengthen State workers' compensation programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PEYSER (for himself and Mr. GILMAN):

H.R. 8772. A bill to amend title 28 of the United States Code to exempt volunteer firemen from Federal jury duty; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 8773. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 8774. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. HAYS, Mr. MINSHALL of Ohio, Mr. ASHLEY, Mr. VANIK, Mr. JOHNSON of California, Mr. ASHBROOK, Mr. MOSHER, Mr. MURPHY of New York, Mr. BROWN of Ohio, Mr. BINGHAM, Mr. J. WILLIAM STANTON, Mr. MILLER, Mr. RONCALIO of Wyoming, Mr. STOKES, Mr. JAMES V. STANTON, Mr. WON PAT, Mr. KEATING, Mr. SEIBERLING, Mr. GUYER, Mr. DANIELSON, Mr. DE LUGO, Ms. ABZUG, Mr. YOUNG of GEORGIA, and Mr. STEELMAN):

H.R. 8775. A bill to authorize the establishment of the Ohio and Erie Canal National Historical Park in the State of Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. WALDIE, and Mr. YOUNG of Alaksa):

H.R. 8776. A bill to authorize the establishment of the Ohio and Erie Canal National Historical Park in the State of Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 8777. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALLO of New York (for himself, Mr. ADDABBO, Mr. ARCHER, Mr. BURGENER, Mr. CLANCY, Mr. CLEVELAND, Mr. DOMINICK V. DANIELS, Mr. DELANEY, Mr. DENHOLM, Mr. ERLENBORN, Mr. FAUNTROY, Mr. FROEHLICH, Mr. GIAIMO, Mr. GROVER, Mr. GUYER, Mrs. HECKLER of Massachusetts, Mr. HILLIS, Mr. HOGAN, Mr. KETCHUM, Mr. MARAZITI, Mr. MAZZOLI, Mr. MITCHELL of New York, Mr. MURPHY of Illinois, Mr. NEDZI, and Mr. O'BRIEN):

H.R. 8778. A bill to prohibit the use of appropriated funds to carry out or assist research on living human fetuses; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York (for himself, Mr. O'HARA, Mr. PEYSER, Mrs. SULLIVAN, Mr. WALSH, Mr. WON PAT, Mr. YOUNG of Illinois, Mr. WYDLER, Mr. ZABLOCKI, and Mr. ZWACH):

H.R. 8779. A bill to prohibit the use of appropriated funds to carry out or assist research on living human fetuses; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York (for himself, Mr. ADDABBO, Mr. ARCHER, Mr. CLEVELAND, Mr. GROVER, Mr. GUYER, Mr. HILLIS, Mr. LENT, Mr. MARAZITI, Mr. MAZZOLI, Mr. O'HARA, Mr. YOUNG of Illinois, and Mr. ZABLOCKI):

H.R. 8780. A bill to amend title 18 of the United States Code to make it a Federal crime to carry out any research activity on a live human fetus or to intentionally take any action to kill or hasten the death of a live human fetus in any federally supported facility or activity; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey (for himself, Mr. BELL, Mr. CLAY, Mr. DERWINSKI, Mr. DUNCAN, Mr. ECKHARDT, Mr. EILBERG, Mr. FINDLEY, Mr. FULTON, Mrs. HANSEN of Washington, Mr. KEMP, Mr. LEHMAN, Mr. MCDADE, Mr. MELCHER, Mr. MILLS of Arkansas, Mr. MOLLOHAN, Mr. REUSS, Mr. RODINO, Mr. ROE, Mr. SEIBERLING, Mr. TIERNAN, Mr. VANIK, Mr. VEYSEY, Mr. YOUNG of Florida, and Mr. WON PAT):

H.R. 8781. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. VANIK:

H.R. 8782. A bill to repeal the bread tax, and for other purposes; to the Committee on Agriculture.

H.R. 8783. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF:

H.R. 8784. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 8785. A bill to establish a Joint Committee on National Security; to the Committee on Rules.

By Mr. ANDERSON of California (for himself and Mr. HANNA):

H.R. 8786. A bill to provide for a Federal income tax credit for the cost of certain motor vehicle emission controls on 1975 model motor vehicles sold in the State of California; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 8787. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CRONIN:

H.R. 8788. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mrs. SULLIVAN, Mr. WIDNALL, and Mr. WYLIE):

H.R. 8789. A bill to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half-dollars and quarters, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID:

H.R. 8790. A bill to allow a credit against Federal income tax for State and local real property taxes on an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. ROBINSON of Virginia:

H.R. 8791. A bill to extend commissary and exchange privileges to certain widows of deceased veterans and to certain disabled veterans; to the Committee on Armed Services.

By Mr. ROYBAL (for himself, Mr. BROWN of California, Mr. DANIELSON, Mr. HOLIFIELD, Mr. MOSS, Mr. REES, Mr. WALDIE, and Mr. CHARLES H. WILSON of California):

H.R. 8792. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. EDWARDS of California, Mr. RAILSBACK, and Mr. ROE):

H.R. 8793. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 8794. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. BEARD, Mr. DAN DANIEL, Mr. DUNCAN, Mr. KUYKENDALL, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. PICKLE, and Mr. QUILLEN):

H.J. Res. 621. Joint resolution providing for the designation of the first week of October of each year as "National Gospel Music Week"; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 622. Joint resolution designating, and authorizing the President to proclaim, February 11, 1974, as "National Inventor's Day"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 623. Joint resolution, stable Purchasing Power Resolution of 1973; to the

Committee on Government Operations.

By Mr. BENNETT:

H. Res. 440. Resolution to amend the Rules of the House of Representatives to provide that no rollcall or quorum call shall be conducted by electronic device after the House has entered into special orders after the conclusion of the legislative program and business on any day; to the Committee on Rules.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mr. OBEY, Mr. KASTENMEIER, Mr. RIEGLE, Mr. BROWN of California, Mr. EILBERG, Mr. FRASER, Mr. MATSUNAGA, Mr. BLATNIK, Mr. PODELL, Mr. ROSENTHAL, Mr. ROYBAL, Mr. BURTON, Mr. BINGHAM, Mr. DELLUMS, and Ms. SCHROEDER):

H. Res. 441. Resolution calling on the President to promote negotiations for a comprehensive test ban treaty; to the Committee on Foreign Affairs.

Mr. HARRINGTON (for himself, Mr. LEGGETT, Mr. MOAKLEY, Mr. WON PAT, Mr. STOKES, Mr. WALDIE, Ms. ABZUG, Mr. CONYERS, Mrs. BURKE of California, Mr. MURPHY of Illinois, Mr. STARK, Mr. ROE, Mr. DRINAN, Mr. EDWARDS of California, and Mr. O'HARA):

H. Res. 442. Resolution calling on the President to promote negotiations for a comprehensive test ban treaty; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mr. BROWN of California, Ms. CHISHOLM, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. HECHLER of West Virginia, Mr. MANN, Mr. MITCHELL of Maryland, Mr. O'HARA, MS. SCHROEDER, Mr. WOLFF, and Mr. WON PAT):

H. Res. 443. Resolution to amend the Rules of the House of Representatives to provide, as an item of the order of business of the House, for a period in which heads of executive departments and agencies are questioned in and report to the House; to the Committee on Rules.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mr. BROWN of California, Ms. CHISHOLM, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. HECHLER of West Virginia, Mr. MANN, Mr. MITCHELL of Maryland, Mr. O'HARA, Ms. SCHROEDER, and Mr. WON PAT):

H. Res. 444. Resolution to amend the Rules of the House of Representatives to provide, as an item of the order of business of the House, for a period in which heads of executive departments and agencies are questioned in and report to the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIAIMO:

H.R. 8795. A bill for the relief of John J. Egan; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 8796. A bill for the relief of Dr. Gernot M. R. Winkler; to the Committee on the Judiciary.

H.R. 8797. A bill to authorize the burial of the remains of Marie E. Newman in Arlington National Cemetery, Va.; to the Committee on Veterans' Affairs.

By Mr. MEZVINSKY:

H.R. 8798. A bill for the relief of William M. Korman; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

255. By the SPEAKER: A memorial of the Legislature of the State of Utah, relative to hosting the 1976 Winter Olympic Games in Salt Lake City; to the Committee on the Judiciary.

256. Also, memorial of the Legislature of the State of Utah, relative to returning to the States a portion of Federal user charges in the Aviation Trust Fund; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

HEARINGS BY FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE ON FEDERAL INFORMATION SYSTEMS AND PLANS—PHASE II—PRESENT AND PLANNED INFORMATION AND COMMUNICATIONS SYSTEMS OF FEDERAL AGENCIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on April 3, 1973, I announced that hearings on Federal information and communications technology would be held by the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee in three phases, beginning on April 10 and continuing in June and in September of this year; RECORD, page 10648, April 2, 1973.

The hearings on April 10 and 17 consisted of testimony from the Nation's outstanding technical experts on the application of new information and communications technology to such fields as education, health care, local government, rural development, cable television, and similar areas involving the delivery of information about Federal programs to our citizens.

Phase II of these hearings will begin on Tuesday, June 19 and continue on Tuesday, June 26, and on Tuesday, July 17. These hearings will receive testimony from Federal agency witnesses who will review selected Federal information systems and technology, plans for the future, and the role which Federal agencies are playing in the development and application of new information and communications technologies. The hearings will begin at 10 a.m. each of the days listed above and will continue in the afternoons. All will be held in room 2203, Rayburn House Office Building.

Mr. Speaker, I insert the text of the news release announcing phase II of these hearings in the RECORD.

The news release follows:

FEDERAL INFORMATION TECHNOLOGY HEARINGS RESUME; AGENCY WITNESSES WILL APPEAR

Representative Chet Holifield (D., Calif.), Chairman of the House Government Operations Committee, and Representative William S. Moorhead (D., Pa.), Chairman of the Foreign Operations and Government Information Subcommittee, announced that the Subcommittee will resume its hearings on government information technology on Tuesday, June 19, at 10:00 a.m. in Room 2203, Rayburn House Office Building. They will continue on Tuesday, June 26, and on Tuesday, July 17.

This series of hearings is examining all aspects of Federal information systems and plans. They began in April with testimony from the Nation's outstanding technical experts on the application of new information and communications technology to such fields as education, health care, local government, rural development, cable television, and similar areas.

The June and July hearings will concentrate on a review of selected Federal information systems, plans for the future, and the role Federal agencies should play in the development and application of new information and communication technologies. Later hearings planned for September of this year will examine certain implications of such technology, their impact on personal privacy, and the types of safeguards that will be required.

Witnesses at the Tuesday, June 19, hearing will include representatives of the Defense Civil Preparedness Agency, Department of Defense; the Department of Housing and Urban Development; and the Federal Information Center program, General Services Administration. The Defense Department witnesses will discuss the Decision Information Distribution System (DIDS), an experimental early warning disaster program. The Housing and Urban Development witnesses will describe the operation of the Integrated Municipal Information System (IMIS).

The hearing on Tuesday, June 26, will feature testimony from the Social Security Administration; Department of Health, Education, and Welfare; the Automated Data and Telecommunications Service (ADTS), General Services Administration; and from the Office of Applications of Space Research, National Aeronautics and Space Administration.

The final day of hearings in July, following the Congressional holiday recess, will include testimony from witnesses of the Office of Telecommunications, Department of Commerce, and from the Office of Telecommunications Policy, Executive Office of the President.

Members of the Subcommittee, in addition to Moorhead, are: Reps. John E. Moss, D-Calif.; Torbert H. Macdonald, D-Mass.; Jim Wright, D-Tex.; Bill Alexander, D-Ark.; Bella S. Abzug, D-N.Y.; James V. Stanton, D-Ohio; John N. Erlenborn, R-Ill.; Paul N. McCloskey, Jr., R-Calif.; Gilbert Gude, R-Md.; Charles Thone, R-Nebr.; and Ralph S. Regula, R-Ohio. Ex officio members are Reps. Chet Holifield, D-Calif., and Frank Horton, R-N.Y.

RESOLUTION OF THE INDIANA GENERAL ASSEMBLY

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, June 18, 1973

Mr. HARTKE. Mr. President, I ask unanimous consent that a resolution adopted recently by the Indiana General Assembly on the subject of providing aid to North Vietnam be printed in the RECORD.

There being no objection, the resolu-