

his closest associates. The reformers who have lamented the supremacy of Presidential power might be gratified by its end—even if they had burglars, bribers, and spies to thank—but there might come a day when they would regret the development. For the recent anguish over the near-sovereignty of the Chief Magistrate has been largely caused by the way the last two Presidents have made foreign policy and undertaken military intervention as they have seen fit. Few people have not at one time or another shared this anguish, but the perhaps unfortunate fact is that the courts have not held it unconstitutional. The roles assigned by the Constitution to Congress are only the control of the purse, the right to declare war, and the advice-and-consent rights given the Senate on appointments and treaties; these have an imposing sound and might have an imposing effect if it were not for the fact that the President is the sole spokesman for the entire country and, as clearly stated, the Commander-in-Chief of its armed services. Congress could not possibly assume either of these roles unless it were overwhelmingly of one mind, which it is not and never has been and, short of a totalitarian reorganization of American society, never could be. No single member has a mandate except from one of the fifty provinces he represents; only the President can claim the authority to speak for all. Even if the claim is spurious—even if he and the people have parted company—it remains Constitutionally defensible, and to that degree valid; there is little balance in this aspect of the system of checks and balances.

Certain observers have described it as fortunate, from Nixon's and his party's point of view, that this scandal emerged at the beginning of a Presidential term rather than close to its end; the public memory, they contend, is so short that by 1976 Watergate will be pretty much forgotten, particularly if in the next three years the Administration is able to score some triumphs in stabilizing the economy and in establishing a less dangerous set of relations with the Communist nations. But others contend that while the public tends to focus more sharply on the events of the year or so before elections than on older ones, Watergate is a very special case—one with too many ramifications to be quickly forgotten. Moreover, it is unlikely to come to an end in a month or two or three, and may, indeed, last through the next several years. In sheer magnitude, there has been nothing in our history to match Watergate. Most earlier scandals have been the product of cupidity on the part of a few individuals, whereas the stakes in Watergate have been primarily power, and the money to achieve power, and it has reached farther and higher in the bureaucracy than anything remotely resembling it. Although the Ervin committee has been low-keyed and responsible in its approach, the television coverage, which has really only just begun, has made the hearings fully as dramatic a television production as the Army-McCarthy hearings of 1954, which remain vivid in millions of memories almost two decades later. The Army-McCarthy affair contributed to the downfall of a single senator and a few men who had worked for him; Watergate has all but destroyed a half-dozen or more high government officials and at least as many of

humbler rank. Also, it is held largely responsible for the new lack of confidence in the dollar in money markets abroad, and it seems bound to have an even stronger impact on international affairs. Before the lightning struck, the President had proudly announced that this was to be the "year of Europe," and that it was his hope to have our Western allies subscribe to the "new Atlantic Charter" drawn up by Henry Kissinger (seen by many as a device for renewing American dominance and for obtaining more substantial economic and military contributions from the participating countries), and to follow this with a summit meeting with Soviet leaders and others in Eastern Europe. The Western leaders never seemed very fond of the idea, and Watergate may lead to outright rejection of it; the Communist leaders may not be put off on this account alone—the masses don't know about Watergate, and the leaders probably don't care—but the whole Nixon-Kissinger plan will fall if our traditional allies sour on it. The common opinion here is that this particular plan will go down the drain, accompanied, in all likelihood, by a lot of other plans.

—RICHARD H. ROVERE.

A-10 CONTRACT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RONCALLO of New York. Mr. Speaker, distinguished gentlemen who are known to be among our country's leading military experts have testified as to the capability of the A-10 aircraft. It might be well at this time to pause and reflect on the considered remarks of these acknowledged experts.

On April 26, 1973, the Secretary of the Air Force, the Honorable Robert C. Seamans, Jr., stated that the A-10 was:

A simple, rugged, and comparatively inexpensive aircraft that can support ground forces better than any existing system. It will carry heavy ordnance loads and loiter in the combat area for extended periods. It will have combat speeds ranging from 150 to 400 knots and will be highly maneuverable, permitting targets to be kept in view for longer periods and enabling operation under low ceilings and in areas of rough terrain.

In this day of fantastic cost overruns and production delays, it is worth noting Secretary Seamans' statement that the A-10 has met all target costs and delivery schedules. Flight began in May of 1972 ahead of schedule and by October of that year, approximately 350 hours of contractor testing had been completed. Based on the performance record of the A-10, contracts were awarded for production of the aircraft.

This contract was not awarded until completion of a competitive-prototype fly-off with the A-9A. Lt. Gen. James P. Stewart, Commander of Air Force Sys-

tems Command, is quoted in the "Armed Forces Journal" of March 1973 as listing among the advantages of the A-10 over the A-9:

The lower maintenance man-hours per flight hour, 8.1 to 10.5 (this is approximately equal to the maintenance schedule for Cessna's A-37, twice as good as for the F-100, and three times as good as for the F-4).

Stewart said total program costs are about the same for both the A-10 and A-9 aircraft. However, the A-10A "prototype to production transition" would be easier and its gun installation was better—another A-10A advantage, according to the general is the "high placed engines, which would reduce chance of its engines ingesting foreign objects and let the engine operate from unprepared strips."

Lt. Gen. Otto J. Glasser, Deputy Chief of Staff for Research and Development, U.S. Air Force, says of the prototype competition:

During the prototype phase, the A-9 and A-10 each flew in excess of 300 hours in a flight test program which clearly established the airworthiness of each design. The evaluation included assessments of performance and flying qualities, operational suitability, weapons delivery, subsystem performance and maintainability. Rigorous testing of cockpit armor and fuel tanks was conducted separately, substantiating the improved survivability features of both designs. After considering the results of the prototype aircraft evaluation and the contractors' proposals for development and production, the Secretary of the Air Force determined that the cost goal could be met and selected Fairchild to continue development of the A-10.

The concept of "fly-before-buy" will be carried forward into full-scale development and production phases. We intend to continue flight testing the A-10 prototype aircraft for an additional 400 hours before an initial production decision in May 1974. This testing will include additional aerodynamic investigations, 30 mm gun-airframe flight testing and Initial Operational Test and Evaluation. After delivery of the preproduction test aircraft, additional development and initial operational testing will be performed to support the major production decisions. This approach has been structured to maximize the benefits of prototype testing to insure that adequate testing is performed to support each milestone while also providing program continuity.

As I noted in the CONGRESSIONAL RECORD on February 28, this is the first major weapon system to be acquired entirely through the new prototyping procedure which was received and endorsed by the Congress from then Assistant Secretary of Defense David Packard. This procedure promises much relief in the constant problem of cost overruns.

As military affairs writer Charles J. V. Murphy observed in the December 1972 issue of *Fortune*—

The AX is the first weapon system to be deliberately designed to cost—the Packard solution as modified by John Foster.

HOUSE OF REPRESENTATIVES—Tuesday, June 26, 1973

The House met at 12 o'clock noon. Dr. John T. Ramsey, pastor, Pennsylvania Avenue Baptist Church, Washington, D.C., offered the following prayer:

Heavenly Father, Thou who stores up sound wisdom for the upright, Thou who

are a shield to those who walk in integrity, guarding the paths of justice and preserving the way of Thy saints.

Grant the Members of this august body fear of Thee, for thereby shall come wisdom and discretion for their work,

and justice and equity for those whom they represent.

Grant them, in turn, fearlessness in the face of evil, that by their example righteousness may be exalted in our land.

Grant them, above all, increased faith

in Thee, that they may be motivated by the certainty of Thy positive work in our world at this hour.

This petition we humbly bring in the name of Thy Son Jesus. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

S. 37. An act to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the Office of Director and Deputy Director of the Office of Management and Budget, and for other purposes;

S. 896. An act to amend the Education of the Handicapped Act, and for other purposes; and

S. 2045. An act to require that future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate.

DR. JOHN T. RAMSEY

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

Mr. POAGE. Mr. Speaker, our prayer was offered this morning by Dr. John T. Ramsey, pastor of the Pennsylvania Avenue Baptist Church in Washington, D.C. He is a native of Texas and is a graduate of my alma mater, Baylor University. After that he received a bachelor of divinity and doctor of theology degree from Southwestern Baptist Theological Seminary in Fort Worth, Tex. He has pastored churches in Texas and Oklahoma since 1963, and was an instructor of Bible at Henderson County Junior College, Athens, Tex., 1968-70. He is married to Carolyn Ann Magee—who is an accomplished pianist—of Henderson, Tex., and they have one child, John Philip, age 5.

Dr. Ramsey is noted for his knowledgeable translations of the Scriptures. He enjoys working with the original languages in striving for a good translation of the Scriptures. In fact, according to his family, in order to obtain the purest possible translations, he arises each morning at 5 a.m. and prepares his sermon for the following Sunday from the Greek itself. He and his wife visited the Holy Land last year to see as many Biblical places as possible.

He is very civic minded and is a director of the Washington Host Lions Club. He has made a number of innovations in order to reach out into the community and minister to the people. He has started the bus ministry in his church and already has two buses to go out and pick

up people who wish to come to church but do not have the transportation to do so.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON FARM BILL

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on a farm bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

TREASURY SHOULD ATTACH PRESIDENT'S PAYCHECK

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

Mr. GONZALEZ. Mr. Speaker, when an old person, or a survivor of a deceased employee, receives more money from social security than he is legally entitled to, the Government collects every last cent of the overpayment, if need be, by attaching the checks of these often helpless and wholly innocent recipients. And when the Government somehow overpays its employees, it also collects every last cent of the indebtedness, not infrequently by attaching the paychecks of these innocent persons. It actually takes an act of Congress to forgive such an indebtedness.

It now seems that the Government has spent upward of \$1.3 million to enhance the private properties of a prominent employee; namely, the President of the United States. There is not a shred of evidence to suggest that more than a fraction of these expenditures were in any way warranted. Therefore, it seems plain that the Government has overcompensated this employee and that the taxpayers are due a refund.

In line with the President's suggestion that we should all see what we can do for our country, and that we ought to curb the big spenders—I respectfully suggest that the Government bill the President for these needless overexpenditures in his behalf, and for his private benefit. If need be, the Treasury should obtain its refund by attaching the President's paycheck, just as it would from any other Government employee.

AMENDING DEPENDENTS ASSISTANCE ACT OF 1950

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO MAKE PERMANENT CERTAIN PROVISIONS OF THE DEPENDENTS ASSISTANCE ACT OF 1950, AS AMENDED

SEC. 101. Sections 10, 11, and 12 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2210, 2211, and 2212) are repealed.

SEC. 102. Chapter 59 of title 10, United States Code, is amended by adding after section 1172 the following new section and inserting a corresponding item in the analysis:

"§ 1173. Enlisted members: discharge for hardship

"Under regulations prescribed by the Secretary concerned, a regular enlisted member of an armed force who has dependents may be discharged for hardship."

SEC. 103. Section 401 of title 37, United States Code, is amended by—

(1) amending clause (2) to read as follows:

"(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his support; and"; and

(2) striking out the first sentence after clause (3).

SEC. 104. Section 401(3) of title 37, United States Code, is amended to read as follows:

"(3) his parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age) who is in fact dependent on the member for over one-half of his support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under regulations prescribed by the Secretary concerned, and he is not considered a dependent of the member claiming the dependence unless—

"(A) the member has provided over one-half of his support for the period prescribed by the Secretary concerned; or

"(B) due to changed circumstances arising after the member enters on active duty, he becomes in fact dependent on the member for over one-half of his support."

SEC. 105. Section 403 of title 37 is amended—

(1) by striking out that part of the table in subsection (a) which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, E-4 (four years' or less service), and E-4 (over four years' service) and inserting in place thereof the following:

"E-4 -----	\$81.60	\$121.50
E-3 -----	72.30	105.00
E-2 -----	63.90	105.00
E-1 -----	60.00	105.00";

(2) by striking out the last sentence in subsection (a);

(3) by striking out "subsection (g)" in the second sentence of subsection (b), and inserting in place thereof "subsection (j)";

(4) by inserting the following new subsections after subsection (f):

"(g) An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for quarters as a member of the uniformed services in pay grade E-4.

"(h) The Secretary concerned, or his designee, may make any determination necessary to administer this section with regard

to enlisted members, including determinations of dependency and relationship, and may, when warranted by the circumstances, reconsider and change or modify any such determination. This authority may be redelegated by the Secretary concerned or his designee. Any determination made under this section with regard to enlisted members is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(1) Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay"; and

(5) by redesignating subsection (g) as subsection (j).

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Section 302 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

Sec. 202. Section 302a of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

Sec. 203. Section 303 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

Sec. 204. Section 308a of title 37, United States Code, is amended by—

(1) striking out the phrase "any combat element of an armed force" and "a combat element of an armed force" in the first sentence of subsection (a) and inserting in place thereof the phrases "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps" and "such a career field", respectively; and

(2) striking out in subsection (c) "June 30, 1973" and inserting in place thereof "June 30, 1974".

Sec. 205. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

TITLE III—AMENDMENT TO SECTION 715 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, TO EXTEND UNTIL DECEMBER 31, 1973, FLIGHT PAY ENTITLEMENT FOR MEMBERS IN THE RANK OF O-6 AND ABOVE

Sec. 301. Section 715 of the Department of Defense Appropriation Act, 1973 (86 Stat. 1199), is amended by striking out "after May 31, 1973" and inserting in lieu thereof "after December 31, 1973".

TITLE IV—EFFECTIVE DATES

Sec. 401. Titles I and II of this Act are effective July 1, 1973.

Sec. 402. Title III of this Act is effective July 1, 1973.

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

Mr. ASPIN. Mr. Speaker, I object.
The SPEAKER. Objection is heard.

FRANK A. DEL BALZO, ASSISTANT JOURNAL CLERK, RETIRES

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

Mr. ADDABBO. Mr. Speaker, at the end of June, the assistant Journal clerk of the House of Representatives, Mr. Frank A. Del Balzo, will retire from public service. This retirement comes after 34 years of service on Capitol Hill

and 3 years of service in the Armed Forces for Mr. Del Balzo who began his hill career as a member of the U.S. Capitol Police on May 19, 1939.

Following his honorable discharge from the Army in December of 1945, Frank Del Balzo was reappointed to the Capitol Police in February 1946 and then in 1956 he was appointed as a doorman in the House of Representatives by former Congressman Eugene Keogh of New York.

In January 1961 Frank became assistant Journal clerk of the House. In that position he has served the House well and has, among his other duties, kept a record on all Members of the House for the House Journal Index.

I have known Frank for the past 12 years and he has earned the respect of those who know him as a dedicated worker and an able public servant. He has been part of the team which helps the Congress operate for nearly 34 years and now as his term of service comes to a close, I want to join his many friends in wishing Frank a healthy and enjoyable period of retirement.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the retirement of Frank A. Del Balzo.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 795, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965 and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS and BRADEMANS, Mrs. MINK, Mr. MEEDS, Mrs. CHISHOLM, and Messrs. QUIE, ESHLEMAN, and LANDGREBE.

WARMaking POWERS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES

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

Mr. DENNIS. Mr. Speaker, I advised the Members of the House yesterday that I expected to offer an amendment in the nature of a substitute when we consider the war powers resolution tomorrow. That amendment in the nature of a substitute appears in the RECORD for yesterday, page 21163.

Should the substitute for any reason

not be adopted, I expect to offer an amendment on page 4, section 4(c) of the bill, striking the word "concurrent" and substituting "bill or resolution appropriate to the purpose," the reason for that amendment being that I do not believe we can legislate binding action on the Executive by a concurrent resolution.

I offer for the RECORD the amendment just referred to:

Amendment offered by Mr. DENNIS: Page 4, lines 11 and 12, strike out the word "concurrent" and substitute therefor the words "bill or resolution appropriate to the purpose."

PERSONAL STATEMENT

Mr. ERLNBORN. Mr. Speaker, on rollcall 212 I was necessarily absent on official business of the House. I am recorded as paired "no" on the passage of H.R. 77. Had I been present and voting, I would have voted "aye."

TRIBUTE TO FRANK E. BATTAGLIA ON HIS RETIREMENT AS CHIEF REPORTER OF DEBATES, U.S. HOUSE OF REPRESENTATIVES

(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 late Speaker Sam Rayburn often used to say that the most beautiful word in the English language was "service." And Frank E. Battaglia, retiring dean of the corps of Official Reporters of Debates of the House of Representatives, has given this Chamber 30 years of dedicated service.

Frank's conscientious devotion to duty and faithful performance throughout the years have earned him high marks of excellence and praise from all Members and employees of the House of Representatives. As a member of the corps of Official Reporters, Frank Battaglia has played an active and important role for three decades in contributing to the accurate recording of monumental legislative history—the Truman doctrine and Marshall plan of the 1940's, the Interstate Highway System of the 1950's, and the landmark civil rights' measures of the 1960's.

Born and raised in New York City, Frank worked his way through college and Fordham Law School. Having attained the skill for verbatim shorthand reporting from his studies in high school and from working in several secretarial jobs while attending night school, he later worked as a free-lance shorthand reporter in practically every court in New York City.

When he heard that there was a need for shorthand reporters, Mr. Battaglia came to Washington, D.C. It was as a free-lance reporter to congressional committee hearings that Frank earned a reputation for speed and accuracy and caught Sam Rayburn's eye. The late Speaker appointed him as an Official Reporter of the Debates of the House of Representatives in 1943.

Frank, from his parents, learned to speak Italian. He also speaks French and Spanish. Many Members of the House

can remember clearly the first day they came to Congress, and how welcomed they felt when they were warmly greeted by Frank in the language which they spoke in their homes as children.

An Official Reporter in the House performs arduous tasks in that he must record faithfully all the utterances of the Members of the House throughout our sessions.

Those of us who have known and served with Frank take this opportunity to thank him for a job well done and to let him know how much we have appreciated his skill and devotion to duty over the years.

I am sure that all of my colleagues join me in wishing Frank well in his days of retirement.

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

Mr. O'NEILL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the standing ovation just given to Frank Battaglia clearly indicates the respect and affection that every one of us has for this outstanding employee of the House of Representatives.

Mr. Speaker, every one of us is indebted to the outstanding job that is done by the Official Reporters of Debates of the House of Representatives. They are dedicated, they are fair, and they do a superb job in making an official record of what takes place and transpires in the House of Representatives.

Frank Battaglia is the dean of the Official Reporters of Debates of the House. His long service of 30 years of more than exemplary service deserves on this occasion the appreciation, the plaudits, and the congratulations of all Members of the House.

Mr. Speaker, the distinguished gentleman from Massachusetts (Mr. O'NEILL), the majority leader, has recounted Frank's history, and therefore I will not repeat it. I do, however, want to congratulate Frank on showing by action what a person can do if he has the desire, the ability, and the will. I can only say that we will miss you, Frank. We will miss the friendship and the service you have given us. We wish you the very, very best and hope and trust that you will come back to the House so that we can continue this friendship in the years to come.

We all wish you God's blessing.

Mr. O'NEILL. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, I am happy that the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) has taken this time on this occasion to pay this tribute to Frank Battaglia. The majority leader's words and the words of the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) demonstrate the universal bipartisan feeling of respect, love and admiration that every Member of this House has for one of the finest servants this House has ever had. Frank's thirty years of exemplary service spans the entire years of my own service in the House of Representatives as well as the

service of the great majority of the other Members of this body.

What a skilled and unerring reporter he has been.

What a wonderfully dedicated, loyal, trustworthy, industrious person he has been.

It is indeed sad to see Frank disassociate himself from the official business of the House, but in saying "goodby" to him, I can confidently say that no one I ever knew has done more to earn a long, useful and pleasant retirement from the arduous duties which he has performed here.

Mr. O'NEILL. Mr. Speaker, I yield to the minority whip, the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, sometimes employees of the House seem to go unnoticed. Sometimes they are not appreciated as much as we all know they should be. It would be great if those of us who have daily contact with such individuals could pause long enough in our busy schedules to say thanks for a job well done.

One such quiet individual, who over the years has diligently and loyally performed his tasks, is Frank B. Battaglia, retiring dean of the corps of Official Reporters of Debates of the House of Representatives.

Frank came to service in the House with ideal and extensive preparation. Born and raised in New York City, he studied shorthand in high school and attained the skill for verbatim shorthand reporting as he worked in several secretarial jobs while attending night school. He worked his way through several years of City College of New York and received an LL.B. degree from Fordham Law School.

Frank worked as a freelance shorthand reporter in practically every court in New York City and took depositions in several Northeastern States.

When Frank learned that good shorthand reporters were in great demand in Washington, D.C., he came here and reported for various Government agency hearings, eventually concentrating his efforts as a freelance reporter for congressional committee hearings.

Then, in 1943, Frank was appointed an Official Reporter of Debates for the U.S. House of Representatives by our former Speaker Sam Rayburn.

As Frank Battaglia retires after 30 years of service to the House, it is my very sincere pleasure to join in paying tribute to Frank, to thank him for his very competent and unselfish service, and to offer to him my very sincerest thoughts and best wishes in his retirement.

Mr. O'NEILL. Mr. Speaker, I yield to the majority whip, the distinguished gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, I rise in tribute today to a man of whom we may genuinely speak volumes.

Because Frank E. Battaglia has written them—enough volumes to fill a library during his 30 years as an Official Reporter of House Debates.

Frank has faithfully and expertly chronicled the proceedings of the House

since the World War II years. He has probably listened to more congressional oratory—from 1-minutes to general debates to special orders—than few other men in our history. And he has kept his good humor throughout it all.

Frank has served under four Speakers of the House, and he has recorded the debates of 15 Congresses. He has covered the joint session appearances of six Presidents.

As Chief Reporter, Frank is responsible for the editing of the House portion of the CONGRESSIONAL RECORD. Members can have no better evidence of his consistent—and consistently excellent—performance than the regular delivery of their RECORDS each morning. We depend on them even more than on our newspapers.

Frank is now bringing to a close a career in reporting that began in 1928 when he took depositions for practicing attorneys. The entire House will miss Frank. He is a friend of all the Members, and I want to join with my colleagues in wishing him a long and fruitful retirement.

Mr. O'NEILL. Mr. Speaker, I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, the New York delegation has indeed been proud of Frank Battaglia, one of the Official Reporters of Debates, dean of the corps of Official Reporters in this House.

Frank Battaglia is a son of New York City, a product of its public schools; he is a man who has worked his way through night school and law school. He worked with dedication in New York and then came here to Washington. He properly and efficiently reports the words of this great body.

Indeed, it is with a heavy heart that we see him retire, but we all wish him well and many long, happy years of retirement.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I would like to add a few words in tribute to my good friend, Mr. Frank E. Battaglia, who will be retiring at the end of June after 30 years of service to the House.

Frank is a very skilled practitioner of a very demanding profession. Taking accurate shorthand during lengthy and emotional House debates is a rare and notable skill.

As one who was a shorthand reporter in the Army, I stand in awe of those, like Frank, who have reached a high level of competence in this skilled profession.

He is indeed a very talented man, and can be justifiably proud of the distinguished service he has rendered over these many years to this body.

I would also like to personally thank Frank for the kind and thoughtful consideration he extended to me when I was a new Member. In addition, I found his advice always to have been flawless.

I join all Members in extending to Frank every best wish for health, happiness, and personal fulfillment in the years ahead.

Mr. O'NEILL. Mr. Speaker, I now yield

to the distinguished gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I, too, wish to join our majority leader in expressing our good wishes to Frank Battaglia on his forthcoming retirement.

During the time I have been here I have had the pleasure of knowing Frank very well. I have observed him, of course, as he has performed his official duties. He has always been effective, he has been accurate, he has always been possessed of a good humor and a good name. Off the floor he has also been a fine gentleman and a man dedicated to the work of this House in his off-duty hours as well as his on-duty hours.

I recall especially one of the New York trips that the House usually takes about once a year. Frank served on this particular trip to which I refer as one of the official hosts of that group, and I must say his entire time was devoted to making that trip a very great pleasure and a very high educational experience for all of us, for our wives and children who made this trip.

Certainly I wish to join with the majority leader and the others who preceded me in wishing Frank every happiness in his well earned and well deserved retirement and to wish him God-speed, good health, and happiness for many, many years to come.

We thank him for what he has done and certainly wish him well.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I thank the majority leader for yielding. Mr. Speaker, I wish to add my voice to those Members expressing their appreciation to Frank Battaglia. It is most fitting that we take this opportunity to send to Frank the message of our gratitude for his faithful and unstinting service. After all, for no less than three decades, Frank has dedicated himself to getting out the message of this body. As dean of the corps of official reporters of debates of the House of Representatives, his contribution has been invaluable. We on Capitol Hill know well how dependent we are on faithful associates like Frank; without the outstanding assistance of men of his able caliber, we would be well-nigh helpless to do the job which must be done.

We wish him all the best in his well-deserved retirement. He may rest easy with the satisfying assurance of those who conclude their careers knowing that theirs was a job well done.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I want to join with the distinguished majority leader in paying tribute, as a member of the New York delegation, to Frank Battaglia, a great New Yorker, on the eve of his retirement.

Frank Battaglia has had a distinguished record in this body. Thirty years of trying to follow our remarks and report them accurately and faithfully and regularly is a tremendous record. I know

we have all been proud of the job he has done.

We have come to know Frank as a part of this body. It is going to be hard to operate without him; but we all wish him well in his retirement and wish him many, many years of happiness and continued good health.

I want to join in saying how sorry I am to see Frank Battaglia leave.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. It is very kind of you.

Well, Frank, you saw me sitting here and you wondered what is the matter with FLOOD. Well, you get different opinions about that, but I think of the great line and I think the name was Frank in that, too, "Oh, Frank, say it isn't so." Do you remember that one?

And I say that to you. Let me change the well-known phrase, I will make it: A scholar, a gentleman, and a judge of good Congressmen.

It is quite a trick.

And Frank has a grand, deadpan sense of humor, Mr. Speaker, and I know you know that. But, Mr. Speaker, the important thing that many of us have not mentioned today, and a thing that we all realize, is that Frank always knows what is going on here. Frank has been one of our biggest helpers. When you walk in that door at any hour of the day or night, frankly sometimes you do not know what is going on here. And you say, "Hey, Frank, what's going on? What amendment is it? What is this all about? What do you think? How will I vote?" And, you know, there he stands, back in that corner in that chair back there by that clique of Pennsylvania coal miners, and he stands there and, buzz, buzz, buzz, the talk goes on. How many times down through the years have you done that, and he with them? And you have needed Frank.

Oh, if I were a sculptor I would chisel from the marble my ideal of a hero—it would be Frank!

If I were a poet—oh, you like that part, Frank? I would melt the world to tears. I would break their hearts with a sonnet—and you remember, and you like it—it would be about Frank.

If I were a painter I would make the canvas eloquent—Frank, you write the rest of it, because you do it better than I.

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

Mr. O'NEILL. I am delighted to yield to the gentleman from Texas (Mr. MAHON).

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

Mr. Speaker, I perhaps may have the honor of saying the last word about this man, Frank Battaglia, who has written so many words over so many years. I too wish to join with my colleagues in tribute to him.

I do not like this idea of retirement as a time of nothing but rest. I know Frank well enough to know that he is going to be busy, driving, pushing, and serving his fellow men to the end of his days.

Thank you.

Mr. CONTE. Mr. Speaker, I rise at the invitation of our distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) to pay deserved tribute to one of the most conscientious, hardworking men to ever labor in this Chamber.

I speak of Frank Battaglia, who, since 1943, has served the Members of this body with unceasing dedication and is retiring at the end of this month as dean of the official corps of Reporters of Debates of the House of Representatives.

Frank's tenure in office, some 30 years, gives him seniority over all but a dozen of the Members of the House.

I wonder how many of us have put the knowledge we culled in high school to as good a use as Frank Battaglia has. I must say, that shorthand training Frank received at Dewitt Clinton High School has stood him in good stead over the years. It put Frank through college and law school, it provided him with employment as a court reporter in almost every tribunal in New York City, and, finally, it gave him the skill he needed to land an appointment from Mr. Sam Rayburn, our beloved former Speaker, as an official reporter in the highest legislative body in the land.

I am happy to take this opportunity to express for the RECORD—the RECORD that Frank Battaglia has kept so diligently for these past 30 years—my warmest congratulations on the distinguished career. Frank, please accept my best wishes for many happy and healthy years of retirement.

Ms. ABZUG. Mr. Speaker, I would like to take this opportunity to express my gratitude to the dean of the corps of Official Reporters of Debates of this House, Frank E. Battaglia. Over the last 30 years Mr. Battaglia has admirably performed the difficult and often thankless task of recording our utterances promptly and accurately for the eyes of Congress and the Nation. We pride ourselves on being a free and open society—the recording and dissemination of congressional debates is an integral part of this freedom.

As a Member of Congress who has made substantial use of Mr. Battaglia's reporting services, I would like to add a personal note of thanks and warm wishes for a happy retirement.

Mr. MILLER. Mr. Speaker, every once in a while we hear the story of a modern man or woman who is an example of the American dream. While the history books are filled with invigorating comments about the lives and trails of the pioneers who first gave democracy a foothold and gave future generations the chance to excel, it is becoming increasingly rare that we have the chance to honor a man who is a modern day success story.

We have that chance today, and I would like to take full advantage of it by joining my colleagues in the House of Representatives in paying tribute to Frank Battaglia, the retiring dean of the Corps of Official Reporters of Debates. For more than 30 years—three long decades—Frank has served the Members of this Chamber with diligence and distinction. He has been one of the most

responsible officials of the House that I have ever known, and it is clear that the legislative wheels of the U.S. Congress operate smoothly as the result of the hard work and dedication of men such as Frank Battaglia.

Earlier I made reference to the fact that Frank, in many ways, personified the American dream.

The first rung on his long ladder to success can be traced to the big city environment of New York, where, as a young man, he worked in several secretarial jobs while attending school at night. He worked as a free-lance shorthand reporter in practically every court in New York City. At the same time, he was earning an education that took him through DeWitt Clinton High School, City College of New York, and finally through Fordham Law School. Then, as now, won the respect and admiration of his peers who knew of his dedication and saw the results of hard work.

He decided to seek his fortune in the Nation's Capital after hearing about the scarcity of shorthand reporters in Washington. He has ridden the subways of New York for 4½ hours per day before finally making his decision to apply his shorthand skills to the work of the Congress. He reported for various Government agency hearings, subsequently confining his work as a free-lance reporter to congressional committee hearings. Was appointed as an Official Reporter of Debates of the House of Representatives in 1943 by the Honorable Sam Rayburn.

When former Speaker Rayburn appointed Frank to the position of Official Reporter of Debates, he was the youngest appointee to ever hold that position.

Beyond being one of the most competent officials in the U.S. Congress, Frank was a friend to many Members who have served this country over the past 30 years. His counsel has been sought on more than one occasion and I am confident that his advice has always been well taken.

I especially like the story of Frank bringing to the attention of the Punxsatawney, Pa., Ground Hog Club former Representative Leon Gavin's strong defense of the annual Punxsatawney ground hog celebration. As the result of Frank's interest in Mr. Gavin's support for the observance, Mr. Gavin was presented a mounted ground hog to remind all visitors to his office of the value of the "weather prophet of Punxsatawney."

Actually, it is with mixed emotions that one bids farewell to this fine public servant: I am happy that Frank can now retire to enjoy the pleasure of his family and hobbies, but at the same time, it is unfortunate that we are losing a man of his caliber. We will long remember his success, just as we will always be reminded that it is with hard work and sincere effort that we can attain the goals in life we seek.

I offer my congratulations to Frank on this day and wish him the very best of the future.

Mr. BLATNIK. Mr. Speaker, I join my colleagues in paying well-deserved tribute to Frank E. Battaglia, on his retirement after 30 years of service to the

House and the Nation as Official Reporter of Debates of the House of Representatives.

Frank was already a seasoned veteran of House debating procedures when I came to Congress in 1946, and is part of my earliest memories of the House.

I know him as a man of great courtesy, high competence, and abiding loyalty to the Members he has served over these three decades, and to the House as an institution of Government of free men.

As dean of the corps of Official Reporters, he represents all the finest qualities of a difficult, demanding, highly skilled profession.

He has made an outstanding and permanent contribution to the functioning of the House.

Frank Battaglia will be greatly missed after his retirement, but I know that the coming years will be filled with the warm thoughts of his fellow reporters, and the Members who count him among our valued friends.

Frank has our prayers, and our fondest wishes for many years of continued good health, happiness, and the fulfillment of his dreams.

Mr. WILLIAMS. Mr. Speaker, today I wish to take the opportunity to honor one of the most faithful servants of the House I have ever met. I refer to Mr. Frank E. Battaglia who is the Dean of our Official Reporters of Debates to the House of Representatives.

Frank was born and educated in New York and attended the Fordham Law School there. He used his great skill in verbatim shorthand reporting in nearly every Court in the State of New York.

More than 30 years ago Frank came to Washington to work as a shorthand reporter at various government hearings and proceedings. He did freelance work as a reporter to many congressional committees.

In 1943 Speaker Sam Rayburn appointed Frank as an Official Reporter of Debates in the House of Representatives. In the almost 30 years that have passed since that day, Frank has served his Nation and this House in the highest manner.

We have many different styles of speech here on the floor, and the accents from every region of our Nation, but Frank has always reported our debates with great accuracy. Where missing a single word could easily change the entire meaning of a paragraph, that accuracy has been a priceless asset to the Congress.

I am sure that all of my colleagues join me in wishing Frank a long and happy retirement. While we will miss him on the floor, he has both our gratitude and best wishes.

Mr. WAGGONER. Mr. Speaker, Frank E. Battaglia is retiring this month after three decades of service in the corps of Official Reporters of Debates of the House of Representatives.

Frank has been dean of the corps for a good many years and has recorded about as much debate on every possible subject as can be imagined.

In his capacity as a reporter of debate, Frank has most certainly felt the pulse

and watched the trends in Congress closely for quite some time.

As a native of New York, Frank worked his way through several years of the City College of New York, Fordham Law School, where he received an L.L.B. degree.

The shorthand he mastered in DeWitt Clinton High School served him well in several secretarial jobs he held while attending night school. Through those jobs, he perfected his skill for verbatim shorthand reporting. He freelanced as a shorthand reporter in almost every New York City court and then for many Government agencies after coming to Washington. He has served as an Official Reporter of Debates of the House of Representatives since his appointment in 1943 by the late Speaker of the House, Sam Rayburn.

I personally would like to express my appreciation to Frank for his assistance during my own years in Congress. Let me now extend all good wishes to him in retirement. May the coming years be filled with peace, happiness, and plenty of time to do whatever he so desires.

Mrs. MINK. Mr. Speaker, each Member of Congress and many thousands of other Americans each day read one of the world's most unique publications, the CONGRESSIONAL RECORD. We, in the Congress, are dependent upon the RECORD for a daily account of our actions, as well as for information and comments on matters of great interest. Yet most of us have come to take all of this for granted, without realizing that it takes a great human effort to produce such a document each day.

Among the most responsible for the creation of this record of our activities are our Official Reporters of Debates. They are entrusted with the task of laboriously writing in shorthand the debates and proceedings of the House as they transpire. Their handiwork is used not only as a factual record, it is veritably part of the law itself. Courts and regulatory agencies refer to what was said during the legislative process to determine and interpret the intention of Congress in the adoption of bills.

For the past 30 years we have been privileged to enjoy the services of Mr. Frank E. Battaglia in this important task. Frank has been a most conscientious and competent public servant. He has performed his duties unbeknownst to the public at large, who have benefited from his accuracy and skill. We in the House, however, are in a better position to realize the extent of his accomplishments.

As Frank retires as dean of Official Reporters of Debates for the U.S. House of Representatives, I wish to join his many friends and admirers in extending my own congratulations and best wishes. Frank has been a good friend and helper for all of the Members. We have all come to respect his personable manner and willingness to assist.

We shall certainly miss his presence in the House. Even so, his retirement after so many years is certainly well-earned. I hope he finds many years of happiness and satisfaction after leaving his arduous duties.

Mrs. SULLIVAN. Mr. Speaker, the printing of the CONGRESSIONAL RECORD each night is one of the most remarkable feats of the printing industry, with many people involved. But the RECORD begins with the Official Reporters of Debate, and without their remarkable speed and proficiency in verbatim shorthand reporting, taking down every word spoken on the House or Senate floor with amazing accuracy, it would take days, rather than overnight, to produce the official transcript of each day's congressional proceedings.

One of the very best Official Reporters to have served in the House during the 21 years it has been my privilege to represent the 3d Congressional District of Missouri is Mr. Frank Battaglia, the dean of the corps of Official Reporters and a 30-year veteran of this demanding and painstaking work in behalf of the House.

All of us who have come to know Mr. Battaglia as a skilled craftsman and fine human being will miss him in the well of the House when he retires at the end of this month. I wish him a most happy life in whatever he chooses to do after his well-earned retirement from the House. He carries our friendship with him into retirement, as well as a reputation of excellence in his chosen field.

Mr. PERKINS. Mr. Speaker, I join with my colleagues in commending the dean of the corps of Official Reporters of Debates of the House of Representatives on the occasion of his retirement.

Frank E. Battaglia retires with honor after 30 years of service to the House of Representatives. His has been a truly dedicated and faithful service. All of us have had occasion to appreciate his assistance at one time or another.

The Official Reporters of Debates in the House of Representatives all give outstanding service and Frank Battaglia has stood in the front ranks not only in years of service but in dedication and helpfulness to the House. I am most happy to have this opportunity to recognize his many years of service and to take this occasion to wish him many, many happy years of retirement.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I would like to associate myself with the remarks of the distinguished majority leader on the retirement of Frank E. Battaglia after 30 years of service with the House of Representatives. I know that all Members on both sides of the aisle appreciate Frank's faithful service to this body.

I would like to wish him every happiness during his retirement years. He will be hard to replace.

Mr. MINSHALL of Ohio. Mr. Speaker, I regret the occasion that calls for these tributes to Frank Battaglia, because it is always hard to say goodbye to an old friend, but I also welcome the opportunity to put on the official record of this great House of Representatives the warm good feelings and appreciation we feel for him.

Accurate, unruffled, truly dedicated, Frank is undoubtedly the finest dean of the corps of Official Reporters of Debates the House has ever known. He has transcribed an incredible amount of living history during his three decades of

service in this Chamber, beginning with the momentous days of World War II, in 1943, when he was appointed an official reporter by Speaker Sam Rayburn.

I wish to join with Frank Battaglia's countless friends and admirers who today are wishing him Godspeed and many, many happy, contented years of retirement.

Mr. JONES of Oklahoma. Mr. Speaker, during my first months as a Member of the House of Representatives, I have come to appreciate and respect the outstanding abilities and dedication of Frank Battaglia. I know I speak for the other Members of our freshman class when I say Frank has been extremely helpful and cooperative, and we will greatly miss his expertise.

Frank represents the very finest of the many outstanding Official Reporters in the House, and I know his dedicated work in behalf of the House will long be remembered. I wish him the very best and happiest years on the occasion of his retirement.

Mr. EILBERG. Mr. Speaker, I would like to express my deep appreciation to Frank Battaglia for 30 years of dedicated and conscientious service to the House of Representatives.

Frank regrettably is retiring shortly as dean of the Official Reporters of the House. His service has been characterized by exceptional competence, great good humor, and infinite patience—most of all patience. To imagine how many words have become pages and pages, volumes in three decades time is formidable. And yet Frank has survived in fine order the congressional penchant for using 1,000 words when 50 would do.

Thus, while history may question the worth of much that has been spoken during his time in the House, Frank's many friends unite in congratulating him on having successfully stemmed the tide of congressional verbosity and come through the battle of the pen and pad unscathed. Truly this fine fellow has earned a long, restful and happy retirement.

As one who likes to think: and certainly hopes he has not added unduly to Frank's burden through the years, I extend my best wishes for length of years and that special happiness which comes only when we spend more time with those we love.

Mr. NIX. Mr. Speaker, today I join with many other colleagues in saying goodbye to a very old and a very dear friend, the dean of the Official Reporters of the House of Representatives, Mr. Frank Battaglia.

Frank Battaglia was appointed Official Reporter of the House in 1943 by the Honorable Samuel Rayburn, one of the greatest Speakers of the House.

He is a graduate of the Fordham University Law School of New York City. He studied at the City College of New York as well and worked his way through both institutions. Frank developed during this period exceptional skill in verbatim shorthand reporting and was employed throughout the New York City court system.

Frank later became a free lance reporter to various congressional commit-

tees and, because of his exceptional skill, he was elevated to the post of Official Reporter of Debates of the House of Representatives.

Human beings make institutions what they are. We all have a right to be proud of the House and the people who make it what it is.

Frank Battaglia is one of these people. He is dedicated, knowledgeable, attentive, and congenial. His work was perfection itself.

We will all miss Frank and he has said that he will miss the House. At 65, after 30 years' service, Frank has richly earned his retirement 30 times over.

I want to take this occasion to publicly say goodbye to Mr. Battaglia and thank him for his friendship over the years as well as his skill.

I congratulate Frank on his well-earned retirement and I wish him and his the best of everything in life. We will miss him. We will not forget him.

Mr. CORMAN. Mr. Speaker, by far the majority of the staff of Capitol Hill are individuals who never see their names in print, who are rarely, if ever, given public credit for the work they do. Yet without these staffers, we as Congressmen would fail dismally in doing our jobs.

Just such an unsung hero is Frank Battaglia, Dean of our Official Reporters of Debates, who is retiring after 30 years of service in the House. Mr. Speaker, I am sure we will all miss Frank's friendliness and, above all, his helpfulness and cooperation. It is quite a job to report accurately the utterances of 435 prima donnas. Add to that the inevitable heated debates in which we engage and we can begin to appreciate the value of individuals like Frank. I have always been thankful for—and have on certain occasions made use of—Frank's willingness to bail out Members who frantically tried to get their remarks into the RECORD under the wire.

Mr. Speaker, many of our colleagues, I am sure, have heard comments to the effect that the CONGRESSIONAL RECORD can be a great cure for insomnia. We, of course, can congratulate ourselves for that—but the fact remains that the RECORD is the only official transcript of the activities taking place on the House and Senate floors, and is used by individuals throughout the world. Thus we are particularly fortunate to have had the highly competent services of such a man as Frank Battaglia. I take great pleasure in joining my colleagues to wish Frank many years of happy retirement.

Mr. MORGAN. Mr. Speaker, Members of the House are served day in and day out by a dedicated corps of extraordinarily competent professionals. They are men and women who shun the limelight while enabling this body to carry out its responsibilities to the Nation.

With the retirement of Frank Battaglia, we will lose an outstanding member of this devoted group.

For three decades, Frank has performed with notable excellence as an Official Reporter of Debates. There is no more demanding task. Yet he has carried it out with both a skill and a cheer that has won friends as well as admiration.

Frank richly deserved his status as dean of the Corps of Official Reporters here. We will miss him. I wish him many happy years in his retirement.

Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Frank E. Battaglia, retiring dean of the Corps of Official Reporters of Debates in the House of Representatives.

He was first appointed as an Official Reporter of Debates in 1943 by the late Speaker of the House Sam Rayburn, and on November 1, 1966, he became Chief Reporter.

Frank has given 30 years of dedicated and devoted service to the Members of the House of Representatives and to his fellow citizens. During those years, he has witnessed some of the greatest moments in the history of mankind, he has recorded the words of the great and near-great alike, and he has experienced, in a very real sense, the triumphs and the tragedies of our Nation.

Having given his best and having distinguished himself in a most exacting and difficult profession, Frank can be proud of his record and his accomplishments.

During my 9 years of service in the Congress, he has become a personal friend of mine, and I will be sorry to see him retire. While he will be missed from active participation in his position, he has earned this retirement, and our gratitude as well, for the fine job he has done over the past three decades.

I join my colleagues in extending to Frank Battaglia my best wishes for abundant good health, good fortune, and much happiness in the years ahead.

Mr. HOGAN. Mr. Speaker, I am pleased to join our colleagues in paying tribute to Frank Battaglia who is retiring after 30 years. I am very proud to say that Frank is a constituent of mine. Frank has worked hard all of his life. As a young man he worked long and hard while earning an education. Some of our colleagues might not be aware that Frank completed Fordham Law School at night.

He began working on Capitol Hill as a freelance stenographic reporter. Because of his skill, competence, and dependability he was soon asked to work as a House staff reporter. The House and the Nation have benefited from his services ever since.

Mr. Speaker, I am certain that all Members will miss Frank because of the outstanding service he has been rendering for all these years. I will miss him also as a friend. He was always kind and friendly in his quiet way. We both shared a love of poetry and sometimes discussed it. He is well-educated and has a quick wit and an incisive mind.

I know I speak for all of our colleagues, Mr. Speaker when I wish Frank an abundance of happiness in his well-earned years of retirement.

GENERAL LEAVE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the

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RECORD on the subject of the retirement of Frank Battaglia.

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

There was no objection.

COMMITTEE ON ENERGY

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

Mr. GIBBONS. Mr. Speaker, the leadership in forming a national energy policy, in coordinating energy legislation in light of well-conceived national priorities, has to come from the Congress. I believe that my bill, House Resolution 439, to establish a standing House Committee on Energy is a necessary first step in assuming this leadership. The committee would have as its purpose the establishment and maintenance on a permanent basis of a coordinated program of energy development, application, use and control; and its goal would be the eventual self-sufficiency of the United States in the energy field.

Over and over we have been reminded of the necessity of developing a comprehensive energy policy for the United States. The lack of such a policy in the past is largely responsible for our present difficulties, and the need for such an integrated approach is obvious if we are going to overcome our short- and long-term energy problems.

The President seems to be moving in this direction with the creation of a new cabinet-level Department of Energy and Natural Resources, but we here in Congress have for the most part, only paid lipservice to the need for a comprehensive energy program. Up to now we have been content with a piecemeal, fragmented approach, with energy legislation scattered all over the House to various committees which generally have neither expertise in the energy field nor a clear comprehension of the overall energy situation. If we continue like this in the future, looking elsewhere for direction and leadership, we will be ignoring some of our basic responsibilities.

So far, many of our colleagues have expressed the wish to cosponsor the bill to create a Committee on Energy and I hope several more will do so before I reintroduce the resolution after the July 4 recess.

PROPOSED RULES OF EVIDENCE

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

Mr. HUNGATE. Mr. Speaker, I have taken a special order today for 30 minutes at the close of all business to discuss briefly and to place into the RECORD the proposed rules of evidence.

The Members may recall that the courts sent over proposed rules of evidence earlier in the year. We passed legislation that they would not become effective until the Congress acted. The Subcommittee on Criminal Justice has

worked on them for nearly 6 months, and we have a tentative draft of the proposed rules, and they will go in the RECORD today.

I urge each of the Members to look at them tomorrow, and to call them to the attention of your constituents, and particularly the attorneys, so that we may have the benefit of further comments by July 31, when we prepare to resume working on these proposed new rules of evidence in the fall.

PERSONAL EXPLANATION

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

Mr. PREYER. Mr. Speaker, this past Friday I experienced a dilemma which frequently confronts my colleagues. Some weeks ago, when June 22 was not scheduled for major legislative activity, I accepted several speaking engagements in my district. Two of these were engagements which I had rescheduled from an earlier date which conflicted with House business. Among the meetings were a major session with businessmen, and the principal address at the North Carolina Girls State banquet. Honoring these obligations kept me from voting on several important issues. Had I been present I would have voted for final passage of the National Science Foundation and HUD appropriations bills, for the amendment prohibiting NSF funds for research on human living fetuses, and against striking the proportional obligation requirement in the NSF bill, against increasing the funds for urban renewal and against increasing the funds for community comprehensive planning.

CALL OF THE HOUSE

Mr. HARVEY. 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. 281]

Ashbrook	Derwinski	Mills, Ark.
Badillo	Diggs	Patman
Blatnik	Fisher	Price, Tex.
Boggs	Foley	Rold
Breaux	Ford	Roncallo, Wyo.
Burke, Calif.	William D.	Rooney, N.Y.
Byron	Gray	Steiger, Ariz.
Camp	Green, Ore.	Teague, Tex.
Carey, N.Y.	Griffiths	Thompson, N.J.
Clark	Gross	Widnall
Collins, Ill.	Hunt	Wiggins
Danielson	Ichord	Young, S.C.

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

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

CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Friday last, I call up the joint resolution (H.J. Res.

636) making continuing appropriations for the fiscal year 1974, and for other purposes; and, Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 636

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1974, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1973 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1974:

Agriculture-Environmental and Consumer Protection Appropriation Act;

District of Columbia Appropriation Act;

Department of Housing and Urban Development; Space Science Veterans and Certain Other Independent Agencies Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Departments of Labor and Health Education and Welfare and Related Agencies Appropriation Act as now or hereafter passed by the House and the Senate;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act;

Departments of State Justice and Commerce, the Judiciary and Related Agencies Appropriation Act; and

Department of Transportation and Related Agencies Appropriation Act;

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act;

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That no provision in any appropriation Act for the fiscal year 1974 which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution;

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1973, and which by its terms is applicable to more than

one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate: *Provided further*, That with respect to the projects and activities included in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, the current rate for operations within the meaning of this joint resolution shall be that permitted by the joint resolution of July 1, 1972 (Public Law 92-344, as amended), and other appropriations for the fiscal year 1973: *Provided further*, That the aggregate amounts made available to each State under title I-A of the Elementary and Secondary Education Act for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972;

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1973 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1973;

activities for which provision was made in the Department of Defense Appropriation Act, 1973;

activities for which provision was made in the Military Construction Appropriation Act, 1973;

activities for which provision was made in section 108 of Public Law 92-571, as amended, and such amounts shall be available notwithstanding section 10 of Public Law 91-672 and section 655(c) of the Foreign Assistance Act of 1961, as amended; and in addition, unobligated balances as of June 30, 1973, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the same general purposes for which appropriated;

activities of the Commission on International Economic Policy, notwithstanding section 209 of Public Law 92-412;

activities for the "Special fund" established by section 223 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-253) for which provision was made in the Supplemental Appropriations Act, 1973;

activities incident to adjudication of Indian Tribal Claims by the Indian Claims Commission for which provision was made in the Supplemental Appropriations Act, 1973;

activities of the Corporation for Public Broadcasting;

activities for operating expenses, domestic programs, of ACTION, for which provision was made in the Supplemental Appropriations Act, 1973;

activities of the Office of Consumer Affairs;

activities of the Cabinet Committee on Opportunities for Spanish-Speaking People;

activities of the National Study Commission on Water Quality Management;

activities of the National Industrial Pollution Control Council;

activities of the Department of the Interior for: (a) Saline water research program, (b) Trust Territory of the Pacific Islands, and (c) grants-in-aid and special bicentennial grants-in-aid under the Preservation of Historic Properties;

activities of the American Revolution Bicentennial Commission;

activities for Coast Guard reserve training;

activities of the Federal Railroad Admin-

istration for grants to National Railroad Passenger Corporation;

activities of the National Highway Traffic Safety Administration under the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1974;

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

activities under section 201(g)(1) of the Social Security Act, as amended, for which provision was made in the Second Supplemental Appropriations Act, 1973;

activities authorized by title I of Public Law 92-328; and

(e) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities of the National Commission on Productivity;

activities relating to the compensation and reimbursement of attorneys appointed by judges of the District of Columbia courts pursuant to the Criminal Justice Act of 1964, as amended;

activities of the Commission on the Organization of the Government for the Conduct of Foreign Policy;

activities under the Vocational Rehabilitation Act, as amended, and the Manpower Development and Training Act of 1962, as amended, and title I of the Economic Opportunity Act of 1964, as amended, for which provision was made under joint resolution of July 1, 1972, Public Law 92-334, as amended, and the Supplemental Appropriations Act, 1973, Public Law 92-607: *Provided*, That the current rate for operations shall be defined as that permitted by such appropriations for fiscal year 1973; and

activities under the Public Works and Economic Development Act of 1965, as amended.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable Appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1973, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1973.

SEC. 107. Any appropriation for the fiscal year 1974 required to be apportioned pur-

suant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the House moves in a mysterious way its wonders to perform. We are going to have quite an experience this afternoon. We will be considering by far the largest appropriation bill of the year. This continuing resolution authorizes spending at a rate of about \$175 billion until September 30 on which date the resolution is designed to expire.

Mr. Speaker, in view of the tremendous magnitude of this bill and its great importance, I think it most desirable that all Members be informed, at least to the extent that I propose to inform them in these preliminary remarks. My remarks are, by necessity, going to be a bit technical, but they are very significant because we are dealing here with big figures and important matters.

Indeed the U.S. Government would fall on its face—the U.S. Government would come to a screeching, grinding, unacceptable halt at midnight on June 30, except for this bill. There is considerable importance attached to it.

We bring before the House today the first continuing resolution—I hope it will be the last—for the fiscal year 1974 which begins on July 1, next week. The expiration date, as I have stated, is September 30. The committee suggests September 30, because the House will be in recess a week for July 4, and we are taking leave from Washington in August. It would seem that we could get a whale of a lot of our business done in the House and Senate prior to September 30.

Mr. Speaker, let me say that there are no hidden matters here that should arouse the suspicion and concern of our colleagues, except for the fact, of course, that the resolution does provide for the beginning of a spending program for fiscal year 1974 estimated by the President to be about \$19 billion greater than the fiscal year which ends on June 30. We are compelled to rely on a continuing resolution, because, although we will have passed 9 of our 13 regular appropriation bills in the House, they have not been passed in the other body, and they have not been enacted into law. The agencies and the departments of the Government must have money with which to operate and authorization by which to operate.

Mr. Speaker, after this week the

House will have four appropriations bills yet to consider. We expect to have reported to the House in mid-July the Treasury, Postal Service, and general Government bill. We will have the military construction bill available when the authorization is provided. Perhaps that will be provided in July. Following that we will have the big defense bill amounting to some \$70 billion plus. Then follows the foreign aid bill which has been in process of authorization for a number of months, but which has not yet been considered by the House.

The SPEAKER. The time of the gentleman from Texas (Mr. MAHON) has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

THE CURRENT RATE FOR PROGRAMS UNDER LABOR-HEW ACT

Mr. MAHON. Mr. Speaker, we are familiar with the special technical words—shall I say, “words of art”—contained in the continuing resolution. The only changes in the continuing resolution now before us, as compared with previous years, pertain to programs under the Department of Labor, Health, Education and Welfare and Related Agencies Appropriation Act. With the passage through the House of the fiscal year 1974 Labor-HEW bill expected today, the going rate for operations will be the more restrictive of the House passed rate and the current rate. The current rate is not considered to be the actual current level of operations. That level would not be indicative of the fiscal 1973 rate intended by Congress for those programs, because over a billion dollars of those funds have been impounded.

Therefore, for the purposes of the programs under the Labor-HEW Act, the “current rate” is defined as that established by the continuing resolution for fiscal 1973—which is much higher than the actual ongoing rate—namely, a rate of operations equal to the lower of the rate passed by the Senate or the House in H.R. 15417, the first vetoed bill.

EARLY ADJUSTMENT TO RATE FOR LABOR-HEW PROGRAMS

Also, because of the unique conditions involved in the 1973 rate, the joint resolution provides that on passage by the Senate of the Labor-HEW bill for fiscal year 1974, the rate of spending will be updated to that provided under the House or the Senate bill, whichever is lower.

That is a new rule. Heretofore we have not changed the rate until the bill was enacted into law. We tied the rate to circumstances prevailing on July 1 and that continued until the bill was enacted into law. This provision is an exception to the usual rule.

STATE ALLOCATIONS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

There is one other provision of the continuing resolution which merits particular mention. It has to do with the title I elementary and secondary education program. The resolution provides an identical provision to that proposed in the pending 1974 Labor-HEW bill which insures that no State will receive less than it received in fiscal year 1972 under

title I of the Elementary and Secondary Education Act.

The new 1970 census figures changed the allocation formula for this program, and this language is necessary to insure that no State will receive less than it did in fiscal year 1972.

RATE OF OPERATION UNDER THIS RESOLUTION

As has been the plan over a period of years, the continuing resolution establishes an appropriate rate of funding for the departments and agencies that will apply until the respective appropriation bills, the regular bills, can be enacted into law.

The rate of operation under the resolution is based on the status of each particular bill as of the date of the passage of the resolution as follows:

Where the applicable bill has passed only one House—and nine of them will have passed the House—then the operating rate shall be not to exceed the current rate or that rate permitted by the action of the House, whichever is lower.

Where the applicable bill has passed both Houses—and that does not apply at this time—but has not been enacted into law and the amount passed by the House is different from that of the Senate, then the activity shall be continued under the lesser amount and the more restrictive authority.

Where the applicable bill—and this does apply to several bills—has not passed either by the House or the Senate, then the rate between July 1 and September 30 for continuing projects and activities shall not exceed the current rate or the rate provided for in the budget estimates, whichever is lower, and under the more restrictive authority.

In certain instances where the current rate is difficult to define or would be inadequate because of special circumstances involved, special provision is made to base the rate of operations on the budget estimate. Certain social security and veterans programs fall in this category.

Where there is no budget estimate or if the budget request has been deferred for later consideration, the rate of operations for continuing projects is the current rate.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. The continuing appropriation has been under study by the Committee on Appropriations of the House, principally by the staff, and the Committee on Appropriations of the other body in conjunction with the Office of Management and Budget over a period of weeks.

This was the best proposal that could be presented under the circumstances.

Yesterday the Committee on Appropriations of the House of Representatives met and approved the continuing resolution which I have presented to the House today. I would like to see the continuing resolution approved as written. That is what we have customarily done in previous years. If we are going to make our legislative system work, we have to have the ingenuity to adapt to changing

circumstances or else we fall on our face. This resolution is a technique which we must adopt in order to meet our responsibilities.

I would regret to see the House include with this resolution, every special amendment in which Members generally might have an interest. If we make this a grab bag then the chances of getting it enacted into law by Saturday are remote, and we leave ourselves in confusion.

I hope that no amendments will be adopted in order that we may move expeditiously with this continuing resolution, as we have done year after year, and successfully. If we do not discipline ourselves in this connection, then chaos will be the result.

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

Mr. MAHON. I yield to the gentleman from Kentucky (Mr. PERKINS) the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, first I wish to compliment the distinguished gentleman from Texas (Mr. MAHON), the chairman of the Committee on Appropriations, for an outstanding job in bringing this resolution to the floor.

I know that the Committee on Appropriations is aware that the President's budget for fiscal year 1974 did not include provisions for the continuation of the major elementary and secondary school programs, that is, these programs were zero budgeted. As I understand, it is the intention of the committee that as to the elementary and secondary school programs which are funded under the continuing resolution through September 30, 1973, that the rate of spending shall not be less than any State received for fiscal year 1972. Is that correct?

Mr. MAHON. The gentleman from Kentucky is correct. In view of all the facts and circumstances, the subcommittee headed by the gentleman from Pennsylvania (Mr. FLOOD) gave thorough consideration to this problem. The whole Committee on Appropriations gave thorough consideration to this problem, and we took care of the situation.

I would point out, Mr. Speaker, that the gentleman from Kentucky, the able chairman of the Committee on Education and Labor (Mr. PERKINS) presented the problem to the committee in a very forceful and effective way. I believe that our actions are well in keeping with the recommendations the gentleman made to the committee.

Mr. PERKINS. I thank the gentleman.

Mr. MAHON. Under leave to extend, I will insert excerpts from the report of the Committee on Appropriations on the pending resolution. This insertion will help explain the operation of the interim financing arrangements contained in the resolution.

The excerpt follows:

LEVELS OF FUNDING PERMITTED UNDER THE RESOLUTION

As has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the De-

partments and agencies until the respective regular annual appropriation bills can be enacted by Congress.

In summary, the basis of operation under the resolution, which is based on the status of each particular bill as of the date of passage of the resolution, is as follows:

1. Where the applicable bill has passed only one House, the rate for operations shall not exceed the current rate or the rate permitted by the action of the one House, whichever is lower (Sec. 101(a)(4));

2. Where the applicable bill has passed both Houses but has not cleared conference, and the amount as passed by the House is different from that passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority (Sec. 101(a)(3));

3. Where the applicable bill has not been passed by either House, the rate for operations for continuing projects or activities shall not exceed the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority (Sec. 101(b));

4. In certain instances where the current rate is difficult to define or would be inadequate because of the special circumstances involved, special provision is made to base the rate of operations on the budget estimate (Sec. 101(d));

5. Where there is no budget estimate or if the budget request has been deferred for later consideration, the rate for operations for continuing projects or activities shall not exceed the current rate (Sec. 101(e));

6. The resolution does not in any way augment the appropriation for a given project or activity in the regular bills for fiscal year 1974. Sec. 105 provides that expenditures pursuant to the resolution shall be charged to the applicable appropriation, fund, or authorization whenever the subject bill is enacted into law.

7. No funds provided in the resolution can be used to initiate any new project or activity or to resume any for which appropriations funds, or other authority were not available in fiscal year 1973 (Sec. 106).

SPECIAL PROVISION FOR LABOR, HEALTH, EDUCATION, AND WELFARE ACTIVITIES

In reference to continuing projects and activities covered by the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, financed under Continuing resolution during fiscal year 1973 (P.L. 92-334), the proposed resolution defines "current rate" as that established by the continuing resolution which, in general, appropriated the amounts at a rate for operations equal to the lower of the rate passed by the House or the Senate in H.R. 15417, the first vetoed appropriation bill for the Departments of Labor, and Health, Education, and Welfare and Related Agencies, for fiscal year 1973.

The resolution also provides that upon passage by the Senate of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Bill for fiscal year 1974, that the pertinent project or activity shall be continued at the rate provided under the House Bill or Senate Bill, whichever is lower, and under the more restrictive authority.

Pursuant to Title I of the Elementary and Secondary Education Act, funds were distributed to school districts during previous fiscal years on the basis of the 1960 Census data, because the data from the 1970 Census was not available for use with the Title I formula. The Committee understands that the 1970 Census data is now available; therefore, it is expected that the amount provided will be distributed to States on the basis of the new data. To prevent a drastic redistribution

and possible reductions of as much as 50 percent in some State allotments, the resolution includes a provision, the same as that included in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Bill, 1974, which assures that no State will receive less than it received in fiscal year 1972 under the Title I program.

COMPLIANCE WITH THE RESOLUTION

It is essential that officials responsible for administering programs during the interim period covered by the resolution take only the limited action necessary for the orderly continuation of projects and activities, preserving the maximum extent possible the flexibility of Congress in arriving at final decisions in the regular annual bills.

Without laying down any hard and fast rules and short of encumbering administrative processes with detailed fiscal controls, the Committee expects that departments and agencies will especially avoid the obligation of funds for specific budget lines or program allocations on which congressional committees may have expressed strong criticism, at rates which unduly impinge upon discretionary decisions otherwise available to the Congress.

Mr. CEDERBERG. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) has gone into some great detail as to what is contained in this continuing resolution. We on the minority side support this resolution because we recognize that it is necessary that we do so if we are going to have the operations of our Government continue. When we discuss each continuing resolution we point up the deficiencies that do exist in the House of Representatives. We expect the executive departments to plan their actions so as to make their programs effective, but how can they do this when we do not give them an appropriation bill until at least 3, 4, or 5 months in the fiscal year are passed?

It seems to me there has got to be a way that we can get these appropriation bills out by the end of the fiscal year, or some other arrangement can be made whereby the agencies can know what to expect in the way of appropriations. I would hope that as we try to study various methods to improve our efficiency here in the House that this is an area where we would certainly take some action, because over the years—and this has happened year after year—we find the various departments not knowing what to expect until almost half of the fiscal year is over.

I do not think that we are in very good shape to criticize the departments as to the efficiency with which they handle their affairs when we do not do ours any better, or give them clear signals as to what we expect them to do.

It seems to me that this is an area that needs serious attention. We are going to continue appropriations until September 30. Obviously we are going to need another continuing resolution after September 30, because it will be impossible to get all of these appropriation bills completed and to the President by that time.

I hope that as we progress through the rest of the session that we will not find it necessary to continue these resolutions beyond Thanksgiving.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 10, after line 11, insert a new section:

SEC. 108. None of the funds under this Joint Resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam; or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

Mr. ADDABBO. Mr. Speaker, the 93d Congress convened in January of this year in a climate which most observers described as a constitutional crisis brought about by a confrontation over the impoundment of appropriated funds. That conflict between Presidential power and the desire and right of Congress to participate in the formulation of important national and international policy has not been resolved. The President has used his veto powers to stall Congress from any effort to reassert its authority in a number of areas. If Congress is able to override future vetoes, we will probably find ourselves in the midst of another battle over the impoundment of funds.

I submit to my colleagues on both sides of the aisle that the question of congressional feeling about the continued bombing of Cambodia and any continued U.S. military role in Southeast Asia is one which merits a very clear and determined expression of congressional policy. This is where we must take our stand and reassert our right to participate in policy. This is the time to insist that the President come back for our approval before another bomb is dropped in Cambodia or anywhere else in Southeast Asia. This is the issue which is important enough for a bipartisan vote against Presidential action without consulting Congress. This is the crucial vote of the year in the constitutional confrontation we have heard so much about for the past year.

If the President can impound funds appropriated for health, education, and other domestic programs, then I suggest that Congress has the right and the duty to impound the bombs which the President would drop over Cambodia.

The amendment which I have offered to the continuing resolution would bar the use of any of these funds for bombing or other military actions in Cambodia, Laos, North or South Vietnam. The purpose of my amendment is to prevent the administration from ignoring the intent of Congress as expressed in amendments to several other bills now pending before this Chamber or the other body. Anti-bombing amendments have been passed as amendments to the State Department authorization bill, the supplemental appropriation bill and it would be tragic if appropriated funds under a continuing

resolution were used to defy the expression of congressional opposition to continuing that bombing.

The purpose of a continuing resolution is to allow government to function normally, pending action on appropriation measures. We should not be placed in the position of ratifying the bombing policy of this administration through passage of such a measure because the raids over Cambodia are not routine government administration of congressionally approved programs. Those raids are the implementation of policies approved by the President without consultation or consent of Congress. They have been financed by the use of funds transferred from specific accounts to the general fund of the Defense Department without approval of Congress.

A continuing resolution should be passed in order to continue congressionally approved programs and must not be used as a justification for continued or increased military activities anywhere in Southeast Asia. My amendment would so provide.

I urge my colleagues in the House to support this amendment. I believe we will pass my amendment today. I believe it expresses the will of a majority of the Members of the House.

For too long the Congress has bowed to the wishes of this and the previous administration on Indochina policies, and I believe that the time has come for the Congress to say firmly—and once and for all—we are done with warmaking on behalf of dubious causes without the express consent of Congress. From this point on, when we speak of the national interest, let us keep in mind the interests of the millions of American families whose hopes and dreams are so cruelly shattered each time an American is killed or captured in some remote island of the world.

We must pass this amendment to halt this continuing depletion of our national strength. By doing so, it does not mean we are withdrawing from the conflict of this globe, or that America will never again fight to protect liberty. It does mean, however, that our young men will no longer be sacrificed as pawns in some Asian political battle when there is no justifiable reason for America to be actively involved without the express consent of Congress.

Understandably, the administration wants no curtailment of its ability to play international power politics. The Congress has heard testimony as recently as last week that there might again be another resumption of bombing of North Vietnam without a definitive veto by the Congress. This amendment will provide that veto and it will stand as a safeguard against future Vietnams or Cambodias where a President seeks to commit this Nation to war without the consent of the people through the Congress.

All of us in this Chamber today are all too keenly aware of the emotional return of our prisoners of war from Vietnam. We should remember, as well, the collective sigh of relief from the Nation

when the last prisoner was safe again once more on American soil. Are we now again to repeat this cycle in Cambodia, or elsewhere? Just days ago, the first American was captured in Cambodia. Unless we halt this senseless American involvement now, there will soon be other Americans joining him; or worse, there will be more American deaths.

The House of Representatives on May 10 and again yesterday expressed itself clearly on the Cambodia issue. The Senate has expressed itself even more strongly. I believe the House would do well to accept the amendment, for it states beyond question just how the people of the Nation, as symbolized by the votes of their representatives, feel about our actions in Cambodia, and South-North Vietnam as relates to our combat forces.

The question before us today is no longer Vietnam. It is no longer a question of protecting our troops, or a matter of salvaging even a tenuous cease-fire from our massive commitment of young bodies. The question before us today is whether the United States will continue to risk the lives and limbs of American youth to help still another Asian dictatorship maintain its power without the consent of Congress.

The question before us is simple, and we need not differ for partisan reasons. These are our young men we either commit to dubious battle or hold back from the fray. In my mind, there is no question whatsoever. I propose this amendment enthusiastically, and I would hope you would support it to prevent further commitment of U.S. forces without the consent of Congress.

We have given South Vietnam, Cambodia, and Laos billions of American dollars, tens of thousands of American lives, and to South Vietnam the world's third greatest air force.

To the American people we have given division, poverty and more.

The time is now to change those priorities. I ask for the support of my amendment.

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

Mr. ADDABBO. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I notice the amendment offered by the gentleman goes far beyond the amendment offered by the gentleman yesterday. Yesterday it was Cambodia and Laos, and today it is Cambodia and Laos and North and South Vietnam. Is it the intention of the gentleman by this amendment to stop, effective with the passage of this legislation and its signature by the President, all military operations by the United States in Southeast Asia including civilian air resupply and technical air operations?

Mr. ADDABBO. My amendment reads that it shall stop any aid for combat U.S. Forces in and over Laos, Cambodia, South and North Vietnam. Yes, it goes beyond the amendment offered yesterday. This is the so-called Church-Case amendment which the Senate has passed. It will cease U.S. war activities in these areas.

SUBSTITUTE AMENDMENT OFFERED BY MR. MAHON FOR THE AMENDMENT OFFERED BY MR. ADDABBO

Mr. MAHON. Mr. Speaker, I offer a substitute amendment for the amendment offered by the gentleman from New York (Mr. ADDABBO).

The Clerk read as follows:

Amendment offered by Mr. MAHON as a substitute for the amendment offered by Mr. ADDABBO: Page 10, after line 11: In lieu of the matter proposed, insert the following:

Sec. 108. After September 1, 1973, none of the funds under this joint resolution may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces.

Mr. MAHON. Mr. Speaker, I had hoped that this amendment would not be presented to the House today. The House took action on an amendment yesterday, and now there has been a switch in signals and we are asked to endorse another amendment following this switch in signals. As the House approved the so-called Eagleton amendment yesterday, it did not cover North Vietnam and South Vietnam. Here is the amendment that was voted on yesterday:

None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

That satisfied the other body. Apparently that satisfied the majority of the House yesterday, but the gentleman from New York is not satisfied. He comes up now with a change in signals and he includes North and South Vietnam.

I quote the language of the amendment of the gentleman from New York (Mr. ADDABBO) as follows:

None of the funds under this resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam, or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

Mr. Speaker, we can only have one President at a time.

I realize that the President is somewhat beleaguered at the moment, but this is not a matter here of domestic conduct or politics. This is a matter of our country, whatever is best for our country. I repeat we can only have one President at a time, and he is our spokesman in foreign affairs. To cut away all the alternatives available to him in North and South Vietnam, and to leave him naked to the Communists in that area of the world, and to play footsie with the gains which have been made toward peace, and to chance the loss of the progress which has been made, seems very, very bad indeed.

So, I rebel, as I hope my colleagues will, at this change of signals, this switch of stance. Therefore, I would say, let us not upstage the Eagleton amendment, but in view of the apparent will of the House, I have offered an amendment somewhat similar to the so-called Long amendment, which says that after Sep-

tember 1, 1973, none of the funds under this joint resolution may be expended—and I am tracking the Eagleton amendment somewhat—shall be expended to support, directly or indirectly, combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by the U.S. forces.

Now, will you, my colleagues, be willing to wait until September 1, a brief period of time, to make the amendment effective?

After passage of this measure, let us go to the other body, see what we can work out in conference—and we will have to bring it back to this body. If we have to bring the measure back in a modified form, then we will be in a little more flexible and fluid position.

The world is watching the U.S.A. The world is wondering about our resolve. The world is wondering if we are so involved in environment and politics and Watergate and budgets and inflation—the world is wondering if we would at this critical moment take action which might in this decade—which might in this decade—trip us up and let the United States of America, the proud country which we love, fall on its face. I am not willing to do it.

I say my President—your President—must have some flexibility, or else he has nothing, more or less, with which to bargain. Approximately 550,000 troops have been brought back from South Vietnam. Is that not something? Maybe they should have been brought back earlier, but they have been brought back and great celebrations have taken place over the return of former prisoners of war.

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

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. So, Mr. Speaker, some progress has been made. I do not know how long it will take to work this out, but there will be some additional expenditures now, some hazards, some losses perhaps, very minor compared to what they otherwise might be.

I would rather give the President more time right now than to slap him in the face in the presence of the entire world, and deny him some flexibility in his negotiations. It may cost us a little here now, but failure to follow a proper course could cost nuclear war. It could cost us millions of lives. It could cost us survival if we show weakness and a lack of will and resolution.

Is it not disturbing that our great country can watch other nations of the world—and some are not too admirable in some respects—but some certainly have more patience than we have. We are too impatient, and in dealing with the oriental nations we may need to show greater patience in our own self interest. Therefore, I am hoping and almost praying that the members of this body will let us take to the other body this continuing resolution with the substitute amendment which I have offered, which seemed more or less to satisfy the House yesterday and which I would like to think now, upon more material reflec-

tion in a less emotional atmosphere, will satisfy the House today.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. MAHON

Mr. LONG of Maryland. Mr. Speaker, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland to the substitute amendment offered by Mr. MAHON: On line 1, strike the words "after September 1, 1973" and on line 2 insert the words "heretofore appropriated" after the word "resolution" and before the words "may be expended".

Mr. MAHON. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER. The gentleman from Texas reserves a point of order.

The gentleman from Maryland is recognized for 5 minutes in support of his amendment.

Mr. LONG of Maryland. Mr. Speaker, under the resolution offered by the gentleman from New York the prohibition against funds being used under this continuing resolution would apply not only to Laos and to Cambodia but also to South and North Vietnam. That is acceptable to many of us, but that language has not been tested in the Congress. We are embarking on new and untried territory when we move in that direction before we have solved the problems before us.

What the gentleman from Texas undertakes to do is nullify the operation of the Addabbo amendment for 60 days. Since the continuing resolution is only for 90 days, this would knock out any restriction on bombing during most of the period served by this continuing resolution.

I might point out also, of course, that we have no promise or even prospect that the President will sign the second supplemental, so it is quite likely that the language passed restricting bombing in the second supplemental appropriation may be thrown out also and that we will be left then with no resolution until September 1.

The purpose of my amendment to the substitute is to basically establish the language that passed the House yesterday, in the second supplemental. That is all it undertakes to do. It differs from the Addabbo amendment in that it covers heretofore appropriated money. The Addabbo amendment does not cover that. In other words, the Addabbo amendment does not deal with the Eagleton amendment at all. My language would do so.

The language as I have proposed it, as I would amend the substitute amendment offered by the gentleman from Texas, would simply reinstate what we did June 25, for the second supplemental.

It would do what we did for the second supplemental and put this in the continuing resolution. That is all. The language has been tested in the House. It has been tested in the Senate. It has gone through both bodies.

I might point out that while the President can veto the second supple-

mental he cannot very well veto the continuing resolution, so if we can get this language in here it is virtually veto proof.

Mr. Speaker, I cannot imagine the President vetoing a continuing resolution. So I urge that my amendment to the substitute be voted up, because this is basically the Eagleton amendment or, rather, the Eagleton language strengthening of the Long amendment as it originally went through, and to me that is the most important thing to do.

Before we embark on new territory dealing with North and South Vietnam, let us deal with where the bombing is really going on and get this through Congress.

Mr. WOLFF. Mr. Speaker, will the gentleman from Maryland (Mr. LONG) yield?

Mr. LONG of Maryland. I will be glad to yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, the gentleman said he wants to deal with where the bombing is going on, and, therefore, under the Paris Treaty nothing is supposed to be going on in North and South Vietnam.

Why is it we are voting funds, and why is it he is eliminating it from this consideration?

Mr. LONG of Maryland. Well, Mr. Speaker, none of the amendments here deal with noncombat operations. We are dealing entirely with funds for combat operations. I urge the Members to vote for the Long amendment for the Mahon substitute.

The SPEAKER. Does the gentleman from Texas (Mr. MAHON) withdraw his point of order?

Mr. MAHON. Mr. Speaker, I withdraw my point of order.

Mr. KEMP. Mr. Speaker, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. LONG) and that of Mr. ADDABBO and in support of the amendment offered by the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

The chairman of the committee today has reminded us dramatically of one very important fact when it comes to the foreign policy of our country, and that is in this Chamber we are not Democrats or Republicans but Americans, and we want, as I know everyone on this floor does, to do what is best and what is in the best interest of our country at any given moment.

Mr. Speaker, the chairman has also reminded us very dramatically that when it comes to the foreign policy of our country, we have at any one time just one leader. It has been said that we can elect whom we want to lead us in the field of foreign policy, but we cannot elect not to have a leader. We have a leader today in foreign policy who has been eminently successful in reducing tensions in the world and in reducing American involvement in the Indochina war.

Mr. Speaker, this country has asked for leadership and productive negotiations with regard to the SALT talks in order to reduce the arms race; we have looked for this President to negotiate for us in the Mideast; we have looked to him to negotiate for us in Paris with regard to the Southeast Asian conflict; we have asked for him to negotiate for us with regard to China so as to help reduce tensions in Asia; we have looked to him to help provide leadership so as to negotiate a mutual and balanced force reduction in Europe between NATO and the Warsaw Pact countries.

We are asking for him to negotiate for us and be our leader everywhere in the world except in Southeast Asia. There we are saying he is not credible and we do not trust his leadership and he does not speak for America. What a contradiction—what confusion.

Mr. Speaker, I suggest here today that if our leader is not credible in Southeast Asia, how can we ask him to be credible in negotiations along the Suez Canal or in Europe or at SALT talks or in any of the other strategic areas of our vital foreign policy interests?

I think the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), has made an extremely important point and I agree. What we are suggesting is that the first line of defense for this country is the credibility of our country, the word of our country, the honor of our country. I would suggest that the gentleman who has offered this amendment, the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), has made a vital contribution to the ability of this country to maintain its credibility. I urge my colleagues to support his amendment and vote down the Long and Addabbo amendments. These amendments are nothing but a 1973 version for Asia of the Neutrality Act which Congress passed in the 1930's and which did so much to tie President Roosevelt's hands.

The motives which inspired the passage of the Neutrality Act were of the purest nature, just as are the motives of the backers and sponsors of the Long and Addabbo amendments before us today. Congress wanted to keep us out of war. Congress wanted to make peace secure.

The Neutrality Act passed by Congress declared that in the future the United States would not support nations who were struggling for their freedom against totalitarian regimes such as Hitler's and Mussolini's, and furthermore, no distinction would be made by our country between aggressor and nonaggressor nations.

Our distinguished colleague in the Senate, the Honorable SAM ERVIN, has made some excellent remarks concerning the Neutrality Act from which I quote at this time:

The motive behind the passage of the Neutrality Act was laudable. It was to keep the United States out of war. It was to bring about peace for the United States, if nowhere else on earth. But the Neutrality Act was the thing for which Hitler had been thirsting

and the thing for which Mussolini had been hungering. All they were waiting for was a declaration by the United States that it was going to isolate itself on the American continent and let liberty be extinguished elsewhere on the face of the earth by ruthless dictators. The Neutrality Act gave them that assurance, and so they plunged the world into the Second World War.

No historian who has the least respect for the truth will ever fail to agree that the passage of the Neutrality Act by the American Congress, at the instance of an American President, was one of the great causes which unleashed the dogs of war in Europe and led to the Second World War, in which millions and millions of millions of helpless men and women and children suffered extermination in virtually all areas of the earth.

But there seems to be no way in which one can stop the delusion that Congress in some way, by passing a law, can put an end to war, so far the United States is concerned.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. KEMP. Mr. Speaker, if I may be allowed to finish my statement, then I will be glad to yield.

Mr. Speaker, I point this out because I know that everyone in this room sincerely desires peace.

In 1962 we negotiated an agreement with regard to the neutrality of Laos, and as the gentleman and all of us recognize today, before the ink was dry on the negotiated settlement of 1962, it was violated by North Vietnam. They used the Laotian Corridor, the Ho Chi Minh Trail, as a conduit through which to support and export revolution in South Vietnam.

I believe sincerely that the greatest mistake in the 1960's was the failure of this country to enforce the 1962 Geneva accords as they relate to Laos, because in so doing we said that the negotiated settlement was not worth the paper upon which it was written. That violation led as much to the tragedy of Vietnam as any other single mistake.

I quote at this time from a recent New York Times article by former Under Secretary of State, Eugene V. Rostow:

It is manifestly impossible to assure the security of South Vietnam if hostile forces operate against it from sanctuaries in Cambodia and Laos. This was the premise of the Geneva Agreement of 1962, through which the Soviet Union promised us that North Vietnamese troops would withdraw from Cambodia and Laos. Many believe that the Vietnam misery stems from Kennedy's failure to insist on the fulfillment of that agreement. The 1962 promise was repeated by North Vietnam in the January cease-fire agreement and endorsed by the major powers who signed the Act of Paris of March 2.

At this tense and precarious moment in the Indochina conflict indirect nibbling at our long-standing policy in the area is peculiarly inappropriate. Having fully and repeatedly authorized the goals of that policy, Congress should not now deny the President the best available means to make our policy good.

Let us not make the same mistake again to America's credibility.

What I am suggesting here to my colleagues today on the floor of the House is this: America and the President as our leader has to be credible all over the world. You cannot ask him to be credible in the SALT talks or the mutual bal-

anced force reduction talks if you will not allow him to be credible and enforce the negotiations that were so difficult to achieve at Paris.

That agreement was not perfect; in fact, it is a far cry from it. We can make it work if we don't give up here at the last minute. The chairman of the Committee on Appropriations made a very vital contribution to the cause of leadership for this country with his amendment, and I urge support for the Mahon amendment and defeat of the Long and Addabbo amendment.

I now yield to the gentleman from Maryland.

Mr. LONG of Maryland. Let me point out my substitute would not do anything about North and South Vietnam, so it would not affect any of our relations there.

Mr. GIAIMO. Mr. Speaker, I move to strike the last word.

Mr. HAYS. Would the gentleman yield to me for a brief observation?

Mr. GIAIMO. I yield to the gentleman.

Mr. HAYS. The preceding speaker made a great argument which really left me a little bit could about the credibility of the White House. Apparently he has not been watching television in the last few days.

Mr. GIAIMO. Along those lines, I would like to add that the world is watching the credibility not just of the United States President but of the Government of the United States. It is the credibility of the entire Government of the United States that the world watches, which includes very clearly the duties and responsibilities of the legislative branch—the Congress.

Mr. Speaker, there is a little confusion here. I think we should explain what is happening.

The resolutions which we passed yesterday and several weeks ago involved and dealt with a very specific thing—namely, to stop what we consider to be unauthorized usages of funds to bomb, as we are actually doing in Cambodia and Laos. There is no bombing or combat going on in North Vietnam; therefore, there was no need to incorporate that language in attaining the purpose that the Congress overwhelmingly supported both in the House and the Senate.

Now we are dealing with new funds—1974 funds—and we are saying that it is the will of the Congress that we do not want any more combat activity in all of Southeast Asia, and that includes North and South Vietnam.

The chairman of my committee makes a very eloquent speech that we cannot tie the President's hands and that we have to give the President flexibility. We have been hearing this same suggestion for 10 long years, and the American people have made it crystal clear that they want out. If the situation occurs in Vietnam where the President feels he needs to take some sort of combat measure, the answer is very simple: let the President, any President, come back to the Congress and ask the Congress and consult with the Congress as to what joint efforts the American Government should make in Vietnam.

I, for one, refuse to go along with the idea of flexibility in Southeast Asia where we have made it so clear—and where the American people have made it so clear—that we do not want to reengage.

Let me say this: President Nixon has exercised admirable foreign policy abilities in extricating the United States from Southeast Asia. He is not going to reintroduce combat forces in Vietnam, and he does not need gunboat-type diplomacy with bombers in order to follow and pursue his course. He has done it through negotiation, and I am confident he can continue to do it through negotiation.

As I understand it, the amendment of the gentleman from New York (Mr. Addabbo) is the same as the amendment that was passed in the other body as an amendment to the State-Justice-Commerce-Judiciary Authorization Act.

We are dealing here in the future with the 1974 fiscal year funds. The other body made it clear that they wanted no involvement, not just in Laos and Cambodia, but in Vietnam also. And we in the House should make sure that our funds are not used for this purpose.

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

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

Mr. CEDERBERG. Mr. Speaker, I would ask the gentleman from Connecticut does the gentleman intend to support the war powers legislation that we will vote on tomorrow?

Mr. GIAIMO. Yes, I do.

Mr. CEDERBERG. Does the gentleman from Connecticut realize that in that legislation it gives the President carte blanche authority to carry on combat activities for 120 days anyplace in the world?

Mr. GIAIMO. That is a little different. Congress has already spoken as to Southeast Asia and said "Stop."

Mr. CEDERBERG. And the Congress takes no action? I disagree with that concept. But the gentleman from Connecticut will not give the President 60 days in which to bring about the conclusion of these long, long negotiations?

The SPEAKER. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 2 additional minutes.)

Mr. GIAIMO. Mr. Speaker, in answer to the gentleman from Michigan, I do not want to give the President or anyone else 1 additional day for flying American combat pilots and who may be shot down in Vietnam, or Laos or Cambodia and whose lives will be wasted. We have had it in Southeast Asia, and we want out. The American people have made it very clear. Let us not play any further games with it; let us get out of that place as the President has gotten us out of South Vietnam, and let us stay out.

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

Mr. GIAIMO. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, apropos of what the gentleman from Connecticut has said, and this was the major thrust of my question directed to the gentleman

from New York, is the language the gentleman from Connecticut is supporting an absolute cutoff of any U.S. supplies, or any type of air support in flying in civilian supplies, or military combat supplies?

Mr. GIAIMO. We are not talking about support troops or advisers. We are talking about combat forces.

Mr. WYMAN. What about flying supplies into Phnom Penh to supply the civilians that are under siege there?

Mr. GIAIMO. We are talking, as I understand it from the language of the amendment, strictly about American combat forces, not supply forces. We have supplied the South Vietnamese Army with an air force; we have supplied the Cambodian troops with combat equipment. We are not talking about that.

Mr. WYMAN. If the gentleman from Connecticut will yield further, the language of the amendment prohibits any more support, if the gentleman will read the amendment carefully, so that you cannot fly in military aircraft supplies into Phnom Penh for support of our civilians there.

Mr. GIAIMO. I will yield to the author of the amendment.

Mr. ADDABBO. Mr. Speaker, the amendment speaks for itself. It speaks of combat U.S. forces, and it goes further; it says without the consent of the Congress. If the President feels he needs to commit us further in the war, then let the President come back to the Congress.

The SPEAKER. The time of the gentleman from Connecticut has again expired.

Mr. GERALD R. FORD. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the gentleman from Connecticut (Mr. GIAIMO) is accurately interpreting the words in the amendment offered by the gentleman from New York (Mr. Addabbo) and those words in that amendment, as reiterated by the gentleman from Connecticut, ought to make everybody in this body think twice.

Let me read those words to the Members:

None of the funds under this joint resolution—

And that is all of the money in the Defense Department budget or in the budget as a whole—

may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam, or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of the Congress.

That is what the amendment offered by the gentleman from New York (Mr. Addabbo) says.

The gentleman from Connecticut (Mr. GIAIMO) is completely accurate. If this resolution becomes law, if an enemy in the Pacific takes some military action in any one of these four areas and puts in jeopardy the lives of American civilians in any one of these areas, or the lives of any U.S. military personnel in any one of these areas, until the Presi-

dent comes to Congress and gets consent he cannot protect these lives.

I suggest that should an enemy attack us and put other American lives in jeopardy, the Commander in Chief ought to have some flexibility to protect those lives. The Addabbo amendment does not give the President that flexibility, and the gentleman from Connecticut has totally confirmed that interpretation.

We have an obligation to the 2,000, 4,000, or 5,000 American civilians in that part of the world, or the American military personnel who are there in a non-combat role. Unfortunately, the gentleman from New York and the gentleman from Connecticut want to tie the President's hands as he would try to protect American lives.

I am a little amazed at the contradiction that appears in what the gentleman from Connecticut has said is his interpretation of the Addabbo amendment and his desire, tomorrow, perhaps, to vote for the War Powers Act as recommended by the Committee on Foreign Affairs. In the War Powers Act he wants to give to the President worldwide authority for 120 days to take the kind of immediate action that is needed, and then when he is talking about Southeast Asia, there is no flexibility. He wants to let American lives go down the drain over there, while we come up here and debate the issue. I just do not think that is very fair to some of our fellow Americans.

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

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. ADDABBO. The gentleman from Michigan is speaking of protective action. I am speaking of direct combat action by our forces. We are not amending the Constitution here this afternoon; we are taking a congressional prerogative. The President still has, as Commander in Chief, certain war powers, and if any place in this world our forces are threatened or attacked, he can move for the moment. But we are not doing that. We are, after two cease-fire agreements in Southeast Asia, telling the President and the Department of Defense that when this Congress speaks, it means what it says, not that when it speaks, they can still determine or try to interpret what we are saying. When we say stop bombing, they say, "we can still bomb." This is what we are trying to do this afternoon.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. Mr. Speaker, it is my understanding that the gentleman from New York in his previous comment said that the President as Commander in Chief has certain constitutional military responsibilities and opportunities—I cannot remember his precise language—which would go beyond the limitation in this amendment; is that correct?

Mr. ADDABBO. His rights under the Constitution as Commander in Chief, yes.

Mr. GERALD R. FORD. The gentleman

cannot have it both ways. Apparently he can go home and tell his constituents he told the President he could not do something on the one hand, and now he is qualifying it by telling us that despite what his amendment says, despite that amendment, the President has certain opportunities to do something.

Let me make one further observation about the Long amendment. Frankly, I do not think we have to pay much attention to the Addabbo amendment. As to the language and its interpretations, I cannot comprehend this House going along with something as ridiculous as that proposal.

But now let us return to the Long amendment. This is a more serious matter because, obviously, the House yesterday in a very close vote had some opinions that were pretty divided.

If we approve the Long amendment to the Mahon substitute, in my judgment we are undercutting negotiations that are going on right now where we hope to achieve that final piece in the puzzle. I said that yesterday and I reiterate it today. And those negotiations are of maximum importance.

I do not want in funds in fiscal year 1974 to be limited so that the President and his advisers cannot carry out those negotiations.

No. 2. We know there are violations in the Paris peace treaty. There are specific violations of article 20. Article 20 was an agreement where all the parties were to get together to try to end combat in Indochina. There are violations, unfortunately. We are not going to bomb North Vietnam. We are not bombing in Laos. We have cease-fires in both Vietnam and in Laos. We are trying through whatever legitimate pressure we can exert to get the opposition to sit down and negotiate an agreement involving Cambodia. These blatant violations, the invasion of North Vietnamese troops into Cambodia, can only be stopped by counteraction by us in a military sense. In my opinion if we limit the utilization of funds in fiscal year 1974 for an unlimited period of time we are undercutting our opportunity to get this peace agreement finally put together.

I strongly recommend opposition to the Long amendment to the Mahon amendment, and obviously I favor the Mahon substitute over this other amendment which in my opinion barely deserves any consideration.

Mr. WAGGONER. Mr. Speaker, I rise in support of the Mahon substitute.

Mr. Speaker, let us put this debate in perspective. We are debating today the passing of a continuing resolution. A continuing resolution has been made necessary because this Congress, this House and the U.S. Senate, have not done their work to this point in time and have not passed the appropriation bills to operate this Government. Not a single appropriation bill has been passed and signed into law.

What is a continuing resolution? A continuing resolution is simple. It is intended to supply money to every agency of Government for which appropriations

have not been finally made for them to keep doing what they have been doing at one of two levels: Either the level of the expenditure of the previous year or the budget proposal for the coming year, whichever is the lower.

In this instance we are simply asking that we be able to continue, by supporting the Mahon substitute, what everybody thought was great when earlier this year we signed peace agreements involving Southeast Asia ending a war nobody I know wanted.

Let us put this Addabbo amendment in proper perspective. The gentleman from New York (Mr. ADDABBO) has talked about everything except the key words of his amendment. He talks about prohibition applying in the instance of and only for combat activities. Let me read the amendment again for the Members and I ask the the Members to listen because the key word is not "combat."

None of the funds under this Joint Resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

We cannot pass this amendment and even comply with the conditions of the peace agreement to which we are signatory. We are not talking about just the funds for the Department of Defense. We are talking about every dollar for every agency in the U.S. Government, because none of them has received finalized appropriations. They are all affected. The key words are "directly or indirectly" not and I repeat not "combat". We are not talking about support by U.S. combat forces either. United States forces, whether combat or not and no matter where stationed cannot even participate in an indirect way, no matter how indirect.

We are saying, because the key words are "directly or indirectly"—not combat—we are saying that nobody in the U.S. Government can do anything in support of anybody in Southeast Asia, because to say the least that support would at least be indirect. We cannot even provide for South Vietnam, for example, what we promised them and committed ourselves to in the way of arms to carry on a defense of themselves if they were attacked which they have been. The State Department cannot even leave their advisors there. We cannot even pursue the location of MIA's. We cannot even keep U.S. intelligence people over there. We cannot do anything in Southeast Asia. The amendment, I again repeat, even prohibits the use of our military forces stationed outside Southeast Asia to assist or even advise in even an indirect way. We are not just talking about U.S. combat forces in Southeast Asia.

My friends of the House of Representatives, forget about the fact that Richard Nixon is President of the United States. Consider the long range best interests of the country. Forget all else. Think of what we Members are doing to the United States, and in turn to our-

selves and future generations of Americans if we do this at this point in time. We are not prostrating Richard Nixon; we are prostrating something bigger than Richard Nixon. We are prostrating our country. We are sowing the seeds of another conflict. Who wants to do this to this country at this point in time? Perhaps some Members do, perhaps they do, but I want to make it clear that I do not want to do it. We cannot prostrate Richard Nixon without prostrating our country. We cannot conduct foreign policy and provide for security and the future in this manner.

Do not buy this pig-in-a-poke, to borrow a Yankee term. Do not buy this pig-in-a-poke. At least be men enough to say, "Yes, we still believe that the treaty which was signed earlier this year is deserving of at least indirect support." That is all we are going to do.

Vote "yea" on the Mahon substitute. Mr. ADAMS. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

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

Mr. ADAMS. Mr. Speaker, for nearly 6 years I have advocated that we stop American involvement in Southeast Asia, because I have not believed it was in the best interests of the United States to continue military activity in and over Southeast Asia. I therefore support the amendments to stop the spending of any more money for combat activities in Southeast Asia.

This also involves the powers of President versus the war power of the Congress. The Constitution says that the Congress must declare war to move the country to a war status. This was never done. If it had been placed to a vote the country might never have gone through the terrible street disputes of the 1960's and 1970's and would not face much of the inflationary pressures and economic chaos presently with us. Many of us pointed out that this would happen if the Congress did not debate it, but our voices were drowned out in a flurry of charges and countercharges.

This tragedy for America must stop and we must restore our Nation to its former position of integrity and trust in the world. This is done by our actions for peace as well as our capacity for war. I, therefore, support the Long amendment and the Addabbo amendment and oppose the Mahon substitute.

Mr. SIKES. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of the Mahon substitute, which would give the President until September 1, just 2 months, to continue the attempt to extricate the United States from the problems of Southeast Asia, and to do it in an orderly way which would give a measure of self-determination to the people who live in that part of the world.

I oppose the Long amendment, which is intended to nullify the Mahon amendment by striking reference to September 1, but which in my opinion, Mr. Speaker, is otherwise inoperative in that as written it does not apply to fiscal 1974 funds.

The test obviously is going to come on the Addabbo amendment. Again, this

has been said many times, but let me repeat the language of the Addabbo amendment:

None of the funds under this resolution may be expended to support directly or indirectly.

Obviously, this can be interpreted to shut off all military action in which we now participate anywhere in Southeast Asia. We cannot relate the limitation only to combat activity by U.S. units. The advisers who are assigned to South Vietnam units from combat units. Supply, logistic support, for the Southeast Asia forces is in some instances being carried on by personnel from combat forces. It could stop essential communications activities.

The Addabbo amendment could stop virtually all activities of every kind which are being engaged in by the U.S. personnel.

It could hamper or stop the MIA search. The MIA's are not back. We must complete the search for those unfortunate members of the American Armed Forces.

Just look at it for what it says, "directly or indirectly." It is very broad language.

Then the amendment goes on to say, "without the express consent of Congress."

What do the Members of this body think the Communists would be doing while the President comes to Congress to seek express consent, to deal with emergencies in Southeast Asia? First he would run head-on into a filibuster in the Senate and then into a minibuster in the House, and nothing would be done for days or weeks or months, while steel-tipped Communist divisions, led by tanks and by aircraft swept forward. I said led by tanks and aircraft, when U.S. aircraft are immobilized, their planes will become involved.

We should remember there are 150,000 North Vietnamese troops still in place in South Vietnam, and they are constantly being resupplied and reequipped.

There are North Vietnamese forces in Laos. There are North Vietnamese forces across the DMZ. They are ready to pounce. When the time is propitious.

What would we be doing while our hands are tied and we could not defend ourselves? What would be happening to the American civilians as well as military, who are left in Southeast Asia for logistics support, for training missions, to search for Mig's, even for peace keeping missions.

The proposed language, Mr. Speaker, would close the door on any further efforts to bargain, to bring a negotiated end to conflict.

It would deprive us of the opportunity for meaningful effort for self-determination for the people of all Southeast Asia.

Communism is impressed only by strength. It is America's military strength, now demonstrated through Air Force units, that has caused the Communists to be wary of a total disregard of their treaty commitments, and prevented the collapse of Cambodia.

I would hope, Mr. Speaker, the Members of the House would not want it

said, "We pulled the rug out from under the efforts of the President to complete the work of getting us out of Vietnam now nearly accomplished. I would hope we would not want it said we made a mockery out of all of the blood and sweat and tears and treasure that have been expended by this country in the last 10 years. I would hope we would not want it said we are willing to disregard the sacrifices of America's uniformed personnel and their families.

We are almost out. We are asking for another 2 months, until the 1st of September, to finish the job. At least we can afford to give the President that chance to assure self-determination to the people of Southeast Asia.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all debate on the pending amendment and amendments thereto close in 10 minutes.

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

Mr. MOSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all debate on the pending amendment and amendments thereto close in 15 minutes.

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

Mr. MOSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move that all debate on the pending amendment and amendments thereto close in 20 minutes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

RECORDED VOTE

Mr. MOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes, 136, not voting 22, as follows:

[Roll No. 282]

AYES—275

Abdnor	Cederberg	Duncan
Alexander	Chamberlain	Edwards, Ala.
Anderson, Ill.	Chappell	Eshleman
Andrews, N.C.	Clancy	Evins, Tenn.
Annunzio	Clark	Flood
Archer	Clausen,	Ford, Gerald R.
Arends	Don H.	Forsythe
Armstrong	Clawson, Del	Fountain
Bafalis	Cochran	Frelinghuysen
Baker	Cohen	Frey
Barrett	Collier	Froehlich
Beard	Collins, Ill.	Fuqua
Bevill	Collins, Tex.	Gaydos
Blaggi	Conlan	Gibbons
Blackburn	Corman	Ginn
Bolling	Cotter	Gonzalez
Bowen	Crane	Goodling
Brasco	Cronin	Griffiths
Bray	Daniel, Robert	Gubser
Breckinridge	W., Jr.	Gunter
Brinkley	Daniels,	Guyser
Brooks	Dominick V.	Haley
Brotzman	Davis, Wis.	Hamilton
Brown, Ohio	Delaney	Hammer-
Broyhill, N.C.	Dennis	schmidt
Broyhill, Va.	Dent	Hanley
Burgener	Devine	Hanna
Burke, Calif.	Dickinson	Hanrahan
Burleson, Tex.	Diggs	Hansen, Idaho
Burlison, Mo.	Dingell	Hansen, Wash.
Butler	Dorn	Harsba
Carter	Downing	Hastings
Casey, Tex.	Dulski	Hays

Hébert
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hollfield
Holt
Hosmer
Huber
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Ketchum
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Malliard
Mallory
Maraziti
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Milford
Minish
Minshall, Ohio

Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead,
Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Brien
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quillen
Rallsback
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ryan
St Germain
Sandman
Satterfield
Scherie
Schneebell
Sebelius

NOES—136

Abzug
Adams
Addabbo
Anderson,
Calif.
Andrews,
N. Dak.
Ashley
Aspin
Bell
Bennett
Bergland
Bierst
Bingham
Boggs
Boland
Brademas
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clay
Cleveland
Conable
Conte
Conyers
Coughlin
Culver
Daniel, Dan
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm

Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Ellberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flowers
Flynt
Ford,
William D.
Fraser
Frenzel
Fulton
Gettys
Glaimo
Gilman
Goldwater
Grasso
Green, Pa.
Grover
Gude
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holtzman
Horton
Howard
Hudnut
Hutchinson
Kastenmeier

Kazen
Keating
Kemp
Koch
Leggett
McClory
McCloskey
McKinney
Macdonald
Mann
Martin, N.C.
Matsunaga
Mezvinisky
Miller
Mink
Mitchell, Md.
Mizell
Moss
Obey
Owens
Pettis
Quie
Reid
Riegle
Robison, N.Y.
Rodino
Roncallo, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shoup
Smith, N.Y.
Spence

Stanton,
James V.
Stark
Steiger, Wis.
Stokes
Studds
Symms

Talcott
Thone
Van Deerlin
Vanik
Waldie
Wampler
Whalen

Wolf
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Zwach

NOT VOTING—22

Ashbrook
Badillo
Blatnik
Breau
Byron
Camp
Carey, N.Y.
Danielson

Derwinski
Fisher
Foley
Gray
Green, Oreg.
Gross
Michel
Mills, Ark.

Price, Tex.
Randall
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

(By unanimous consent, Ms. ABZUG yielded her time to Mr. ADDABBO.)

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. CASEY).

(By unanimous consent, Mr. MAHON yielded his time to Mr. CASEY of Texas.)

Mr. CASEY of Texas. Mr. Speaker, the same ones who are advocating today that we run the war and that we run the peace and cut off funds right now are the same ones who last fall were advocating a date certain that we get out of Southeast Asia. If we had listened to them, then would we have had any peace with honor today? As I understand it from Dr. Kissinger when the bombing was resumed the North Vietnamese began to talk peace. They realized they could not win the war, the military war. Also our prisoners of war on returning said when the bombing was resumed they started receiving good treatment.

I say to the Members, this has been bitter medicine we have been taking for this illness, and many of us have called it an illness, a cancer. We have almost got this disease cured, but it is like almost any other dreadful disease. If we stop taking the medicine before there is a complete cure, the disease will build up again.

It takes courage to vote to keep our forces in a position of readiness and able to bomb. It takes more courage than to vote with those today who say, "We will get you out of the war now."

It is a mistake if we say that we in the House can make the peace and we can win the war in Southeast Asia. We must leave that to those who have the expertise to do it.

I say to the Members: Use courage and vote down the Long amendment and adopt the amendment offered by the gentleman from Texas (Mr. MAHON), the chairman of the committee.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

(By unanimous consent, Mr. McCLODY yielded his time to Mr. FINDLEY.)

Mr. McCLODY. Mr. Speaker, I am voting again today to indicate my opposition to bombing and other combat activities by American forces in Cambodia, Laos, and in Vietnam.

Mr. Speaker, it is my firm conviction that our military forces do not belong in—or over these countries of Indochina. Indeed, I would remove our military

forces from other areas of Southeast Asia—notably Thailand.

Mr. Speaker, the time for the Congress to act on this issue is—now. For us to authorize a delay of 60 or 90 days could only be interpreted as our approval of bombing raids and other combat activities—to which I am opposed—unequivocally.

Mr. FINDLEY. Mr. Speaker, everyone recognizes that bombing is an act of war, and I think the Members of this body also recognize that as of this moment the Congress has not given sanction to bombing operations in Cambodia. It would seem to me that the last thing we would want to do would be to support the Mahon language, because as I read it, it cannot be regarded as anything else but sanctioning 60 more days of bombing in Cambodia.

If the gentleman from Texas would respond, I would like to ask him if my reading is correct, that if his amendment is accepted and made a part of this resolution, this should be regarded by the public, including the President, as congressional sanction for more bombing of Cambodia for the next 60 days.

Mr. MAHON. I would say no, this is not sanctioning bombing. It is giving the President this flexibility.

Mr. FINDLEY. But it sanctions the continuing of the bombing.

There are several parts to the Addabbo amendment that have been called into question and I regret that one of the speakers gave a totally erroneous interpretation of the Addabbo amendment. I would like to have the gentleman from New York (Mr. ADDABBO) respond if he would to these questions.

The SPEAKER. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, a technical error exists in the wording of my amendment to the substitute offered by (Mr. MAHON). I withdraw that amendment and ask that this change be made.

Mr. CEDERBERG. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maryland has the privilege of withdrawing his amendment in the House. We are not in the Committee of the Whole. The gentleman may withdraw his amendment on his own motion.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. MAHON

Mr. LONG of Maryland. Mr. Speaker, I offer an amendment, which incorporates the change.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland to the substitute amendment offered by Mr. MAHON: On line 1 strike the words "After September 1, 1973"; and on line 2 insert the words "or funds heretofore appropriated" after the word "resolution" and before the words "may be expended".

Mr. LONG of Maryland. Mr. Speaker, the words "or funds" have been left out and I simply reword the amendment to make it somewhat more precise. As I pointed out, if my amendment is upheld and the Mahon substitute is passed, then

what we will have before us is the same amendment that we passed yesterday, the same Eagleton amendment we passed yesterday to the second supplemental.

This language passed both the Senate and the House. It will not refer to Vietnam, either South or North. It will cover Laos and Cambodia, but will cover funds appropriated in the past.

Mr. FRASER. Mr. Speaker, I hope the Members will support the Long amendment to the amendment offered by the chairman of the committee (Mr. MAHON).

It will carry out the intent of the action the House took just a day or so ago. It would restrict the use of funds to finance combat activities by U.S. Armed Forces in or over Cambodia or Laos. That is the effect of adopting the Long amendment.

If we adopt it, then we will later have the choice between that version and the version which would stop funding of the U.S. Armed Forces combat activities, not only over Cambodia and Laos, but North and South Vietnam as well. We will then be able to make that further choice as to whether we want to extend the prohibition to Vietnam.

I hope the Members support the Long amendment.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

(By unanimous consent, Mr. ARENDS yielded his time to Mr. GERALD R. FORD.)

Mr. GERALD R. FORD. Mr. Speaker, I would like to reemphasize one point which has been made, which involves the Addabbo amendment. The point was made and should be reiterated that under the reading of the language of the Addabbo amendment where it says "directly or indirectly involving Vietnam or South Vietnam," we would have no capability—the United States—to carry out our treaty obligations under the Paris Peace Treaty.

Mr. Speaker, I do not think the Congress wants to restrict the President to that degree, having achieved a peace agreement in Vietnam.

Let me make one final comment concerning the Long amendment. The Long amendment as it is presently drafted unquestionably ties the hands of the President as we are in the process of negotiation, negotiation at a very high level.

The Long amendment ties down the military options that the President has to use in his negotiations to achieve a new government in Cambodia. Such a government would bring about a cease-fire and would be the final link in the making of a peace agreement in all of Indochina.

Mr. Speaker, it seems to me that under these circumstances a 60-day request is reasonable and fair for funds in fiscal 1974 under this continuing resolution.

The SPEAKER. The chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Speaker, like most amendments offered on the floor, the Addabbo and Long amendments are sloppily drawn and incoherent. They should be rejected for this reason alone. They are both mischievous although probably not designed for mischief toward anyone but President Nixon.

Even those of us who have a great compulsion to vote for any "peace" or "antiwar" amendment should be changed.

"Offshore" is used concerning Laos, Cambodia and Vietnam. Laos has no shore.

What does "offshore" mean, 10 miles, 20 kilometers, 100 miles?

Mr. Speaker, I would like to have one of the proponents tell us what is meant by "offshore."

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, the amendment was obviously intended to cover bombing from aircraft carriers or other naval units. I do not see how it could be any plainer than that.

Mr. TALCOTT. It could be 100 miles offshore, then?

Mr. LONG of Maryland. It means bombing from any offshore activity.

Mr. TALCOTT. Mr. Speaker, does this mean we withdraw our surface and submarine fleets. Do we withdraw our air and naval forces from Guam, Okinawa, or Taiwan? I am told the Navy cannot interpret the meaning of either amendment.

Prohibition of "indirect" support would prevent our compliance with the peace treaty and our commitments to the Laotians and Cambodians as well as U.S. citizens in any of those countries.

The sponsors of the Long, Addabbo, and Eagleton amendments have admitted they have no plan to return our POW's or account for our MIA's.

I for one believe we have a commitment to the families of our POW's and MIA's to insure their return or an accounting for them.

LONG, ADDABBO, and EAGLETON abandon our commitments to the peace treaty and our POW's and MIA's.

We should not adopt either amendment.

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

Mr. ROUSH. Mr. Speaker, I rise in support of the Long amendment. I do so because it covers the same ground we took yesterday.

Yesterday we drew a line, and it is not my intention to retreat from that line. This House spoke. I hope we will speak in the same voice today.

I cannot understand why we should spend \$80 million a month in bombing Cambodia. I cannot understand why we should support troops which outnumber the insurgent troops in Cambodia by a margin of 4 or 5 to 1. And I cannot understand why we cannot believe the President, who a few months ago said that the only reason we were engaged in military activities in Cambodia was to protect American troops in Vietnam; and we no longer have American troops in Vietnam.

The SPEAKER. The Chair recognizes the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, the withholding of funds under these amendments

has been supported by two groups. One group is adamant against the President to such an extent that they would vote in any way to control his powers.

The second group is a group which wants to be identified as antiwar people, and I respect their feelings and their votes. I should like to point out to this group that the way these amendments are now, limiting our defense and making it impossible for our country to defend itself, they might be encouraging our enemies to attack us and it might be a vote for war.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DELLUMS).

(By unanimous consent, Mr. DELLUMS yielded his time to Ms. ABZUG.)

The SPEAKER. The Chair recognizes the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, and Members of the House, today, in my opinion, we are seeing what has been the ultimate goal of all the so-called antiwar amendments that have been offered during my 4½ years of service in this House. That goal is to hand the North Vietnamese total victory. A victory they were unable to win on the battlefield, unable to win at the negotiating table, and so far have been unable to win in this House.

I refused to join with those who would have given them victory in the past, and I refuse to join them today.

I urge you to vote down the amendment.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I want to reiterate what was said by the distinguished gentleman from Minnesota (Mr. FRASER). I urge support of the Long of Maryland amendment in order that the choice given to the House shall be a choice between the Long amendment and the Addabbo amendment. If the Long amendment is sustained, that will be the end of the substitute which was offered by the gentleman from Texas (Mr. MAHON).

The gentleman from Illinois (Mr. FINDLEY), was correct; at the present time there is no authority—no congressional authority—in the President to carry on the bombing. If the substitute amendment offered by the gentleman from Texas is sustained, he will have congressional authority for 60 days.

If Members want to give the President that authority, the authority to carry on the bombing over Cambodia and Laos for the next 60 days, they will vote for the Mahon amendment. If they are opposed to that, they will vote against it.

I urge support of the Long amendment.

The SPEAKER. The Chair recognizes the gentleman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I should like to point out just two things.

The Addabbo amendment, the amendment offered by the gentleman from Texas (Mr. MAHON) and the amendment offered by the gentleman from Maryland (Mr. LONG) all use the same language with respect to "expenditures to support directly or indirectly combat activities

in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces."

That is in the Mahon amendment as well as in the other amendments. So they all agree on that.

The difference appears to be in two places. One is to give authority for the President to bomb for 60 more days, and the other is to add South Vietnam and North Vietnam to the list of places that may not be bombed.

The fact is we have a treaty in which we agree not to conduct any combat activities over Vietnam. We in Congress have to make sure that it is agreed to, in the exercise of our powers in this field, to see that the President does not act without our consent.

We have also heard the tired old argument about tying the President's hands in negotiations. We heard this argument months ago when we originally adopted the Addabbo amendment, but the fact of the matter is that it did not tie anyone's hands and that all the President and Dr. Kissinger brought us was a reaffirmation of the January cease-fire agreement.

Enough is enough. After 4 years, all that Mr. Nixon has succeeded in doing is ending one war while starting another one of a strikingly similar nature. Let us exercise our constitutional authority and our responsibility to our constituents and end this Nation's reign of terror in Indochina once and for all—not just in Laos and Cambodia, but all across that unhappy peninsula.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I, of course, rise in support of the Long-Addabbo amendments. I would point out that in my district and perhaps in other places across the country the American people are sick of this prolonged war after our troops were supposed to have ended their hostilities in Indochina. It is a war that has not only drained our natural resources but has drained our natural spirit as well. The awful truth is that these hostilities have not ended and I am unprepared to give a war-inclined President any more "flexibility" than he already has. The fact of the matter is we have spent too many American lives and far too much money for this House to retreat from its position of only 24 hours ago.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, we have been asked to give 60 days to negotiate. But with whom?

Actually there is chaos in Cambodia today, and I would take my time to ask the minority leader this question:

With whom are we to negotiate in this 60-day period?

Mr. GERALD R. FORD. Mr. Speaker, as I declared yesterday, we are currently negotiating, we have been, and we will continue to negotiate at a very high level in an effort to put together some final agreement.

Mr. WOLFF. But with whom?

Mr. GERALD R. FORD. We are negotiating with the parties that signed the agreement in Paris.

Mr. WOLFF. Cambodia was not a party to that agreement.

Mr. GERALD R. FORD. We are negotiating with the parties that signed the agreement in Paris.

Mr. WOLFF. Mr. Speaker, I want to reemphasize my support for amendments offered by my distinguished colleagues, Mr. ADDABBO of New York and Mr. LONG of Maryland, which would end American financial support for military operations in or over Cambodia, Laos, North and South Vietnam. I feel it is incumbent upon this body to cease further authorizations for continuing the bombing of Cambodia. We can no longer accept the excuse of protecting American lives, for the only Americans now endangered are those who are carrying out our bombing missions. Negotiations with the Vietnamese governments have supposedly brought an end to the war; we are not even negotiating with Cambodia or Laos at present nor are there any prospects of negotiating with those countries concerning these actions.

We have proved time and time again that we cannot bomb Cambodia into submission, and we can no longer follow the administration's tactics of stalling on this issue. It is absurd that we should even consider adding another 60 days to "negotiate" with a phantom. Yesterday, the House took affirmative action and should continue to follow through consistently on this course of action so we can end the war in Indochina once and for all. This necessitates that no money whatsoever in the bill we are acting on today can be allocated or assigned for the continued bombing in Cambodia, or other combat operations in Indochina.

As elected representatives of the people, we have a duty to write the wishes of the American people into law by ceasing immediately further allocations of funds for operations in Cambodia, Laos, and all of Indochina for actions the American people do not want or condone.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, when an action is undertaken, be it by an individual, a firm, or a government, the benefits of that effort must be examined in the light of its costs. It seems to me this principle should be applied to our military involvement in Indochina.

Mr. Speaker, as I see it, there are absolutely no benefits accruing from our continued military involvement in Indochina. The costs, on the other hand, are prohibitive in both human and financial terms.

Therefore, it is in our national interest, it seems to me, to terminate this involvement immediately. For that reason, I urge the adoption of the Long language and ultimately the Addabbo language.

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I was one of the first Members in this House to oppose the war in Vietnam, and I have

continued to oppose it. I noticed, however, after the invasion of Cambodia, which actually was the most successful move of the war, that action disrupted our country and caused much trouble in our colleges. The President could not follow up with a Laotian invasion, which might well have won the war in Vietnam. He started then his process of Vietnamization and the removal of troops, and he brought those troops back home.

Mr. Speaker, all we ask today is that we support the President for 60 more days so that he may bring this war to a successful conclusion.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, the Vietnam war, I think we will find, is like a chunk of very sticky taffy candy: We think we have gotten rid of it, and it keeps cropping back up again and again and again.

A month ago we had the Addabbo amendment and the Long amendment, and yesterday we had the Addabbo amendment and the Mahon amendment, and today we have the Addabbo and the Mahon and the Long amendments. We have had the Peace Agreement of January 27; we had the protocol of the last 2 weeks. In chapter 2, article 4 of the Peace Agreement, Mr. Kissinger has said on behalf of the President that we will not continue U.S. involvement or intrude in the internal affairs of South Vietnam.

Let us say what we mean and mean what we say and let us get the hell out.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I do not find it as easy as some to spend other people's lives. I ask you to support the Long amendment and eventually the Addabbo amendment.

I ask unanimous consent to yield the remainder of my time to the gentleman from Connecticut (Mr. GIAIMO).

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Chairman recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I rise to urge support of the Long amendment.

The Long amendment brings us as far as we have gone with the Eagleton amendment of yesterday and several weeks ago. It mandates the termination of hostilities in Cambodia and Laos and eliminates the delaying and stalling tactics inherent in deferring prohibitions until September 1.

We want an immediate cessation, so I would urge adoption of the Long amendment, and I would go beyond that later and urge the adoption of the Addabbo amendment.

I would stress the fact that objection is made to the Addabbo amendment because of the words "directly or indirectly," which are also found in the Mahon amendment to which there was no objection.

"Directly or indirectly" refers to ac-

tions by the U.S. Armed Forces only and no one else, and there should be no smoke screen over that.

I urge adoption of the Long amendment and ultimately the Addabbo amendment.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker and those of my colleagues who have spoken in behalf of the Mahon amendment, I urge them also to adopt or support my amendment, because my amendment just goes one step further: it gives the Congress equal power with the President and says none of these things can be done without the consent of the Congress.

As was expressed just a few moments ago by my colleague from New York (Ms. ABZUG) and my colleague from Connecticut (Mr. GRAYMO) the words are exactly the same.

All I am saying this afternoon is that the White House and the Pentagon should not tell this Congress what they are going to do after the Congress has spoken. I say that right is the right of the people's representatives in the Congress. My amendment says exactly that.

As outlined in the Mahon substitute or the Long amendment or in my amendment it just also includes South and North Vietnam, which have been taken care of by treaties. It says anything further that is going to be done by U.S. combat forces for combat activities the President needs the consent of the Congress.

I support the Long and Addabbo amendments.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I hope that the Congress and the House of Representatives will use the good judgment they have used all during the trying times of the Vietnam war and which brought us to the brink of peace. We should stay with the President and with the House in bringing about a peaceful situation in Vietnam. To abdicate now is to do nothing more than bring us further trouble along the road ahead.

It seems to me, under these amendments, if a situation occurred in either Laos, Cambodia, or South Vietnam that required evacuation of our troops, it could not be done under any of these amendments, and I do not think the people want that.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I am for the Long amendment and ultimately for the Addabbo amendment.

May I say this is a continuing resolution. We debated this measure for 4 hours yesterday and a couple of hours today. And the Members of the House clearly expressed the will of the American people in adopting the Eagleton amendment yesterday.

Everybody knows that if the Long amendment is rejected and the Mahon amendment is adopted, it will not be accepted by the Senate. That is in the RECORD. They are opposed to this war and

opposed to spending \$30 million a month with the resultant loss of American life.

The Senate will not support the position that we can bomb Cambodia when we do not have any treaty with the Lon Nol government or declaration of war against that country.

The Senate of the United States has been voting what the people of America want, and that is what the House of Representatives has been doing for the last couple of days. Unless the Members want this continuing resolution back later on in the week, I urge all my colleagues to vote for the Long amendment.

Mr. HORTON. Mr. Speaker, I personally am completely unconcerned about the fate of the current government of Cambodia. I think we have learned that trying to prop up or tear down one foreign government or another by applying external pressure is an ineffective way to conduct foreign policy. I do not think that anyone can any longer seek to justify American actions in Indochina based on ideals.

The plain fact is that the United States is succeeding and has succeeded to a large extent in bringing a degree of peace and order to Indochina by using a cold pragmatic approach to world power politics. We have, sadly, sacrificed many of our national ideals in the painful process of trying to get out of Indochina without leaving endless bloodshed and fighting in our wake.

I think there is no question that on the basis of human suffering or morality or democratic ideals, any justification for continuing our combat involvement in Indochina has long since evaporated.

However, fortunately or unfortunately, these have not been the principles that have governed our past policies nor have they been the watchwords that have made possible either the American military exit from South Vietnam, North Vietnam and Laos, or the current fragile state of peace in those three countries. What has made the improvement in the status quo possible there is the tough, unpopular approach, and the tremendous human, political and economic sacrifice which that approach has cost us over the past 12 years.

We are now in the very final stages of the process of American withdrawal from Indochina, and of the process of trying to leave a possible structure for peace behind us. After all of these painful years of eschewing idealism and morality in preference to unpleasant power politics, it is easy for us now to invoke the ideals and the morality we had earlier pushed aside in this long chapter of war in Southeast Asia. I suppose that for some, invoking these principles today and in their name, closing the curtain on our involvement before the last scene of the last act is over, will make it seem, if falsely, as though this action will cleanse our hands of earlier sins.

Much as I would like to see the bombing end, and much as I would like to see the first day since I have served in the Congress when American military might was not being used for any destructive purpose anywhere, I think we have gone too far, and exacted too many painful successes to close the curtain this abruptly and in this way.

The fact is that the strengthening and the ratification of the January 27 agreement by Dr. Kissinger and Le Duc Tho last month, and the cooperative atmosphere of last week's summit meeting have afforded us the best atmosphere yet for reaching a cease-fire in Cambodia on similar terms to those that have been achieved in Laos and South Vietnam.

For these reasons, I have supported the motions and amendments of the gentleman from Texas (Mr. MAHON) to invoke a shutoff of funds for American combat action in or over Cambodia and Laos beginning September 1, feeling that if progress toward negotiations and a cease-fire are to be achieved in Cambodia, we should see further signs of such progress prior to that date.

I am not saying that a shutoff of American bombing in Cambodia will absolutely mean that military combat will be pursued to victory and that the prospect for military victory of one side or the other in Cambodia will threaten the fragile cease-fires in Laos and South Vietnam. However, this is not an unlikely result of an abrupt change in our course at this final hour of our Southeast Asian involvement.

Everyone, including those who are most adamant about the need for an immediate cessation to our bombing will agree that it would be far preferable to achieve discussions between the Khmer Rouge and the Lon Nol regime, and for those discussions to lead to a cease-fire, than for one or the other antagonist in Cambodia to conquer the other and seize the country militarily.

The risk of dismantling the slow, painful and costly progress that has been achieved so far, and the favorable atmosphere for resolving the Cambodia situation by pursuit of the same policies which have led to cease-fires elsewhere in Indochina seem to me to make it worth delaying the deadline for the bombing cutoff until the first of September.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of the Long amendment, which in effect is like the Eagleton amendment, which prohibits the use of any present or past appropriations for American combat activities in Cambodia or Laos.

It is essential that the Congress reassert its control over the warmaking power. The Long amendment is not an attempt to decide platoon tactics; it is an assertion that the Congress, as the people's representative, must uphold its constitutional responsibility on the crucial issue of whether the United States should war against any other nation.

The bombing of Cambodia represents the same dangerous commitment by Executive fiat that made Vietnam such a tragedy. Despite public feelings against further involvement in Indochina, and despite obvious reluctance on the part of Congress to permit such military escapades, the bombing continues unabated and there remains a constant danger of escalation, particularly under this administration.

The bombing of Cambodia is dreadfully wrong. Bombers can never win the popular support needed to defend freedom; bombers can only kill. Peace and

freedom need more than technology and firepower.

Because it is evident that this administration takes no heed of the expressed wish of Congress to halt the bombing in Cambodia, the only means the Congress has to effectuate its wish is to deny the administration the use of all appropriated funds for that purpose.

We need to demonstrate to this administration that contempt for Congress is not a workable attitude. Despite its constitutional obligation to execute the law, the administration arrogantly suggested that it would circumvent the ban on bombing in Cambodia contained in the original House version of H.R. 7447. When the House initially adopted its amendment barring the use of funds from the second supplemental appropriations for bombing in Cambodia, then Secretary of Defense Richardson stated that the administration would continue bombing by use of funds from previous appropriations. The Long-Eagleton amendment will prevent such arrogance from prevailing, and I urge its adoption.

The SPEAKER. All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. LONG) to the substitute amendment offered by the gentleman from Texas (Mr. MAHON).

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

RECORDED VOTE

Mr. LONG of Maryland. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 218, noes 194, not voting 21, as follows:

[Roll No. 283]

AYES—218

Abzug	Cronin	Gunter
Adams	Culver	Guy
Addabbo	Daniels	Hamilton
Alexander	Dominick V.	Hanley
Anderson,	Delaney	Hanna
Calif.	Dellenback	Hansen, Wash.
Anderson, Ill.	Dellums	Harrington
Andrews, N.C.	Denholm	Hawkins
Andrews,	Dent	Hechler, W. Va.
N. Dak.	Diggs	Heckler, Mass.
Annuizio	Dingell	Heinz
Archer	Donohue	Helstoski
Ashley	Downing	Henderson
Aspin	Drinan	Hicks
Barrett	Dulski	Holtzman
Bell	du Pont	Howard
Bennett	Eckhardt	Hungate
Bergland	Edwards, Calif.	Johnson, Calif.
Blaggi	Ellberg	Johnson, Colo.
Blester	Esch	Jordan
Bingham	Eshleman	Karth
Boggs	Evans, Colo.	Kastenmeier
Boland	Evins, Tenn.	Kluczynski
Bolling	Fascell	Koch
Brademas	Findley	Kyros
Brasco	Fish	Landrum
Broomfield	Flynt	Leggett
Brotzman	Foley	Lehman
Brown, Calif.	Ford	Litton
Brown, Mich.	William D.	Long, La.
Burke, Calif.	Forsythe	Long, Md.
Burke, Mass.	Fountain	McClary
Burlison, Mo.	Fraser	McCloskey
Burton	Frenzel	McCormack
Carney, Ohio	Pulton	McDade
Chisholm	Gaydos	McKinney
Clark	Gialmo	Macdonald
Clay	Gibbons	Madden
Cohen	Gillman	Mallory
Collins, Ill.	Gonzalez	Mathias, Calif.
Conte	Green, Pa.	Matsunaga
Conyers	Griffiths	Mazzoli
Corman	Gude	Meeds
Cotter		Melcher

Metcalf
Mezvisky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quile
Rangel

Abdnor
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen,
Don H.
Clawson, Del.
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert
W. Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Ginn
Goldwater
Goodling
Grover
Gubser
Haley
Hammer-
schmidt

Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sisk
Smith, Iowa
Stanton,
James V.

NOES—194

Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Hillis
Hinshaw
Hogan
Hollifield
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McCollister
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead,
Calif.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Patman
Poage

Stark
Steele
Steelman
Stokes
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wilson,
Charles H.,
Calif.
Wilson,
Charles, Tex.
Wolf
Wyatt
Yates
Yatron
Young, Ga.
Zwach

NOT VOTING—21

Ashbrook	Danielson	Powell, Ohio
Badillo	Derwinski	Price, Tex.
Blatnik	Fisher	Randall
Breaux	Gray	Rooney, N.Y.
Byron	Green, Oreg.	Steiger, Ariz.
Camp	Gross	Thompson, N.J.
Carey, N.Y.	Mills, Ark.	Young, S.C.

So the amendment to the substitute amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

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

Mr. Blatnik for, with Mr. Byron against.

Mr. Breaux for, with Mr. Price of Texas against.

Mr. Carey of New York for, with Mr. Ashbrook against.

Mrs. Green of Oregon for, with Mr. Camp against.

Mr. Gray for, with Mr. Derwinski against.

Mr. Badillo for, with Mr. Steiger of Arizona against.

Mr. Danielson for, with Mr. Young of South Carolina against.

Until further notice:

Mr. Mills of Arkansas with Mr. Randall.

Mr. Rooney of New York with Mr. Gross.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, am I correct that the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended, is a substitute for the Addabbo amendment?

The SPEAKER. The question is on the substitute amendment, as amended, at this time.

Mr. GERALD R. FORD. Mr. Speaker, if the Mahon-Long substitute amendment is defeated, then we will have a vote on the Addabbo amendment?

The SPEAKER. The gentleman is correct.

The question is on the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended.

The question was taken; and the speaker announced that the yeas appeared to have it.

Mr. GERALD R. FORD. 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 232, nays 181, not voting 20, as follows:

[Roll No. 284]

YEAS—232

Abzug	Bergland	Burton
Adams	Blaggi	Carney, Ohio
Addabbo	Blester	Chisholm
Alexander	Bingham	Clay
Anderson,	Boggs	Cohen
Calif.	Boland	Collins, Ill.
Anderson, Ill.	Bolling	Conte
Andrews, N.C.	Brademas	Conyers
Andrews,	Brasco	Corman
N. Dak.	Broomfield	Cotter
Annuizio	Brotzman	Coughlin
Archer	Brown, Calif.	Cronin
Ashley	Brown, Mich.	Culver
Aspin	Burke, Calif.	Daniels
Barrett	Burke, Mass.	Dominick V.
Bell	Burlison, Mo.	Delaney

Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Ellberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flowers
Flynt
Foley
Ford
William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Gialmo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Hamilton
Hanley
Hanna
Hansen, Wash.
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heins
Helstoski
Henderson
Hicks
Hollifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, N.C.

Jones, Okla.
Jordan
Karth
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McKinney
Macdonald
Madden
Mallory
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinisky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Rangel
Rees
Reid
Riegle

NAYS—181

Abdnor
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Blackburn
Bowen
Breyer
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen
Don H.
Clawson, Del.
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan

Crane
Daniel, Dan
Daniel, Robert
W. J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Duncan
Erlenborn
Flood
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Grover
Gubser
Haley
Hammer-
schmidt
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hays
Hébert
Hillis
Hinshaw
Hogan
Holt
Horton

Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lott
Lujan
McCollister
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell

Mollohan
Montgomery
Moorhead,
Calif.
Myers
Nelsen
Nichols
O'Brien
Passman
Patman
Poage
Powell, Ohio
Quillen
Rallsback
Rarick
Regula
Reuss
Rhodes
Robinson, Va.
Roussellot
Runnels
Ruth
Satterfield

Saylor
Scherle
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Spence
Stanton
J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thornnton

Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wright
Wyder
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—20

Ashbrook
Badillo
Blatnik
Breaux
Camp
Carey, N.Y.
Danielson

Derwinski
Fisher
Gray
Green, Oreg.
Gross
Mills, Ark.
Price, Tex.

Randall
Roberts
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the substitute amendment, as amended, was agreed to.

The Clerk announced the following pairs:

On this vote:

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

Mr. Breaux for, with Mr. Ashbrook against.

Mr. Carey of New York for, with Mr. Camp against.

Mrs. Green of Oregon for, with Mr. Derwinski against.

Mr. Blatnik for, with Mr. Young of South Carolina against.

Mr. Gray for, with Mr. Price of Texas against.

Mr. Danielson for, with Mr. Steiger of Arizona against.

Mr. Badillo for, with Mr. Roberts against.

Until further notice:

Mr. Rooney of New York with Mr. Gross.

Mr. Mills of Arkansas with Mr. Randall.

The result of the vote was announced as above recorded.

The SPEAKER. The question is in the amendment offered by the gentleman from New York (Mr. ADDABBO) as amended by the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended.

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

Mr. YATES. Mr. Speaker, I demand a recorded vote.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Speaker a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ECKHARDT. On this vote, Mr. Speaker, is an aye vote a vote for the Addabbo amendment, as amended?

The SPEAKER. As amended by the Mahon amendment.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LONG of Maryland. Mr. Speaker, as the Addabbo amendment has been amended by the amendment of the gentleman from Texas (Mr. MAHON), which was in turn amended by the pres-

ent speaker, it is now basically the Eagleton amendment which was passed yesterday.

The SPEAKER. The Chair will state that that is not a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, if this amendment is voted down, then there will be no amendment at all as to the continuing appropriations, is that correct?

The SPEAKER. The Chair will state that the gentleman is correct.

Mr. YATES. I thank the Speaker.

RECORDED VOTE

The SPEAKER. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO) as amended, and a recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 172, not voting 21, as follows:

[Roll No. 285]

AYES—240

Abzug
Adams
Addabbo
Alexander
Anderson,
Calif.
Anderson, Ill.
Andrews, N.C.
Andrews,
N. Dak.
Annunzio
Archer
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biaggi
Blester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clark
Clausen
Don H.
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels
Dominick V.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont

Eckhardt
Edwards, Ala.
Edwards, Calif.
Ellberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Foley
Ford
William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Gialmo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heins
Helstoski
Henderson
Hollifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman

Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McKinney
Macdonald
Madden
Mallory
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinisky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncalio, N.Y.
Rooney, Pa.
Rose
Rosenthal

Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebell
Schroeder
Seiberling
Shipley
Shoup
Sisk
Smith, Iowa
Stanton,
J. William

NOES—172

Abdnor
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brown, Ohio
Broymill, N.C.
Broymill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert
W. Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Duncan
Erlenborn
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Grover
Gubser
Haley

NOT VOTING—21

Ashbrook
Badillo
Blatnik
Breaux
Camp
Carey, N.Y.
Danielson

Whalen
White
Wilson,
Charles H.,
Calif.
Wilson,
Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Zwack

Poage
Powell, Ohio
Quillen
Rallsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Rousset
Ruth
Satterfield
Saylor
Scherle
Sebelius
Shriver
Shuster
Sikes
Skubitz
Sack
Smith, N.Y.
Snyder
Spence
Staggers
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thornton
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wylder
Wyllie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

Mr. Badillo for, with Mr. Steig: of Arizona against.
Mr. Carey of New York for, with Mr. Price of Texas against.
Mr. Breaux for, with Mr. Fisher against.
Mrs. Green of Oregon for, with Mr. Camp against.
Mr. Gray for, with Mr. Nichols against.
Mr. Danielson for, with Mr. Rooney of New York against.

Until further notice:

Mr. Mills of Arkansas with Mr. Randall.

The result of the vote was announced as above recorded.

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

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

The joint resolution 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 joint resolution.

Mr. MINSHALL of Ohio. 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 325, nays 86, not voting 22, as follows:

[Roll No. 286]

YEAS—325

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson,
Calif.
Anderson, Ill.
Andrews,
N. Dak.
Annunzio
Archer
Ashley
Aspin
Baker
Barrett
Beard
Bell
Bennett
Bergland
Beverly
Biaggi
Blester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broymill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Butler
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen,
Don H.
Clay
Cochran
Cohen
Collins, Ill.

Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels,
Dominick V.
Davis, S.C.
de la Garza
Deaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Ellberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foey
Ford,
William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Gialmo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gubser

McFall
McKay
McKinney
McSpadden
McDonald
Madden
Mahon
Mallard
Mallory
Mann
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinisky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell

Preyer
Price, Ill.
Pritchard
Quie
Rallsback
Rangel
Rees
Regula
Reid
Reuss
Riegler
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebell
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton,
J. William
Stanton,
James V.
Stark

NAYS—86

Arends
Armstrong
Bafalis
Blackburn
Bray
Broymill, N.C.
Buchanan
Byron
Clancy
Clawson, Del
Cleveland
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert
W. Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Goldwater
Goodling
Haley

Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rousset
Ruth
Satterfield
Saylor
Shuster
Smith, Iowa
Spence
Stratton
Symms
Taylor, Mo.
Treen
Veysey
Waggonner
Wampler
Whitehurst
Wiggins
Wylder
Wyllie
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—22

Andrews, N.C.
Ashbrook
Badillo
Blatnik
Breaux
Camp
Carey, N.Y.
Danielson

Price, Tex.
Randall
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the joint resolution was passed.
The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Ashbrook.
Mr. Rooney of New York with Mr. Gross.
Mr. Blatnik with Mr. Derwinski.
Mr. Breaux with Mr. Price of Texas.
Mr. Carey of New York with Mr. Camp.

So the amendment, as amended, was agreed to.

The Clerk announced the following pairs:

On this vote:
Mr. Thompson of New Jersey for, with Mr. Derwinski against.
Mr. Widnall for, with Mr. Ashbrook against.
Mr. Blatnik for, with Mr. Young of South Carolina against.

Mrs. Green of Oregon with Mr. Randall.
Mr. Gray with Mr. Young of South Carolina.
Mr. Badillo with Mr. Mills of Arkansas.
Mr. Danielson with Mr. Fisher.
Mr. Andrews of North Carolina with Mr. Davis of Georgia.
Mr. Nichols with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the joint resolution just passed, and insert extraneous material and pertinent tables.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7447) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes," and that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 11, 18, 19, 25, 34, 38, 40, 43, 46, 51, and 84 to the foregoing bill.

PERSONAL EXPLANATION

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EDWARDS of California. Mr. Speaker, on rollcall No. 277 on June 25, 1973, amendment offered by Mr. PODELL of New York, I am recorded as voting "nay." I had intended to push the "aye" button and would like to make it clear that I support the Podell amendment which would allow the States to require stricter standards for emissions from atomic reactors than standards established by the Federal Government.

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT ON H.R. 8480 UNTIL MIDNIGHT WEDNESDAY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight Wednesday, June 27, 1973, to file a report on H.R. 8480.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That during the consideration of the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, rule XXI are hereby waived.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

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

Mr. BOLLING. Mr. Speaker, as the Members who have listened to the rule being read will realize, this rule is a rule waiving points of order against the provisions of clause 2, rule XXI of the Rules of the House. The rule has nothing to do with the length of time of the debate because that is customarily worked out by the members of the Committee on Appropriations in the House.

Mr. Speaker, I know of no objection to this provision. I intend to yield some time a little bit later to the gentleman from Michigan (Mr. DINGELL) but in the meantime I will yield the usual 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, House Resolution 455 provides that during the consideration of H.R. 8877, the Labor-HEW Appropriations for fiscal year 1974, the provisions of clause 2, rule XXI are waived against the bill. Clause 2 of rule XXI prohibits both unauthorized appropriations and legislation on an appropriation bill. In this case, the waiver was requested because there are two legislative provisions in this appropriation bill. The provisions prescribe that no State's allotment under title I of the Elementary and Secondary Education Act or the Adult Education Act shall be less than the amount which the State received in fiscal year 1972. In requesting this rule, Chairman MAHON pointed out that without these provisions, the use of the 1970 census data would produce sharp reductions in many State's allotments. In

order to avoid possible points of order against these two provisions, the Rules Committee waived points of order with respect to clause 2, of rule XXI. This waiver is intended to apply to the provisions in the bill, but is not intended to apply to any amendments which may be offered to this bill.

The purpose of this bill, H.R. 8877, is to make appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal 1974.

The amount appropriated in this bill is \$32,816,467,000, of which \$827,535,000 is for the Department of Labor, \$31,501,695,000 is for the Department of Health, Education, and Welfare, and \$487,237,000 is for related agencies.

The amount included in this bill exceeds the 1973 spending plan by \$1,080,000,000 and is \$731,000,000 less than the amount actually appropriated for 1973.

Mr. Speaker, I urge adoption of the rule, so that the House may work its will on this legislation.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I should like to express commendations to my good friends on the Committee on Rules for something which they did today which, I believe, merits the approval and appreciation of this body.

As most of my colleagues have known, the last rules out of the Committee on Appropriations have waived points of order under clause 2, rule 21. This has effectively waived points of order against legislation in appropriation bills, something which I think this body does not want to have transpire.

I appeared before the Committee on Rules this morning, and I received a most gracious reception. I want again to express my appreciation to the committee, not only for the kindness and hospitality to me, but also for the understandings that they have come forward with that in the future the Committee on Appropriations will justify these points of order and will clearly identify the points of order and get much narrower waivers against points of order.

I should like to just yield to my good friend, the gentleman from Missouri, who led the discussion on this point and express my appreciation to him.

Mr. BOLLING. Mr. Speaker, the gentleman has stated the situation accurately. The Committee on Rules agreed unanimously, I believe, before we granted the rules on the various appropriation bills that are scheduled for this week on which we did waive points of order under clause 2, rule 21, prior to that action that in the future when we were not under the same pressure of time, that each waiver would be specifically identified, in other words, by line and page, so that it would be possible for a Member to know each waiver granted by the Committee on Rules in connection with an authorization bill or an appropriation bill in connection with any waivers that were granted in a rule proposed by the Committee on Rules.

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

Mr. BOLLING. I yield to my good friend, the Chairman of the Committee on Appropriations.

Mr. MAHON. The Committee on Appropriations would have no problem with the suggestions that have been made. We have at times marked bills as to where the legislative provisions appear, and they have been available upon request. The committee has no objection to this change in policy.

Mr. DINGELL. Mr. Speaker, I want to thank my friend, the gentleman from Texas, for his comments. I do recognize the extraordinary character of the situation and the need for haste in this body. I think that the resolution worked out by my good friend and colleague on the Committee on Rules is much in keeping with the public interest. I thank him.

Mr. BOLLING. I should like to add one thing. I should like to reemphasize one point I made in the colloquy, and that is that points of order are waived sometimes on authorization bills, and that means in effect the authorizing committees are going to have to be very careful in the kinds of requests they make when they make a request for a rule, because they are going to have to indicate any matter that they want a waiver on that might be subject to a point of order.

I should like to make one more point, and then I will have nothing further to say. The rule waiving points of order against clause 2 of rule 21 only has to do with the bill before the Committee on Rules.

We are recommending waiving points of order against matters subject to a point of order in a bill, and our waiver has nothing to do with anything that may come in from another place, in other words, with any amendment. It only deals with waiving points of order on the bill and the provisions of the bill.

I have no further requests for time.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. DAVIS of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 395, nays 3, answered "present" 1, not voting 34, as follows:

[Roll No. 287]

YEAS—395

Abdnor	Andrews,	Baker
Abzug	N. Dak.	Barrett
Adams	Annunzio	Beard
Addabbo	Archer	Bell
Alexander	Arends	Bennett
Anderson,	Armstrong	Bergland
Calif.	Ashley	Bevill
Anderson, Ill.	Aspin	Blaggi
Andrews, N.C.	Bafalis	Blester

Bingham	Frey	Maraziti
Blackburn	Froehlich	Martin, Nebr.
Boggs	Fulton	Martin, N.C.
Boland	Fuqua	Mathias, Calif.
Bolling	Gaydos	Matsunaga
Bowen	Gettys	Smith, N.Y.
Brademas	Gialmo	Snyder
Bray	Gibbons	Spence
Breckinridge	Gilman	Staggers
Brinkley	Ginn	Stanton,
Brooks	Goldwater	J. William
Broomfield	Gonzalez	Stanton,
Brotzman	Goodling	James V.
Brown, Calif.	Grasso	Stark
Brown, Mich.	Gray	Steed
Brown, Ohio	Green, Pa.	Steele
Broyhill, N.C.	Griffiths	Steelman
Broyhill, Va.	Grover	Steiger, Wis.
Buchanan	Gubser	Stephens
Burgener	Gude	Stokes
Burke, Calif.	Gunter	Stubblefield
Burke, Fla.	Guyer	Studds
Burke, Mass.	Haley	Sullivan
Burleson, Tex.	Hamilton	Symington
Burlison, Mo.	Hammer-	Talcott
Burton	schmidt	Taylor, Mo.
Butler	Hanley	Moorhead, Pa.
Byron	Hanna	Morgan
Carney, Ohio	Hanrahan	Mosher
Carter	Hansen, Idaho	Moss
Casey, Tex.	Hansen, Wash.	Murphy, Ill.
Cederberg	Harrington	Murphy, N.Y.
Chamberlain	Harvey	Myers
Chappell	Hastings	Natcher
Chisholm	Hawkins	Nedzi
Clancy	Hays	Nelsen
Clark	Hechler, W. Va.	Nichols
Clawson, Del.	Heckler, Mass.	Nix
Clay	Heinz	O'Byrne
Cleveland	Helstoski	O'Hara
Cochran	Hicks	O'Neill
Cohen	Hillis	Owens
Collier	Hinshaw	Parris
Collins, Ill.	Hogan	Passman
Conable	Holifield	Patten
Conlan	Holt	Perkins
Conte	Holtzman	Pettis
Conyers	Horton	Peyser
Corman	Hosmer	Pickle
Cotter	Howard	Pike
Coughlin	Huber	Poage
Crane	Hudnut	Podell
Cronin	Hungate	Powell, Ohio
Culver	Hunt	Preyer
Daniel, Dan	Hutchinson	Price, Ill.
Daniel, Robert	Ichord	Pritchard
W., Jr.	Jarman	Quie
Daniels,	Johnson, Calif.	Quillen
Dominick V.	Johnson, Colo.	Rallsback
Davis, Ga.	Johnson, Pa.	Rangel
Davis, S.C.	Jones, Ala.	Rarick
Davis, Wis.	Jones, N.C.	Rees
de la Garza	Jones, Okla.	Regula
Delaney	Jones, Tenn.	Reid
Dellenback	Jordan	Reuss
Dellums	Karth	Rhodes
Denholm	Kastenmeier	Riegle
Dennis	Kazen	Rinaldo
Dent	Keating	Roberts
Devine	Kemp	Robinson, Va.
Dickinson	Ketchum	Robison, N.Y.
Dingell	King	Rodino
Donohue	Kluczynski	Roe
Dorn	Koch	Rogers
Downing	Kuykendall	Roncallo, Wyo.
Drinan	Kyros	Roncallo, N.Y.
Dulski	Latta	Rooney, Pa.
Duncan	Leggett	Rose
du Pont	Lehman	Rosenthal
Eckhardt	Lent	Rostenkowski
Edwards, Ala.	Litton	Roush
Edwards, Calif.	Long, La.	Rousselot
Eilberg	Long, Md.	Roy
Erlenborn	Lott	Roybal
Esch	Lujan	Runnels
Eshleman	McClary	Ruppe
Evans, Colo.	McCloskey	Ruth
Fascell	McCollister	Ryan
Findley	McCormack	St Germain
Fish	McDade	Sarasin
Flood	McEwen	Sarbanes
Flowers	McFall	Satterfield
Flynt	McKay	Saylor
Foley	McKinney	Scherie
Ford, Gerald R.	McSpadden	Schneebeli
Ford,	Macdonald	Schroeder
William D.	Madden	Sebelius
Forsythe	Madigan	Seiberling
Fountain	Mahon	Shipley
Fraser	Mailliard	Shoup
Frelinghuysen	Mallary	Shriver
Frenzel	Mann	Shuster

Sikes	Taylor, N.C.	Williams
Skubitz	Teague, Calif.	Wilson, Bob
Slack	Thomson, Wis.	Wilson,
Smith, Iowa	Thone	Charles H.,
Smith, N.Y.	Thornton	Calif.
Snyder	Tiernan	Wilson,
Spence	Towell, Nev.	Charles, Tex.
Staggers	Udall	Winn
Stanton,	Ullman	Woff
J. William	Van Deerlin	Wright
Stanton,	Vander Jagt	Wyatt
James V.	Vanik	Wydler
Stark	Veysey	Wyllie
Steed	Vigorito	Wynman
Steele	Waggonner	Yates
Steelman	Waldie	Yatron
Steiger, Wis.	Walsh	Young, Alaska
Stephens	Wampler	Young, Fla.
Stokes	Ware	Young, Ga.
Stubblefield	Whalen	Young, Ill.
Studds	White	Young, Tex.
Sullivan	Whitehurst	Zablocki
Symington	Whiten	Zion
Talcott	Widnall	Zwack
Taylor, Mo.	Wiggins	

NAYS—3

Collins, Tex. Landgrebe Symms

ANSWERED "PRESENT"—1

Treen

NOT VOTING—34

Ashbrook	Evins, Tenn.	Price, Tex.
Badillo	Fisher	Randall
Blatnik	Green, Ore.	Rooney, N.Y.
Brasco	Gross	Sandman
Breaux	Harsha	Sisk
Camp	Hébert	Steiger, Ariz.
Carey, N.Y.	Henderson	Stratton
Clausen,	Landrum	Stuckey
Don H.	Mathis, Ga.	Teague, Tex.
Danielson	Mills, Ark.	Thompson, N.J.
Derwinski	Patman	Young, S.C.
Diggs	Pepper	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Landrum.

Mr. Rooney of New York with Mr. Patman.

Mr. Blatnik with Mr. Mathis of Georgia.

Mr. Breaux with Mr. Price of Texas.

Mr. Carey of New York with Mr. Sandman.

Mrs. Green of Oregon with Mr. Harsha.

Mr. Badillo with Mr. Randall.

Mr. Danielson with Mr. Don H. Clausen.

Mr. Fisher with Mr. Derwinski.

Mr. Mills of Arkansas with Mr. Sisk.

Mr. Brasco with Mr. Stuckey.

Mr. Diggs with Mr. Stratton.

Mr. Evins of Tennessee with Mr. Young of South Carolina.

Mr. Teague of Texas with Mr. Camp.

Mr. Pepper with Mr. Ashbrook.

Mr. Hébert with Mr. Steiger of Arizona.

Mr. Henderson with Mr. Gross.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FLOOD. 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. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, 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 3 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

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

There was no objection.

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

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. 8877, with Mr. HOLIFIELD 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 Pennsylvania (Mr. FLOOD) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, in view of what has been going on here for a while, I hesitate to open this can of worms that we now have before us. As a result of what has been going on and what is going on now, I think of a real life story that I experienced in show business a number of years ago.

We were doing "Arms and the Man" in Cleveland, and a great actor of the Theater Guild, Lew Parmentier, was playing the part of a general, the Bulgarian Chief of Staff, and I was, of course, playing a prince, wearing all the medals and swords. There are two scenes in the first act, and at the end of the first scene of the first act, we blew up higher than a kite, and Lew was there going blah, blah, blah. And I was going blah, blah, blah. And finally Lew said, "Well, that's all I have to say," and he walked off the stage and left me dead center with my tongue hanging out.

So I went on with blah, blah, blah. And finally I said, "I think I'll go too." I walked off and they dropped the curtain. I ran down off the stage and went in the front to the stage manager, and I said, "Why didn't you throw me a line?" He said, "If I knew what show you were playing, I would have thrown you a line."

So here we are, after the last 4 hours, in almost that same position.

Just so you know, Mr. Chairman, when we called this bill up last year we started at 1 o'clock in the afternoon and we finished at 9 at night, so in case you are going anywhere, do not hurry.

Mr. Chairman, the Members of this House have seen innumerable appropriation bills for almost every conceivable cause. They are a vital part of the working of this great deliberative body. However, I believe this bill, H.R. 8877, is different. It is deserving of your wholehearted attention and support.

We hear a lot these days of special interests and their very selfish influence upon Government. Well, happily, the only special interest served by this bill is that of the whole body politic, that is, the general welfare of all the people and not simply special groups or segments thereof, however deserving those groups may be in their claims.

We seek your support for programs

which directly or indirectly touch the life of every man, woman, or child in this Nation. Make no mistake about that. Labor, health, education, welfare. That is hard to match.

If you will consult the categories covered by the report before you—and it is a marvelous report, if I do say so myself—and I think more Members of this House have read the report on this bill than all of the other appropriation bills put together, for the reasons I have just indicated—if you will read it, you will discover that broadly viewed it is all-inclusive. In one way or another it touches all of us.

For instance, who among us here can claim to be beyond the reach of such basic concerns as health, education, welfare, and labor? Who? In that respect the bill speaks for itself, encompassing our whole population together with the quality and the condition of our national life.

If our old friend Dr. Johnson's judgment be true that a decent provision for the poor is a sure test of civilization, then how much more does that condition apply for a decent provision for every human being in this great land regardless of his or her station in life? What is the matter with that?

Earlier in this troubled century in another crisis in our country Franklin Delano Roosevelt called for a bold response to the plight of the Nation, a third of whose people were ill fed, ill clothed, and ill housed. You remember?

Well, our call today as set forth in this bill is no less urgent in its response to the more comprehensive challenges of the 1970's. Our concern today is not with any part of the community by itself, however numerous or however justified that claim or those claims may be. Rather we direct our attention in this bill to the need and the well being, without exception, of all the American people.

Oh, what a guy. The great Edmund Burke described the standard of a statesman as a disposition to preserve and an ability to improve.

Mr. Chairman, those are the two criteria which have guided us in shaping this bill, and that is a good yardstick. I present it in that spirit to you. This Labor-HEW bill which we bring before the House today is the product of two-and-a-half or nearly three months of hearings.

Every day, and some nights, except Sundays, since early in March and ending about the first of June, the committee has worked on this bill. If you want to get on the Committee on Appropriations, that is great; but if you do not want to work, stay off this committee. It will kill you.

What do we do in these hearings? What goes on? Let me tell you:

We took testimony from over 350 Government officials, and over 250 other people who wished to make their views known to us. They sat right across that table from us. And this is no great big Taj Mahal that we sit in, or a fancy room, not this one. We sit down in the basement here of this Capitol. And we sit right across from many, many wit-

nesses, face to face. No big deal. It is very informal. That is where we get to know them.

They wanted to tell us, all of them, what they thought we wanted to know; but you ought to hear the members of this subcommittee cross-examine them. They are great; they are experienced. It is a fine group on both sides of the aisle. There are no politics to play. That is the way it is. You do not know a Democrat from a Republican. That is this subcommittee, that is the way it stands. We heard from Members of Congress, officials of State, local governments, colleges, universities, and organizations representing the whole spectrum of American life.

Mr. Chairman, I am sure that I need not tell the Members of this House that this is a very complicated bill—and that is the understatement of the year. It funds literally hundreds of separate and distinct labor, health, education, and welfare programs, each one of which has its own authorization in some piece of legislation that was enacted by the Members of this Congress. The committee did not give birth to any of these programs. The Congress did this itself. We are working for the Congress.

This bill funds programs under the Social Security Act—hear this—the Social Security Act; the Economic Opportunity Act; Elementary and Secondary Education Act; the Higher Education Act; the National Defense Education Act; Public Health Service Act. And that is just to mention a few of the big ones. There are hundreds of others, nearly 400.

Mr. Chairman, I could not possibly go through this bill item by item in the time available to us here. I just simply could not do it. As a matter of fact, I will talk so fast that the Members probably will not be able to hear half of what I say. Everything is laid down in great detail in our report. Please read the report. It has been available since last Thursday.

Instead, I shall give you some overall figures which I hope will place the bill in proper perspective, and then summarize as best I can some of the highlights, some of the significant items that the Members perhaps should know about.

By the way, Mr. Chairman, the first bill that I presented to the House for the Labor-HEW Subcommittee was for fiscal year 1968. That 1968 bill as reported from the committee totaled \$13.1 billion. The bill that we present to you today totals \$32.8 billion; for Labor, Health, Education and Welfare. Now it is your tax money. Could it go to better places than that, and for better purposes? No.

This figure excludes budget estimates totaling \$2.2 billion for a number of programs which have been left out of the bill because authorization for them has not been received. If we add the 1974 budget authority for the trust funds, which are not, of course, included in the annual appropriation bill—but they are handled and administered by the same agencies—do the Members know what the total in

this bill is? \$115 billion. How do you like that? \$115 billion.

The Members might want to hear this. Just to show you how it looks in the budget, the agencies and the programs which we are considering today in this bill, this one bill among a whole flock of appropriation bills—but this one bill accounts for about 40 percent of the total Federal budget. If we leave out Defense, this bill is 57 percent of the works, the whole total budget.

The bill incorporates a total of \$32,816,467,000 in appropriations from the general funds. This represents an increase of \$1,264,352,000 over the budget estimates for 1974, but it is a decrease of \$730,914,760 over the comparable appropriation for fiscal 1973. Right at this point I shall hasten to add that those comparisons are not quite what they seem to be; they never are.

The 1973 appropriation figure is approximately \$1.8 billion more than the administration currently intends to obligate to spend; in other words, about \$1.8 billion in fiscal year 1973 appropriated funds has been impounded on a scale unprecedented in our history and in a manner of highly dubious legality. The budget request in 1974 was based on the amounts which the administration planned to spend in fiscal year 1973 and not on the amounts which Congress has actually appropriated for fiscal year 1973.

Do you see the catch now? Therefore, the amount recommended in the bill for 1974, while it is about \$731 million less than the amount appropriated for fiscal year 1973, is over \$1 billion more than the administration's current spending plan. Watch that phrase "spending plan." It sounds like a song and dance; maybe it is.

Let me tell the Members this: We know it is very difficult to be entirely precise about this because the administration's spending plan changes from day to day and from hour to hour. It is like a railroad timetable. Furthermore, some of the 1973 appropriations which have been impounded may be available for 2 or 3 years. An example is the Hill-Burton Act which authorizes hospital construction, hospital renovations, outpatient facilities, and so on. That is available for 2 or 3 years and may ultimately be released. It could be.

Other funds could be released between now and June 30, but the softness of these 1973 amounts has made the job of arriving at recommendations for fiscal year 1974 even more difficult than usual. Believe me, it is tough at any time. In many instances, Mr. Chairman, we have found it desirable to go back to the 1972 appropriations as a firm point for reference.

With respect to the 1974 increase over the budget, while the tables in the report show an increase of about \$1.2 billion over the budget estimate, we are actually \$1.9 million over the budget for funds to be obligated for fiscal year 1974. This is because the budget—watch this—includes \$636 million in budget authority for funds—and the Members may not like this—to be obligated in fiscal years 1975 through 1980.

We, of course, did not include that amount in the bill, but it undoubtedly will be appropriated in future years, and therefore it is not a true reduction from the President's budget. The Members may have heard about that.

Now having cited these overall figures, let me proceed to discuss the significant items in the bill. The bill contains four titles: The Department of Labor; the Department of Health, Education, and Welfare; related agencies, and there are a number of those; and general provisions. We will not go into the related agencies specifically because we have little trouble with those annually and the Members will find those well described and laid out in the report.

For the Department of Labor the bill includes \$827,535,000, and that is a reduction of \$358,000 below the 1974 estimate, but it is \$1,441,106,000 below the appropriation for fiscal year 1973.

Let me tell the Members about that. Do not get upset about that. The chief reason for this apparently large reduction from the 1973 appropriation is of course the expiration of the Emergency Employment Act, for which no funds were included in the budget and none in the bill and for which—this is the catch—there was appropriated \$1,250,000,000 in fiscal year 1973. So that accounts for that hole there.

There is also a reduction of \$110 million in appropriations for Federal unemployment benefits and allowances, and \$120 million in appropriations for the advances to the extended unemployment compensation account. These reductions reflect—are supposed to reflect—the improved employment situation which the administration anticipates during fiscal year 1974, and of course we hope—with capital letters—that they are correct. Although we certainly are not reassured by any of the evidence to date, that is what they said.

Now we have deferred consideration of the major item in the Labor Department's budget, which is the \$1,340,000,000 requested for the manpower training program, and I will tell the Members why. About one-half of this amount is authorized for 1974 but the other half requires extension of the Manpower Development and Training Act which expires June 30, 1973. The whole thing was presented under the heading called—beautiful—manpower revenue sharing. There it is. This manpower revenue sharing—and the only thing wrong about that is that I did not think about it myself, that is beautiful—would involve a very drastic change in the way the manpower programs are presently administered. That is the catch in this thing.

At the time of our hearings, and believe me, the Members should look at the hearings and I do not mean only the report, but look at the testimony. It is 8 volumes long. In those hearings we went after them hammer and nails on this thing. The Labor Department witnesses from the top down simply were not very specific as to just how this program would work. We could not get a thing out of them.

In view of this and also in view of the fact that the authorization for the Manpower and Training Development Act is under consideration in the House, the subcommittee decided to defer consideration of the whole appropriation.

Now the budget will of course in all likelihood be taken up later in the year in connection with a supplemental appropriation bill after the legislative picture has been clarified.

In the meantime—get worried now—in the meantime, however, the manpower training programs will of course continue to operate under the continuing resolution. Parenthetically, because we are talking about that, I would note that a bill extending the Manpower Development and Training Act, and prohibiting—prohibiting manpower revenue sharing was reported from the Committee on Education and Labor on June 18, with minority reports, additional statements, dissenting views, and so forth, and so forth, and so forth.

That just indicates how controversial this whole thing is.

The other item in the Labor Department on which there will probably be a great deal of interest is occupational safety and health administration. The budget requested an increase of 64 additional compliance officers to enforce the Occupational Safety and Health Act. The subcommittee gave them 32 of the 64 they asked for. But, this would in fact provide 168 more compliance officers than were actually on the payroll in the middle of May of this year, so both sides win on that, and we tried hard to work it out fairly.

Let us move to the Department of Health, Education, and Welfare. The bill includes \$31,501,695,000, an increase of \$1,162,719,500 over the amount appropriated for fiscal year 1973. That is an increase of \$1,074,710,000 over the budget request for 1974.

Watch this—this rather large increase over the 1973 appropriation is more than accounted for by the increase—you did this—by the increase of \$2,216,771,000 in general funds—now, you did it—appropriated to the Social Security Administration.

This increase, the Members will recall, is for the new supplementary security income program to be administered by the Social Security Administration which will begin January 1, 1974. That will replace the existing programs for aid to the aged, the blind, and the disabled which are currently administered by the States and by the localities.

The increase is partially offset by a decrease of \$1,067,722,000 for grants to States for public assistance. We went all through that several months ago, if the Members will recall, on those two new sections.

By the way, the table in the report shows an increase over the budget for HEW of \$1,074,710,000. Remember, I mentioned this a couple of minutes ago, that if we adjust this for that \$636,180,000 made by the committee in the funds which were to be obligated, as I told the members, from 1975 through 1980—we could not do that, the members did not

want us to do that, they want annual appropriations—there the total over the budget will be \$1,710,890,000. Just divide that by about one-half. About one-half of that is increase for health programs and the other half for education programs. It is just about pretty evenly divided.

A key element in the health budget is the administration's proposal to permit a number of authorities in the Public Health Service Act to expire at the end of fiscal year 1973. That is just around the corner, June 30.

Included in these—now hear this, let me show the Members where they clip their pigeons. These are your babies back home—community mental health centers: Out. Hill-Burton grants to build hospitals and to renovate hospitals. Out. Regional medical programs: Out. Public health, these are all on-going programs and large sums have been appropriated for these in the past years. Out.

The 1974 budget included either no funds at all for these programs or enough funds to continue the projects approved for the funding in previous years. So far as we are concerned, it is unthinkable to permit such drastic cuts to stand, in the face of the overwhelming mandate of the Congress and the will of the people on these programs.

That is what we believe. Wait until the Members hear this. Remember, you did this. I am talking about you. This is what you did, in spite of the President's recommendation.

In spite of the President's recommendation, this is what you did. The Congress, by a vote of 372 to 1 in the House, and 94 to 0 in the other body extended all these expiring authorities for another year. There was a vote like that.

The bill extending these authorities was signed by the President on Monday of last week.

Funding these authorities in the bill at either the 1972 level—we had to go back to that level on some—or the fiscal 1973 level has resulted in increases over the budget request totaling \$442,660,000 for those items.

We have a lot of talk about this. There are a lot of requests, and lots of letters.

What about the mental health programs as they have been developed in the past 20 years? We have added items totaling \$149,924,000 over the budget request, and most of this increase is to do what? It is simply for the restoration of funds for programs which the budget proposed to eliminate, or to cut back, including \$46,924,000 for mental health research and training.

Members have talked to me about that. There is \$15 million for the construction of community mental health centers. Members have been asking me about that.

There is \$38 million for the new staffing grants for those mental health centers. Do we want just bricks and mortar? We have to staff them. How logical is that?

How about this one? There is \$11,552,000 for the special program for the mental health for children. We have got a stack of mail that high on the mental health for children program.

In addition, we have added \$38 million over the budget for programs to combat alcoholism. Alcoholism is the No. 1 drug abuse program in this Nation. Alcohol is a drug. That amounts to but a fraction of the total cost which alcoholism exacts. That is a cost everybody knows is staggering in national dimension. It can never, never, never overshadow the personal tragedies that thing entails.

Would Members be against that? It is like being against motherhood and for sin.

In spite of these requests, these increases for the 1974 budget requests, we are actually recommending \$7 million less. I do not want the Members to think we are throwing money away. We are recommending \$7 million less for general mental health programs, and \$33 million less in the other programs than the committee recommended and the House approved in last year's bill. We cut down. We are not shoveling it out. We cut down on the last year's appropriation bill.

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

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

Mr. QUIE. On page 14 of the committee report there is a table on mental health which shows a reduction of \$636,180,000 from the budget request.

Now, is that the reduction in forward funding?

Mr. FLOOD. Forward funding, yes. That is exactly what it is. I mentioned that two or three times. That is for obligations from 1975 through 1980.

Mr. QUIE. 1975 through 1980?

Mr. FLOOD. 1975 through 1980, forward funding. That is your phrase, and that is a correct phrase. That, of course, does not move, because we believe in the annual appropriation, as the gentleman knows. That is exactly right.

Mr. QUIE. Mr. Chairman, I am trying to get a picture of the entire bill.

So then on page 2 it indicates this is a bill in the amount of \$164,352,000 over the 1974 estimate?

Mr. FLOOD. No. I do not know if the gentleman was here before. I was doing my best to explain it. I do not talk very softly, but I thought I made it very clear that we did add that. The original figure did not show the \$636 million. We did adjust for the \$636 million.

So the gentleman is quite right, as he usually is, on this point.

The budget includes the \$636 million. We did add that to the original figure. I mentioned that twice, I will say to my friend, the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, would I be correct in saying that this is actually a bill for \$1,900,000,000 over the budget?

Mr. FLOOD. Exactly. I have only said that three times now.

Mr. QUIE. Mr. Chairman, I wanted to make it clear.

Mr. FLOOD. Of course, I do not expect everything to be understood, but I shall try to make it clear.

There are two other major items in this bill for Health Services and Mental Health Administration and here the

committee was simply compelled to add funds over the budget request.

What are they? These are the regional medical programs, the RMP. Those are some of our pet prize babies. And the Hill-Burton grants, I will tell the Members what they are for.

Now, in the budget there was not a dime for either of those programs. I think that most Members here will agree that these programs should be continued, and we have included in the bill \$197 million for the Hill-Burton hospital grants and \$81.9 million for the regional medical programs.

Mr. Chairman, this is nothing added on. This does nothing but keep them going at exactly the same level. They do not get an extra dime; they are left just as they are.

By the way, that is \$2½ million less, \$2½ million, and we are not coming in here with something new, using a shovel to throw more in. This \$2½ million less for Hill-Burton and over \$50 million less for the regional medical programs that the committee recommended and that the House approved last year.

So we are not throwing it away. This is below last year.

Now, Mr. Chairman, the budget for the National Institutes of Health: This no one would believe. It proposes increases for the Cancer Institute and the Heart and Lung Institute and decreases in research funds for all other Institutes. Every other Institute was cut, no matter what it was for. No one would believe that. If we saw that in the movies, we would ask, "How?" Every other one was cut.

Now, hear this: The budget was proposed to provide a phaseout of all the training programs. These programs had been the vehicle over the years for producing the scientists to carry out all of our national biomedical research programs. No one would believe it. Our committee went into this proposal, because we could not believe it. We went into this page after page, day after day, witness after witness.

We asked, "Are you out of your mind? What is going on here?"

We could not believe it. They told us.

Mr. Chairman, we think these budget proposals are unwise and simply not supported by any factual information we received.

We could not act favorably on that. Furthermore, we believe—and we think the Members do, too—that it is important to find the causes of, and the cures for, all diseases which afflict mankind, not just cancer and heart disease. And who has got a better right to talk about cancer than I do?

Some of you oldtimers remember 11 years ago I was operated on for cancer of the stomach and esophagus, and now I have half a stomach and most of the esophagus is gone. I am exhibit A. Just look at this. I was dead 11 years ago.

Do not let them kid you, but these people need help. So I know what I am talking about. I am no special pleader.

We have therefore added a total of \$209,409,000 over the budget for the NIH research institutes. What is that for? It is

designed to restore the research and training programs. For what? An add on? All we are doing is putting the money back so they can operate at the same level they did in 1972. Is that not great? It is all we are doing. We are just giving them what they had in '72.

And, by the way, what about inflation? Did you ever hear about that? We are giving them money at the 1972 level, but they are not getting even the 1972 level, if you figure the inflation of 10 percent for all research in sciences.

Do not come down here and tell this committee we are throwing your money out the window like banana peels. It is just not so. Special research and training is vital for our continuing the advance of this relentless, unending struggle against disease. We would be mighty shortsighted to restrict or eliminate such programs when man is now on the brink of major discoveries in the life-saving sciences which are essential to all of us, every man, woman, and child.

There is another place where a drastic cutback is proposed, in the training of the various types of health manpower. To train the various types of health manpower. Ah, I cannot see it. In effect what happened? The budget proposed to continue Federal support only for medicine, dentistry, and osteopathy and a phase-out and a reduction in support for all other types of health manpower training.

For health professions and nursing. One thing I learned in the hospital is never turn your back on a nurse or you are out of your mind. Do you know what I mean? Never turn your back on a nurse. Well, they cut them out.

Veterinary medicine. I cannot tell one end of a horse from another, but I know you do not do that. Optometry, podiatry, pharmacy, all public health, allied health. Out.

And this proposal produced a storm of protest all over the nation. You ought to know. I am telling you? You are getting it. I am sure there is no Member in this room who has not received all kinds of communications of protest on this.

After examining the proposal very carefully, and we went into this one, oh, boy, from the Federal Government witnesses and all outside organizations and people we asked in to be sure, we concluded that we have to provide sufficient funds in the bill to restore the cuts proposed in the budget for those items.

This nation must not turn away from its responsibilities here. There must be continuing Federal support for a wide range of medical and paramedics—I am a nut on paramedics; all you guys in the service will remember the paramedics, although they called them different names—in order to utilize the resources we have in behalf of a healthier people. This resulted in an increase of \$324,660,000 over the budget.

Listen again. If you think we are going haywire, the answer is no. The bill is still \$31,787,000 below the 1973 appropriation for the same programs.

Do not tell me we are throwing your money out the window, it is below that of

last year by over \$31 million. For the educational programs, we recommend a total of \$6,164,411,000 for education programs. That is \$892 million over the budget request; \$92.42 million—now, watch this—\$92.42 million below the comparable appropriation for fiscal year 1973, nearly \$100 million below last year.

Do you think that we are careless and do not know what is going on? Are we throwing the money away? We are \$100 million below—we are watching those bucks.

Let me tell the Members that these education proposals gave us a very special problem, a very special problem. The budget proposed another gimmick. It proposed a consolidation of a series of categorical programs, line items, for the support of elementary and secondary education. Hear this: Vocational education, education for the handicapped, adult education, a big thing now, just pull them into a block grant—now, watch this, watch the catch in this—to be known as special education revenue sharing, not just that old guy, that poor, worn-out, moth-eaten program of revenue sharing that is getting no place in Congress. Not just that, no. This is all dressed up.

The 1974 budget included \$2,527,366,000 for education revenue sharing. One cannot be against that, can one? Education revenue sharing. Boy, what a title. The education program as they suggest they replaced—see what it did, the replacement has added up, \$3,045, million for fiscal year 1972, and \$3,466 million for 1973. That is what it replaced, this big deal.

That means what? It means the education revenue sharing proposal represents a cutback of half a billion dollars below the 1972 bill, and nearly \$1 billion from the 1973 bill. That is what it means. That is a pretty curious use of the term "revenue sharing" as a means to reduce the commitment to the educational needs of the people.

Education revenue sharing, by the way, requires new legislative authority. It certainly should come as no surprise to anybody in this room that the proposal by the administration of revenue sharing has simply no place in the budget.

Most reasonable people would welcome a consolidation of the hundreds of separate programs for which we now make appropriations each year. There is no doubt about that. We agree with that. But there is simply no support for a cutback of one-half to \$1 billion in Federal Aid to Elementary and Secondary Education.

We have included appropriations in the bill to continue the various programs which would have been replaced by this education revenue sharing. The appropriation recommended in the bill for these programs represents an increase of \$768,168,000 over the budget or about \$250 million more than the fiscal 1972 appropriation.

But the two major increases over 1972 are \$215.5 million for title I, the Elementary and Secondary Education Act, and \$50 million for the basic State grants for vocational education.

These are, by the way, the amounts provided in the 1973 appropriation bill as it passed the House—the same amounts. There is no big deal about it. They are the same amounts.

We believe that these increases are essential. Are my friends, the southerners, listening? "Damyantee" is one word; I know that, but I am not "Damyantee;" I am a plain Yankee. I was raised in St. Augustine, Fla.

The 1970 census will be used as the basis for the distribution of these funds among the States for fiscal year 1974. Listen to this. If we do not provide these increased funds for these programs, we must do one of two things. We must either give no recognition to the population shifts which occurred in the 10 years between the 1960 and the 1970 census, or we must make drastic cuts in the allocations of the States. How do you like that? That is where we are.

We believe, Mr. Chairman, that the 1970 census must be used as the basis for the allocation of funds. There is no squawk about that. On the other hand, we know it would be both unfair and unrealistic to expect States like Alabama and Mississippi—remember Alabama? Oh, you do remember that; all right. They did take a beating. They did lose over 50 percent of their previous allocations. That is not right in any language.

We, therefore, provide the increase of \$50 million in the bill for vocational education, basic State grants, and an increase of \$212.5 million for title I. In addition for title I grants, we believe it is necessary to include legislative language in the bill providing that no State allocation shall be less than received in fiscal year 1972. In this way we have sought to meet our dual responsibilities to make Federal funding more responsive to the population increase in some States, while preventing sudden shattering cuts in existing programs in others.

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

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

Mr. QUIE. I thank the gentleman for yielding.

The question I wanted to raise was his decision to hold everyone harmless—

Mr. FLOOD. Hold harmless is your phrase.

Mr. QUIE. As of 1972. In 1973, the total expenditures for title I were the same amount as 1972.

Mr. FLOOD. This could be.

Mr. QUIE. But the impact of the changes in population came to bear because AFDC data is also utilized. In some States a dramatic reduction in the number of poor children between 1960 and 1970 occurred, these States received the beginning of their reduction in 1973. Now the gentleman is going to bring them back up to the 1972 level again. I ask the gentleman, why?

Mr. FLOOD. We are going to bring States back up to at least the 1972 level, but I know the gentleman knows—and I know that he knows that I know that he knows—what will happen, and they had better, because this is where their friends are, beginning with me, and they

would not do anything like that, especially Alabama and Mississippi.

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

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

Mr. KAZEN. I appreciate what the committee did in this provision.

Mr. FLOOD. The gentleman should.

Mr. KAZEN. If the gentleman will let me, I will commend him for doing it.

Mr. FLOOD. Great. Louder, please.

Mr. KAZEN. I commend the gentleman for that. But my question is this: Is it intended by this legislation that the amount that goes to the States will be passed on to the local districts?

Mr. FLOOD. The answer, as far as we are concerned, is "yes." That is the intent and the purpose. Of course, if you know Suzie like I know Suzie—I was assistant attorney general in Pennsylvania for 5 years. If you know State government like I know State government, you go on from there.

Mr. KAZEN. This is what we are worrying about—our individual school districts getting not less than the amount they received last year.

Mr. FLOOD. We hope the gentleman gets his hope.

Mr. KAZEN. This is the intention of the committee?

Mr. FLOOD. I just said that four times.

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

Mr. FLOOD. Oh yes, I remember, yes, I yield.

Mr. QUIE. As I read the bill, the State will be held harmless in its aggregate but there is no hold harmless for the school districts and so the school districts that have had a shift in population will realize the impact of that change in population due to the 1970 census.

Mr. FLOOD. This is in part true and I go through this all the time. The gentleman is half right and half wrong. Legislation is the art of compromise. That is only partly true. As a matter of fact the gentleman from Minnesota stated there will be a State hold harmless in 1974. Certainly the rule of reason should prevail there. It could depend on what is done in the State capitol in those cases where the State has discretion.

Mr. QUIE. But the State Departments of Education have no voice in the amount of money that will go to each school district. They have only passed on the title I project, whether it is acceptable or not.

Mr. FLOOD. The man on our subcommittee who has forgotten more on this than I think any of the rest of us know is the gentleman from Iowa (Mr. SMITH) and I yield to him.

Mr. SMITH of Iowa. Mr. Chairman, the language was written in the way it appears for a particular reason. It says:

The grants to local agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972.

Mr. FLOOD. But that we cannot control. I think they know how to do it.

Now, impacted areas. Did the Members ever hear about that? Here is a sacred cow if ever there was a sacred

cow. Congress has provided funds for 68 percent of the entitlement for the B kids and 90 percent of the entitlement for the A kids and then 100-percent entitlement for kids in those programs where they constitute 25 percent or more of the school enrollment. That is exactly what we did before. I do not think anybody can argue about that.

There is something else the Members will not believe. Do the Members know what the budget proposed for libraries? It proposed absolutely no funds for assistance to libraries. It provided not a dime for libraries. But we are recommending \$176,209,000, which is the same amount as the 1972 appropriations. We are putting back the funds. We felt this budgetary provision, or lack of one, showed no proper appreciation for the role of the public libraries in the Nation's communities today. The libraries have become something more than depositories for a great many dusty books. They are increasingly involved in the total education and cultural life of the entire community. The libraries perform an expanding role today. We are putting the money back. It was cut out.

There are many other things in the bill, but I do not intend to discuss them all. But there is one we might touch upon, which is the student assistance programs under the appropriation for higher education. We have heard a great deal about that. We studied this, as we did last year and in the urgent supplemental bill this year. We stayed within the total budget request for the student assistance programs. But what did we do? We changed the distribution of the budget requests, so that educational opportunity grants, work study and national student loans will be continued at the current level and the remainder will be used for the basic opportunity program. Never was there a greater need, we think, for worthily motivated students to attain the level of education of which they are capable. That is in the very best American tradition.

The amounts can be found on page 59 of the report. We continued those program levels. We realigned the priorities submitted in the budget. We think we know something about this matter too.

With respect to the Office of Economic Opportunity, we have included funds in the bill to extend the life of the Office of Economic Opportunity for another year, to June 30, 1974, and to continue Federal support for the Community Action agencies through June 30, 1974. I think the majority of the Members are going to agree with this, whatever the merits and deficiencies might be—and there certainly are deficiencies.

The CHAIRMAN. The Chair informs the gentleman from Pennsylvania that he has 2½ minutes remaining of his hour.

Mr. FLOOD. I have an hour and a half, Mr. Chairman.

The CHAIRMAN. The gentleman can only consume one hour of his hour and a half at this time. The gentleman has 2½ minutes remaining.

Mr. FLOOD. Now, we have extended these activities through June 30, 1974. We certainly object to any attempt to

have these units closed down unilaterally without the concurrence of the Congress. That is absolutely unacceptable.

We know there are some deficiencies, and we have approved the budget request for the transfer of the OEO to the departments, certain of them to HEW. Many of these positions should be in HEW, many should be in Labor. They should never have been in OEO in the first place. We agree with that. But, we do not agree to have OEO shut down unilaterally.

We do not approve withdrawal of funds then for the community action programs under any circumstances.

We do believe that a very serious review of the poverty program is in order; absolutely. We do not necessarily endorse its continuation in its present form forever. The patient must be kept alive while he is on the examining table. We think the patient needs a physician, not an undertaker. That is the way to do this.

Our report states that we believe that a solution of this question on the OEO must be one which is acceptable both to the President and to the Congress. In keeping with our American heritage, this Government is based upon a division of powers. It is an ideal pretty badly neglected in recent years, but I suggest it is likely to come to life again pretty quickly. Let us step forward with this very big bill.

Mr. Chairman, one final note: This is the first time since 1952 the Labor-HEW appropriation bill has been on the floor without the presence of Bob Moyer. Bob retired in February after 21 years as senior staff assistant to our subcommittee on Labor-HEW.

He built a solid record. For years the subcommittee and indeed the committee depended upon him. And we miss him. Bob is a man of boundless energy and abilities. I take this opportunity to thank him publicly for his great service to me personally down through these years and to all members of the committee and the House, and to wish health and happiness to him and his family in retirement.

Mr. MAHON. Mr. Chairman, will the gentleman yield for 3 minutes?

Mr. FLOOD. Mr. Chairman, I yield to the distinguished chairman of the full Committee on Appropriations, the gentleman from Texas (Mr. MAHON), for 3 minutes.

Mr. MAHON. Mr. Chairman, I think it very appropriate that the distinguished chairman of this subcommittee, who has so brilliantly presented this bill, should in the closing moments of his discussion mention Bob Moyer, who for so many years served so faithfully and efficiently the Committee on Appropriations, and especially this subcommittee.

I am sure Mr. MICHEL, the ranking minority member of the subcommittee, would like to share in these sentiments. I yield to Mr. MICHEL.

Mr. MICHEL. Mr. Chairman, I appreciate the chairman yielding to me.

Of course, it would have been my intention during the time allotted to me to endorse fully and wholeheartedly the

remarks made by my good friend from Pennsylvania (Mr. FLOOD).

We have heard from Mr. Moyer subsequent to his having retired, and he is enjoying himself very much.

We do miss him, but as the chairman very well knows, we have some new replacements for Mr. Moyer, due to the chairman's foresight, and we do appreciate the manner in which they handle their duties. We have a competent staff made up of people who have to do so much to shore us up.

Mr. MAHON. Mr. Chairman, I am sure the gentleman from Pennsylvania, the gentleman from Illinois, and myself have spoken the sentiments of all the members of the subcommittee with regard to Bob.

Mr. NATCHER. Mr. Chairman, will the gentleman yield me some time?

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, I yield to my chairman, the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, the preparation of this bill has been no easy task. It embodies the considered judgment of the full committee, formed in the light of our knowledge and experience, and mindful of the challenging words of the great Charles DeGaulle:

What other satisfaction can be sought once you have confronted history?

True, the cost is high. This is no place for cost cutting. We believe the cost is justified as a balanced appraisal of resources and a response to needs; a serious attempt to deal realistically with many social and economic issues at stake in a bold, statesmanlike way.

We propose here no unrealistic or utopian program, but rather one which builds intelligently upon the achievements of the past—for the future of the Nation.

I have alluded to the cost. In truth, the real question is not can we afford it, but can we afford—dare we afford—not to enact the provisions in this bill? We act on behalf of the Nation and its people.

I remember that Ben Johnson wrote that—

Calumnies are answered best with silence.

In this instance the record speaks for itself.

I will say this to those who would indulge in false economy at the expense of human and humane values, to those whose narrow vision or whose loyalties to special interests may lead them to unravel the conscious dedication and hard work which have gone into this bill, by everyone. In the great words of Clive:

Gentlemen, I stand astonished at my own moderation!

Well, we believe that the fundamental concerns of this bill reflect a common vision of a better, a stronger, a healthier, a more creative America in which every human being will be able to live with dignity and to realize his or her fullest, God-given potential.

The great Hebrew seer wrote:

Where there is no vision the people perish.

Mr. Chairman, we commend this bill as a step toward that vision of America.

Amid the peril of uncertain ways (we) sail ahead, and leave the rest to God.

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

Mr. Chairman, our good chairman, the gentleman from Pennsylvania, DAN FLOOD, has, of course, very eloquently and dramatically explained the bill as he sees it.

This is, and there is no question about it, another whopping big bill before us this afternoon. The total budget authority for the Departments of Labor and Health, Education, and Welfare comes to \$113 billion plus, and this figure, of course, includes the trust funds and other permanent appropriations.

The gentleman from Pennsylvania (Mr. FLOOD) made mention of the fiscal year 1973 amounts provided in the continuing resolution, plus the supplemental appropriation bills for programs funded in this bill for fiscal year 1974, a total of \$33.5 billion. We are actually spending, however, in the current fiscal year 1973, at a level \$1.8 billion below the level appropriated the past year.

The administration has been criticized for spending at a level considerably under what was appropriated, but that is the administration's prerogative. It has been that way ever since Jefferson's time. I do not agree with all the choices for reductions, but if no restraint was being exercised by the administration our current projected deficit of \$17.8 billion as we close the books in a few days on June 30 would be closer to \$25 billion, as was estimated last January.

We just cannot go on like this indefinitely unless we face up to the prospects of raising additional revenue by way of an increase in taxes to pay for all these "goodies" we want to bestow upon the American public.

The figures in this bill are so astronomical at times that it is very difficult for the average member to grasp what these comparable figures actually mean. We cannot take the total figures this year, match them against last year's, and take any measure of comfort in the overall figure for several reasons.

Mr. Chairman, in last year's bill, there was the figure of \$1,250,000 for emergency employment, and we have no money in the bill this year for that item, because unemployment has declined.

We have deferred funding any activities in the manpower training program since only half of them are authorized and the issue of revenue sharing to cover these activities is currently before the Committee on Education and Labor. These programs which we will have to fund one way or another, will come to something like \$1,340,000,000 when we get around to doing it in a supplemental bill.

The bill also calls for a \$110 million reduction in Federal unemployment benefits, and another \$120 million for reduction in advances for extended unemployment benefits. This comes about because of the improvement in the employment versus unemployment figures, and I hope our current estimates stand up.

Finally, under the social and rehabilitation services having to do with the

Vocational Rehabilitation Act, we have deferred the funding of another \$700 million.

Mr. Chairman, while we are on the subject of these big figures, let me draw the particular attention of the Members to the reduction of a billion, sixty-seven and some-odd million dollars in the item of grants to the States for public assistance. That figure is more than offset by an increase of \$2,134,000,000 plus for supplemental security income as a result of the social security amendments enacted last year. That program will be taking effect January 1, 1974. It replaces, as we all know, the existing AID program for the aged, the blind and the disabled, and it is administered by the States and localities.

Mr. Chairman, in the next fiscal year, payments will be made to an average of 5,200,000 recipients for one-half of the year. To cover the administrative costs associated with the new program, we have an increase in this bill of \$244 million plus over 1973 to reimburse the trust funds for costs incurred in the fiscal year 1974. This is a cost, I would remind the committee, that has heretofore been shared equally between the States and the Federal Government.

Now, because of those social security amendments we are assuming the full burden, so collectively the States have roughly or will have this next year an additional quarter of a billion dollars to spend for other purposes rather than for administration of this particular program.

For those of the Members interested in Federal employee figures, this new program alone requires an additional 6,000 Federal employees, making a total of 15,000 involved in the new program.

That is supposed to be about half the number of employees currently required to administer the programs throughout the 50 States.

Over and above this, the bill includes another \$150 million for Federal contributions to States' supplemental payments. If the State feels it wants to pay something more, the Federal Government is obliged to come in and match it, and here we are with another \$150 million.

As I indicated, Mr. Chairman, it does not take effect until January 1, 1974. We will not have any standard of measurement until a year from now, and maybe beyond, as to how effective those social security amendments, which we enacted last year to take effect January 1, 1974, will actually be.

Mr. Chairman, before going through the bill and making my own points with respect to the individual items, I would like to make another general point with respect to the so-called uncontrollable items in this bill. \$19.8 billion fall within this category, and this would include: First, grants to the States for public assistance, including medicaid, payments to the Social Security and Railroad Retirement Trust Funds; second, unemployment compensation for Federal employees and ex-servicemen; third, Federal workmen's compensation benefits; fourth, special benefits for disabled coal miners; and fifth, the new supplemental security income program.

Now, I am going to go through our bill and touch on each line item, with a brief explanation of what the program does and the amount of funding recommended by the committee.

I do not agree with those funding levels in a number of instances, but I will make those particular points at a later, more appropriate moment.

Starting with title I of our bill, the Department of Labor, Manpower Administration, Salaries and Expenses, the first item is Planning, Evaluation, and Research.

MANPOWER ADMINISTRATION SALARIES AND EXPENSES

One. Planning, evaluation, and research: For Federal administration of planning, policy development, program analysis, evaluation and review, and research and development of the Manpower Administration. Request included \$5.3 million to continue OEO research efforts in the fields of manpower training and labor force participation.

The committee recommends \$5,587,000, the budget request.

Two. Manpower program administration: Has primary responsibility for assisting States and localities in the development, direction, and delivery of various manpower programs designed to increase the skills and employment opportunities of those in the work force. Provides planning and program direction for assessment, outreach, employability training counseling, testing, job placement, and followup. Emphasis is placed on improving the design and delivery of training services to the unemployed and underemployed.

The committee recommends \$19,907,000, the budget request.

Three. Apprenticeship services: Employers and unions are provided technical assistance and advisory services in developing and conducting programs of apprenticeship and allied industrial training.

Assistance is provided to about 120,000 employers, with more than 400,000 apprentices and other workers participating in training programs during the year.

The committee recommends \$7,990,000, the budget request.

Four. Unemployment insurance service: Provides leadership and technical assistance to States in the development and administration of their unemployment insurance laws.

The committee recommends \$325,000, the budget request.

Five. Civil rights compliance: This office was established by the Secretary of Labor to insure "that no person on the grounds of race, color, or national origin, be excluded from participation in * * * or be subjected to discrimination under any program or activity receiving federal financial assistance," and to eliminate discrimination in manpower programs that may result from violations of the Age Discrimination in Employment Act of 1967, and discrimination based on sex.

The committee recommends \$109,000, the budget request.

Six. Executive direction and management: Responsible for the overall supervision and direction of the U.S. Employ-

ment Service, the Unemployment Insurance Service, Job Corps, the apprenticeship service and the regional manpower administration offices; provides administrative and management services and property management; provides budgetary, fiscal management, audit, and contract services; and is responsible for data systems relating to program performance.

The committee recommends \$7,114,000 the budget request.

MANPOWER REVENUE SHARING

For the reasons outlined on pages 7 and 8 of our committee report, the committee has deferred consideration of this request at the present time.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

Funds are allocated to the States for payment of unemployment compensation to eligible former Federal employees and exservicemen, and for trade adjustment benefit payments and allowances.

The committee recommends \$365,000, the amount of the budget request.

FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES

For grants upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purposes, and for grants authorized under the Manpower Development and Training Act of 1962, as amended. This appropriation was established to provide general revenue financing for State employment service resources used to serve individuals not covered by State unemployment compensation laws.

The committee recommends \$64,400,000, the budget request.

LABOR-MANAGEMENT SERVICES ADMINISTRATION SALARIES AND EXPENSES

First. Labor-management relations services: Provides assistance to unions employers, employees, and State and local governments, including special studies and analyses, and technical assistance in planning for work force adjustments as they will affect labor-management relations; coordinates Federal action in particular labor-management disputes; and carries out the Department's responsibilities under the Urban Mass Transportation Act of 1964.

The committee recommends \$945,000, the budget request.

Second. Labor-management policy development: Develops recommendations on labor-management relations matters, and conducts studies of collective bargaining and programs pertaining to the Labor-Management Reporting and Disclosure Act, the Welfare and Pension Plans Disclosure Act, and Federal labor relations. In 1974 the scope of this activity will be expanded to include a policy and program evaluation function.

The committee recommends \$1,993,000, the budget request.

Third. Administration of reporting and disclosure laws: Covers the administration and enforcement of the LMRDA, WPPDA, and section 18 of Executive Order 11491 which governs labor-management relations in the Federal service. Provides for the Department's partici-

pation in the President's program against organized crime.

The committee recommends \$13,276,000, the budget figure.

Fourth. Veterans' reemployment rights: Provides assistance to veterans, reservists, and National Guardsmen on training duty, to secure reinstatement with their preservice employers and other employment advantages to which they may be entitled, based on seniority accrued while in military service. Compliance is advanced by informing employers and labor organizations of their reemployment responsibilities.

The committee recommends \$2,121,000, the budget request.

Fifth. Federal labor-management relations: Carries out the responsibilities of the Assistant Secretary of Labor under Executive Order 113491 dealing with labor-management relations within agencies of the Federal Government. Major responsibilities involve processing of petitions and complaints, including conduct of hearings. Representation elections are supervised. Appropriate bargaining units and eligibility for national consultation rights are also determined. In addition, alleged unfair labor practices or violations of the standards of conduct for labor organizations are investigated and decided.

The committee recommends \$3,623,000, the budget figure.

Sixth. Executive direction and administrative services: Provides for policy planning and evaluation, direction, and coordination and management support of the labor-management relations programs of the Department.

The committee recommends \$1,542,000, the budget request.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

First. Improving and protecting wages: This program seeks to obtain compliance with the minimum wage, overtime, child labor, and other employment standards under the Fair Labor Standards Act, under the various Federal procurement acts, under the Farm Labor Contractor Registration Act, and under the wage garnishment provisions in title III of the Consumer Credit Protection Act. As a complement to the compliance program, regulations and interpretative materials are developed and special minimum wage standards are set. About 450,000 workers will be directly aided each year by these efforts. This activity also includes determinations of prevailing wage rates and fringe benefits for all workers employed on Federal and federally-assisted contracts for construction subject to the Davis-Bacon Act and related acts. Prevailing wage rate and fringe benefit determinations are also made to protect workers under the Service Contracts Act.

The committee recommends the budget request of \$24,833,000.

Second. Elimination of discrimination in employment: The major effort under this activity is to make equal opportunity an employment reality. Works to insure nondiscrimination in employment on Federal contracts. Under Executive Order 11246, as amended to include sex discrimination, each contracting agency

is responsible for obtaining compliance concerning those contracts entered into by the agency or its contractors. ESA is responsible for the direction, coordination, and evaluation of the contracting agencies' compliance program. ESA also assists local communities in the development of voluntary areawide compliance plans in the construction industry. These plans are designed to increase employment opportunities for minorities through voluntary agreements among labor, management, and community groups. Through its Women's Bureau, the ESA develops policies and programs to promote the welfare of wage-earning women and to encourage their fuller utilization in the work force. Enforcement of the equal pay provisions of the Fair Labor Standards Act and the Age Discrimination in Employment Act is also included in this activity.

The committee recommends \$7,651,000, the budget figure.

Third. Workmen's compensation: ESA administers the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Act and their various extensions. Beginning July 1, 1973, the compensation provisions of the Coal Mine Health and Safety Act will be assumed. These programs insure that injured workers covered under these acts and their dependents receive the benefits to which they are entitled and are referred for rehabilitation. Under current programs, some 700,000 benefit payments are made each year.

The committee recommends \$15,535,000, including an additional \$360,000 to provide 24 more positions.

Fourth. Program development and administration: Provides for the direction and coordination of employment standards programs. Program planning, research, evaluation, budget, and other administrative activities of the Employment Standards Administration are carried out to insure effective and efficient program management and execution.

The committee recommends \$4,391,000, the budget figure.

SPECIAL BENEFITS

Benefits are currently paid on a long-term continuing basis via periodic payment rolls to over 27,000 civil employees of the Government disabled in the performance of duty or to their dependents, to dependents of certain reservists in the Armed Forces who dies while on active duty with the Armed Forces or while engaged in authorized training in time of peace, to a number of former relief work employees and their dependents, and to numerous others by various extensions of the Federal Employees' Compensation Act.

New injuries reported involve determinations of entitlement and payment of compensation benefits and medical costs, as appropriate. When compensation is involved, either one or more payments may be made—depending on the type and length of the disability. In a fatal case, payments are made once each month to the eligible survivors.

In 1974 the program provides for black lung compensation payments to eligible coal miners and their dependents under

the Federal Coal Mine Health and Safety Act of 1969, as amended. The administration of the provisions of title IV for all new claims becomes the responsibility of the Department of Labor on July 1, 1973.

The following is a list of the committee's recommendations for these special benefits:

One. Federal civilian employees benefits: \$91,950,000.

Two. Armed Forces reservists benefits: \$7,500,000.

Three. War Claims Act benefits: \$400,000.

Four. Other benefits: \$3,600,000.

Five. Longshoremen's and Harbor Workers' Compensation Act benefits: \$1,800,000.

Six. Black lung compensation benefits: \$36,000,000.

These items are all at the level of the budget request.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

One. Safety and health standards: Standards are promulgated to assure the greatest protection of the safety and health of workers. New and revised safety and health standards are developed with the aid of advisory committees and promulgated under public hearing procedures utilizing criteria documents from the National Institute of Occupational Safety and Health, and recommendations from various standards-setting organizations and affected employer and employee groups. In 1974 new and revised permanent standards will be promulgated covering approximately 50 occupational safety and health issues.

The committee recommends \$2,955,000, the budget request.

Two. Enforcement: Enforcement of the occupational safety and health standards is performed by the physical inspection of plants and facilities. Employers may be cited for violations and penalties assessed, subject to appeal to the Occupational Safety and Health Review Commission.

The committee recommends \$24,421,000, some \$518,000 below the budget request, to provide 32 of the 64 new positions requested.

Three. Training, education, and information: These services are provided to employees, employers, and the general public to make them aware of the occupational safety and health problem, the provisions of the Occupational Safety and Health Act, and of their rights and responsibilities in relation to the act. Short-term technical and professional training is conducted at the OSHA Training Institute to increase the number and competence of personnel engaged in the field of occupational safety and health. Training and technical assistance are provided to Federal agencies in establishing and operating voluntary safety programs which will afford the same protection to Federal employees as that provided by the act for private sector employees. In 1974 training actions will be provided to approximately 40,000 individuals including Federal and State compliance personnel, trade associations,

labor organizations, employers, and employees.

The committee recommends \$3,491,000, the budget request.

Fourth. State programs: Federal matching grants are provided to the States to develop and operate occupational safety and health programs which will be at least as effective as the Federal program. States may eventually assume full responsibility for occupational safety and health programs after the Secretary has approved a plan and has evaluated the operation of the plan for at least 3 years. A State plan must provide for the coverage of one or more occupational safety and health issues by standards and a program for the enforcement of those standards which is at least as effective as the Federal program. In addition, the plan must assure that the State has adequate legal authority and resources for the administration of the plan. A State may submit for approval a plan which is not initially as effective as the Federal program, but which will become so with the completion of the scheduled steps included in the plan. The 22-State plans projected for approval in 1973 are expected to be in full year operation in 1974.

The committee recommends \$30,080,000, the budget figure.

Fifth. Safety and health statistics: Data on occupational fatalities, injuries, and illnesses are collected and disseminated to identify occupational safety and health problems and to facilitate improvements in the administration of the act. Regulations require all employers with eight or more employees to maintain records of work-related deaths, injuries, and illnesses. These records must be available for examination by compliance officers, and will provide the source of data for annual nationwide statistical surveys of a selected sample of establishments. Studies are conducted to identify circumstances and events associated with injuries and illnesses which may suggest causes and means of prevention.

The committee recommends the budget request of \$4,841,000.

6. Executive direction and administration: Executive direction, planning,

Sixth. Executive direction and administration: Executive direction, planning, and management support activities are structured to assure the prompt and effective implementation of the Occupational Safety and Health Act of 1970, and to decentralize as rapidly as possible the administration of the act to those levels of government closest to the people.

The committee recommends \$3,530,000, the budget request.

BUREAU OF LABOR STATISTICS SALARIES AND EXPENSES

First. Manpower and employment: Monthly estimates are made of the U.S. labor force, employment, and unemployment, and studies of selected characteristics for the labor force. Monthly data are prepared and published on employment, hours of work, and earnings by industry for the United States and for each State. Projections are prepared of manpower requirements and supply, includ-

ing detailed studies of the outlook for specific occupations.

The committee recommends \$14,146,000, the budget amount.

Second. Prices and cost of living: The Consumer Price Index and the Wholesale Price Index are compiled and published monthly. Special analytical studies of price changes are undertaken, and family budget studies are prepared and priced.

The committee recommends \$6,893,000, the budget level.

Third. Wages and industrial relations: Data are collected and analyzed on occupational wages and salaries in major labor markets and industries. Monthly information is compiled on work stoppages and wage developments. Reports and studies are issued on fringe benefits, expenditures, collective bargaining agreements, trade union organizations, and private welfare and pension plans.

The committee recommends \$5,667,000, the budget request.

Fourth. Productivity and technology: Analyses are prepared on output per man-hour and unit-labor cost trends for both the entire U.S. economy and for specific industries. Studies are conducted on automation and other technological changes and the adjustments to such changes. Studies are made of labor requirements for selected types of construction. Analyses and international comparisons are made of prices, wages, employment, unemployment, and unit-labor costs. Research is conducted on the effects of international trade on U.S. employment.

The committee recommends \$1,873,000, the budget level.

Fifth. Economic research: Long-range projections of U.S. economic growth are prepared. Analytical studies of the impact of economic changes on employment are made. Special economic and social studies are undertaken and special reports prepared for the Commissioner, the Secretary, the Council of Economic Advisers, and other Government agencies.

The committee recommends \$1,183,000.

Sixth. Executive direction and staff services: Provides leadership in developing plans and policies for the Bureau's economic, statistical, and management programs. Program plans are coordinated and evaluated. Statistical and data processing systems are operated and maintained. Research and report activities are coordinated; publications and releases are planned and edited; and a central inquiry service is maintained. Personnel management, fiscal operations, training, management systems, and service functions are also conducted.

The committee recommends \$7,539,000, the budget request.

Seventh. Revision of the Consumer Price Index: The CPI measures average changes in the retail prices of selected goods, rents, and services. A revision of the index is underway to modernize the index to meet the demands for its use in present-day domestic, economic, and industrial planning. The revision program, which was initiated in 1970, has been phased so that a revised index will be completed and tested in 1976 and published in 1977. In 1974, the basic data

collection phase of the revision process, including the nationwide consumer expenditure survey, will be completed by the Bureau of the Census.

The committee recommends the budget request of \$10,099,000.

DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

First. Formulates governmental policy in matters affecting labor and directs all programs or functions assigned to the Department.

The committee recommends \$5,226,000, the budget figure.

Second. Legal services: Covers departmental legal activities which include supervision of enforcement of Federal labor statutes and legal services related to the statutes administered by the Department. It also provides legal advisory, legislative, and litigation services under the Labor-Management Reporting and Disclosure Act, the Welfare and Pension Plans Disclosure Act, Occupational Safety and Health Act, Executive Orders 10988, 11264, and 11491, and title V of the Civil Rights Act of 1964. Field attorneys provide legal services to departmental field officials and provide assistance to the public with regard to programs administered by the Department. In addition, field attorneys assist the Department of Justice in the preparation and conduct of various legal actions for which the Department has program responsibility.

The committee recommends \$7,170,000, the budget request.

Third. International labor affairs: Integrates all international labor programs and foreign economic policy within the Department, including activities concerned with trade adjustment assistance and with the Trade Expansion Act; provides coordination with other agencies and organizations; gives departmental guidance to the U.S. participation in the International Labor Organization and other international organizations concerned with labor and manpower problems; and provides for labor and manpower technical services to other Government and international agencies.

The committee recommends \$2,164,000, the budget request.

Fourth. Administration and management: Plans, manages, and evaluates administrative support operations and renders central services to all administrations and offices of the Department and to the Office of the Secretary.

The committee recommends the budget figure of \$7,629,000.

Fifth. Appeals from determinations of Federal employee claims: The Employees' Compensation Appeals Board hears and decides appeals from decisions of the Director of the Bureau of Employees' Compensation and the Governor of the Canal Zone in cases arising under the Federal Employees' Compensation Act.

The committee recommends \$192,000, the budget level.

Sixth. Promoting employment of the handicapped: The President's Committee on Employment of the Handicapped conducts a continuing program of public information and education to advance

employment of the handicapped citizen and cooperates with all national groups interest in this field.

The committee recommends \$844,000, the budget request.

SPECIAL FOREIGN CURRENCY PROGRAM

This activity utilizes foreign currencies available under title I of the Agricultural Trade Development and Assistance Act of 1954, declared by the Treasury Department to be excess to the normal requirements of the United States. Overseas regional labor attache conferences provide a forum for discussion of regional problems among the attending labor officers and Government officials; provide for the coordination and implementation of U.S. objectives in the labor and manpower areas; provide a forum for informing labor officers overseas of new developments in the United States; and provide opportunities for officials of the Departments of Labor and State to discuss general and specific reporting needs.

The committee does not recommend funding, because sufficient unobligated funds are available.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION MENTAL HEALTH

First. General Mental Health:

(a) Research. This activity includes nondrug and nonalcohol related research efforts. The intramural research program is conducted in laboratories and clinics located on the campus of the National Institutes of Health and Saint Elizabeths Hospital.

The committee recommends a figure of \$89,289,000, an increase of \$8,800,000 over the budget.

(b) Training. This includes both training grant awards which are made to a variety of institutions in support of teaching costs and stipends, and fellowships which are awarded directly to individuals.

The recommended amount for this item is \$110,000,000 which is \$38,124,000 above the budget request.

(c) Community programs. This program provides grants for the construction and staffing of community mental health centers for specialized treatment services to children in centers or other community facilities. Staffing grants are awarded to community mental health centers to provide partial support of the costs of professional and technical personnel. Funds would have been provided for the support of existing service delivery projects only, for the remaining years of their committed support, under the terms of the administration's budget proposal.

Over the past 9 years, the National Institute of Mental Health has stimulated the establishment of 515 community mental health centers across the country. This was the principal thrust of a movement to treat persons with emotional illness near their homes, often on an outpatient basis, including care after a period of hospitalization, accompanied by consultation and education programs to avert breakdown. The aim was to move away from costly and in-

effective long-term and custodial care in State mental institutions. The workability of the community mental health center concept has been thoroughly demonstrated and a large portion of a national system will have been put into place when the 8-year grants provided for in the current law are concluded. The administration proposed that the Community Mental Health Centers Act be allowed to expire on June 30, 1973, on the grounds that the current momentum behind the community mental health concept should be adequate to maintain existing centers and stimulate the establishment of new centers.

The termination of Federal support for community mental health centers would apply to both general staffing grants and also special impact programs such as child mental health, alcoholism, and drug abuse. However, the 1974 budget proposal of the administration included the budget authority needed between now and 1980 to honor all Federal staffing grant commitments to existing community mental health centers for continuation support. Thereafter, reliance for financing was to have been placed on payments and contributions by individuals, State and local governments and on reimbursements from third party payment systems.

The committee recommends \$198,698,000 for fiscal year 1974, which is \$65,000,000 over the budget. The basis for this recommendation is discussed on pages 12 and 13 of our committee report.

(d) Management and information. Funds in this activity provide support to administer general mental health programs. The committee is recommending the budget request of \$21,355,000.

Second. Drug abuse:

(a) Research. Drug abuse research grants support the development of new knowledge and approaches to the causes, diagnosis, treatment, control and prevention of narcotic addiction and drug abuse through basic, clinical, and applied research. This activity includes support for the Clinical Research Center and the Addiction Research Center located in Lexington, Ky.

The committee recommends the budget request, \$36,739,000.

(b) Training. This activity supports drug-related training programs. Contract support is used to develop and conduct a variety of training programs for professional, para-professional and non-professional personnel.

The committee again recommends the budget request, \$15,182,000.

(c) Community programs.

First, project grants and contracts and, second, grants to States.

Project grants and contracts which develop and demonstrate new treatment and rehabilitation programs are awarded on a matching basis of Federal and non-Federal support. The administration proposed providing continuation support of existing long-term service delivery projects for the remaining years of their committed support.

Treatment and rehabilitation support is also provided through the NARA contract program, although efforts are being

made to integrate such services into the community projects supported under States are made to assist in planning, establishing, conducting, evaluating, and coordinating drug abuse prevention, treatment, and rehabilitation programs.

The project grant efforts is being carried out under the general leadership of the Special Action Office on Drug Abuse Prevention. Through 1973, 276 drug abuse projects will be underway. Evidence shows that 50 to 60 percent of drug addicts will volunteer for treatment if service is available and of acceptable quality. The projects provide detoxification, methadone maintenance, rehabilitation, and after-care services.

The committee recommends \$175,770,000, the amount of the budget request for fiscal 1974, disregarding the \$205,200,000 requested for long-range phaseout.

(d) Management and information. Support for headquarters and regional office personnel who plan, coordinate, analyze, and evaluate the various drug abuse programs is provided in this activity, as well as support for the National Clearinghouse for Drug Abuse Information which collects and disseminates relevant data on drug abuse.

The budget request of \$15,578,000 is recommended by the committee for this item.

Third. Alcoholism:

(a) Research. A variety of research grants and contracts are awarded to develop new ways to treat, control and prevent alcoholism and alcohol abuse.

The committee recommends \$8,901,000, an increase of \$2,000,000 over the budget.

(b) Training. Grants are provided for specialized training of personnel who will staff community projects. Fellowships provide stipends directly to individuals, based upon training and experience.

The committee recommends \$4,763,000, an increase of \$1,000,000 over the budget.

(c) Community programs:

First, project grants and contracts and second, grants to States.

Community programs include funds for the partial support of professional and technical personnel who staff alcoholism projects, and funds to plan and develop alcoholism services in a particular area. Other programs include demonstration, service, and evaluation projects, and treatment programs and services in cooperation with schools, courts, penal institutions, and other public agencies. Funds in the 1974 budget proposal of the administration would provide continuation support of existing service delivery projects for the remaining years of their committed support. Formula grants are allocated to States for the planning and development of alcoholism prevention and treatment.

The project grant program, since it was established in 1971, has funded 492 projects in communities across the Nation. The effect of these projects has been to increase national awareness of the problem of alcoholism and build State and local capacity to handle the problem.

The committee has recommended \$105,322,000 an increase of \$35,000,000 above the budget.

(d) Management and information. This activity supports staff who administer alcoholism programs. Funds also support the National Clearinghouse on Alcohol Information.

The committee recommends the budget request, \$5,435,000.

Fourth. Program direction:

This activity includes staff responsible for the overall direction and management activities including program planning and evaluation, biometry and program coordination with other Federal, State and local agencies.

The committee recommends the budget request, \$8,443,000.

ST. ELIZABETHS HOSPITAL

St. Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. The administration proposes transferring program and fiscal control of the hospital to the District of Columbia, which would budget for and justify the operation of the hospital under its own appropriation.

Funds in this appropriation as proposed, would be used to reimburse the District for treatment and care of Federal beneficiaries who will remain at the hospital, and to pay a subsidy to the District at a gradually declining rate.

The committee recommends the budget request, \$38,000,000, in the usual form of an indefinite appropriation.

HEALTH SERVICES PLANNING AND DEVELOPMENT

First. Health Services Research and Development (Sections 301 and 304).

The purpose of the National Center for Health Services Research and Development is to improve the organization, delivery, quality, and financing of health services by stimulating and supporting research, development and demonstrations and evaluation.

Grants and contracts are awarded to conduct analyses of economic, social, and technological factors which affect the organization, financing, and utilization of health services. In the President's 1974 budget proposal, the emergency medical services—(MS)—systems demonstration effort would be supported at an annual level of \$15,000,000 under the general authorities in the Public Health Service Act for research and demonstration.

This budget item also provides the staff to perform research and evaluation, monitor grants and contracts, review results, inform the professional community and the general public of significant progress, and identify the next steps in research and development.

Through research grants, development projects and demonstrations, new knowledge is gained and communicated to improve the health care delivery systems. Emphasis is placed on financing methods, productivity measurements and improvements, manpower utilization, and measurement of the quality of care.

An example of a pilot effort is the development of experimental medical care review organizations whose experiences

will aid in the establishment of professional standards review organizations required for medicare and medicaid under the 1972 amendments of the Social Security Act. The budget proposed that some large-scale projects such as experimental health service delivery systems would not require continued funding at the same level in 1974.

The committee recommends increasing the budget request by \$4,500,000 for the Experimental Systems, so the bill includes \$64,778,000 for this item.

Second. Comprehensive health planning:

This program consists of formula grants to States and project grants for coordination of health planning capacity at State and local levels, as well as project grants for training, studies and demonstrations for comprehensive health planning.

At the end of fiscal 1973, some 169 agencies are expected to have finished organizing and launching active planning programs.

The committee recommends the budget request, \$38,327,000.

Third. Regional medical programs:

Funds are used for grants and contracts which on a regional basis encourage common efforts of health providers at all levels to systematically identify health problems and develop programs which provide solutions to these problems.

The committee has restored \$81,953,000 to the budget, since no amount was requested for this item.

Fifth. Medical facilities construction:

Over the past 26 years the Federal Government has provided more than \$3.8 billion in construction assistance funds to public and nonprofit private entities for the construction of hospitals, public health clinics, and other such institutions. Through the provision of about \$1 of Federal matching money for each \$3 of State and local money, this program has been a major force in carrying out better than 10,000 medical facility construction projects.

With the Hill-Burton legislation expiring at the end of fiscal year 1973, the administration did not seek its extension. Two factors, they say, justify this step.

The supply of hospital beds now appears to be adequate on a national basis. In fact an excess supply exists in many areas, resulting in declining occupancy rates and higher operating costs. Moreover, the argument goes, the systems of cost accounting and reimbursement for medical care are now sufficiently developed to permit depreciation of physical plant to be covered in hospital charges. Both medicare and medicaid cover depreciation as an allowable cost in their reimbursement formulae. The private capital market for construction loans is growing. Federal categorical construction assistance is therefore no longer justified.

While the budget requested no funds for construction grants for either 1973 or 1974, previous appropriations not yet obligated, will be available to meet anticipated obligations.

The committee is recommending \$197,200,000, though no money was requested in the budget.

Sixth. Program direction:

This activity provides for overall executive direction, planning, evaluation and administrative management of the health planning and development programs.

The committee recommends a \$990,000 increase above the budget, or \$2,990,000.

HEALTH SERVICES DELIVERY

First. Comprehensive Health Services:

(a) Grants to States. Block grants are made to State health authorities to assist the States in attacking those health problems they consider of most immediate importance. State plans for carrying out these programs must be in accord with the overall plans developed by the State comprehensive health planning agency.

The committee is recommending the budget request, \$90,000,000.

(b) Project grants. Project grants are awarded to public and nonprofit agencies to provide health services. The projects are directed toward urban poverty neighborhoods and remote rural areas. Partnership for Health project grants have permitted such communities to establish new organizations to deliver health services relevant to local needs and acceptable to persons often unaccustomed to seeking health care. Assistance has been provided for developing operating health centers.

Presently, 67 neighborhood health centers serving some 1 million persons are supported. Funding for 41 family health center projects has been provided for developmental phases, aimed at providing prepaid ambulatory health care.

The committee is recommending the budget request, \$211,100,000.

(c) Migrant health grants. Migrant health grants provide primary health care services to migrant agricultural laborers and seasonal farmworkers and families in order to improve and maintain the level of their health. Approximately 338,000 persons received ambulatory care services in 1973, making about 600,000 patient visits. More than half of the projects offer a broad range of ambulatory services; the remainder provide a more limited range of services during the short time migrants are in the project area.

The committee is recommending the budget request, \$23,750,000.

(d) Direct operations. Through this activity, professional and technical assistance are provided to States, communities, providers of health services, and medical and health organizations. In addition, staff assistance in the development, strengthening, application, and revision of medicare standards is provided.

In 1974, nursing home improvement activities will continue to support short-term training with the aim of reaching nursing home professionals and paraprofessionals. Surveyor training efforts will emphasize continuing concern for maintaining and updating the skill level and capacity of surveyors on duty as well as those newly employed. Efforts will be intensified to provide technical assistance

to States and localities in developing nursing home investigative ombudsman units.

The committee is recommending the budget request, \$22,133,000.

Second. Material and child health:

(a) Grants to States. This program has as its major goal the provision of health services to mothers and children. Through assistance to States, localities, and nonprofit groups, it directs primary attention to: First, reducing infant mortality and otherwise promoting the health of mothers and children; and second, locating, diagnosing and treating children who are suffering from crippling or handicapping illnesses.

Formula grants are made to States for maternal and child health services and crippled children's services. In 1974, funds previously allocated for project grants will be folded into the State formula grants, as specified by the authorizing legislation.

The committee is recommending the budget request, \$217,951,000.

(b) Project grants. Project grants are to be folded into formula grants in fiscal 1974, as prescribed by title V of the Social Security Act. Project grants in 1972 provided health services to 141,000 mothers and 47,000 infants; enrolled 483,000 children in comprehensive care programs; and offered dental care to 10,000 children.

During 1972, the State formula grants made possible the provision of prenatal and postpartum care to 360,000 mothers; provided well-child services to more than 1.5 million children; reached 500,000 crippled children with physician's services; and aided 150 clinics to serve mentally retarded children.

(c) Research and training. Grants are made to public or nonprofit institutions of higher learning for training personnel and for research.

The committee recommends the budget request, \$21,917,000.

Third. Family planning services:

(a) Grants and contracts.

(b) Direct operations.

Family planning services have received increasing Federal support. In 1972, services were provided through organized public and voluntary programs for 2.6 million women, of whom nearly 2 million were below the poverty income level. Family planning services receive Federal financial support through the National Center for Family Planning, the maternal and child health program, medicaid, and social services under public assistance. There will be increases in the latter two financing sources, both of which will carry a 90 percent Federal matching rate in 1974 as a result of amendments to the Social Security Act passed last year. The support level through the National Center for Family Planning remains the same as in 1973; funding will be under the Partnership for Health Act. The apparent increase results solely from projects transferred from OEO.

The committee recommends the budget request, \$122,225,000.

Fourth. National Health Service Corps.

This program provides for the assignment of commissioned officers and civil service personnel of the U.S. Public

Health Service to medically underserved communities. Personnel are assigned to a community and supported for approximately a 2-year period. It is hoped that a high percentage will remain in these communities after their tour of duty is completed. In 1974, the corps will serve approximately 177 communities with a total population of some 1,770,000 people.

The committee recommends the budget request, \$11,000,000.

Fifth. National Health Service Scholarships.

This program authorizes scholarships to students in the health professions in exchange for specified periods of service in the National Health Service Corps or the commissioned corps of the Public Health Service. These HEW programs which provide direct medical care by Federal health personnel are having great difficulty in recruiting the required number of physicians and dentists. This special scholarship program authorized by the Emergency Health Personnel Act provides aid to health students who agree to serve for a period of years based on the duration of scholarship assistance.

The committee recommends \$3,000,000, the amount authorized, and deferred consideration of the additional \$19,500,000 in the budget request, pending additional authorizing legislation.

Sixth. Patient care and special health services.

This program provides direct and contract medical care to the legal beneficiaries of the Public Health Service. Major beneficiary groups are American seamen, Coast Guardsmen, and their dependents, Federal employees' compensation cases, and persons afflicted with leprosy. The largest single category of beneficiary is American seamen, who will comprise about 47 percent of the inpatient workload in PHS general hospitals in 1973. On a reimbursable basis, medical care is also provided to foreign seamen and beneficiaries of other Federal agencies in PHS hospitals, and to Federal employees in PHS health units. Coast Guard personnel are also served. The budget emphasized that the policy of transferring the PHS hospitals to local control will continue to be implemented in 1974, and remains a long-range goal for the PHS system.

The committee recommends the budget request, \$98,961,000.

Seventh. Regional office, central staff.

This activity supports the regional health directors and their central staffs which are concerned with the coordination and interrelation of the various program activities of HSMHA and the implementation of those programs in the regional offices.

The committee is recommending the budget request, \$5,602,000.

Eighth. Program direction.

This activity provides for overall executive direction, planning, evaluation, and administrative management of the health services delivery programs.

The committee is recommending the budget request, \$5,470,000.

PREVENTION HEALTH SERVICES

In fiscal 1974, the Center for Disease Control will place major emphasis on

control of venereal disease. During 1972 a total of 715,000 gonorrhea cases was reported, remaining the most frequently reported notifiable communicable disease. This was an increase of 15 percent over 1971 cases. The 1974 funds will provide for screening of approximately 4,000,000 females and treatment of 300,000 asymptomatic carriers of gonorrhea. It is estimated that these efforts will prevent the occurrence of at least 130,000 cases of gonorrhea. Reported syphilis cases in 1972 totaled 95,076, an alltime high. Funds for grants in 1974 will support casefinding and related activities seeking to prevent 2,500 cases.

During 1973, approximately 10,000 State and local employees will be trained by CDC. This activity will continue in 1974, but on a reimbursable basis. While the Federal Government can effectively provide technical assistance and actually conduct courses of training for State and local officials the cost should be borne by these jurisdictions.

First. Disease control:

(a) Infectious diseases. Research grants, project grants, and direct operations.

A number of activities are conducted under this general heading, including research grants for epidemiology, laboratory diagnosis, prevention, and treatment of infectious diseases at the community level. In addition project grants are awarded to States which meet established eligibility criteria. Grants are concentrated in two areas; venereal diseases and immunization against other infectious diseases.

Activities are funded under direct operations that focus on the improvement of the health care system through emphasis on prevention rather than treatment, through investigations, surveillance, and control operations. One facet of these activities is the training of State and local health workers in specific control techniques or methodologies. An estimated 10,000 trainees will participate in 435 courses in 1973. In 1974, the training will be provided to State and local health departments and other non-profit organizations on a reimbursable basis.

The committee recommends \$67,667,000, an increase of \$2,000,000 over the budget.

(b) Nutritional and chronic diseases.—Under the administration's budget proposal this limited activity would be phased out in 1974 as duplicatory of existing activities in other programs.

The committee is recommending the budget request, \$900,000.

(c) Laboratory improvement: The laboratory improvement program is designed to improve and standardize laboratory methodology and through evaluation of techniques, materials, and reagents used in public health laboratories. States are provided consultation and informational services in laboratory techniques.

The committee is recommending the budget request, \$7,892,000.

Second. Community environmental management:

(a) Grants.

(b) Direct operations.

The activities to eliminate and control the occurrence of lead-based paint poisoning and rat infestation in the home environment will be continued in fiscal 1974 under the administration's budget proposal. The lead grants will support an estimated 40 projects, serving an estimated 200,000 children. The rat control program will push toward a control maintenance level in 55 percent of the blocks in the projects it supports in 39 cities. These projects cover a target area of approximately 6 million persons. Both programs will continue to seek local support of activities so that Federal assistance can eventually be phased out.

The neighborhood environmental evaluation and decision system, injury control, and Arctic Health Research Center would not be funded in 1974 under the administration's budget. The first two activities have adequately demonstrated concepts which may now be more appropriately conducted by State and local governments, according to the administration. The Arctic center conducts research of very limited national significance and should be a State funded and managed effort, perhaps aided by general revenue sharing funds, they say.

The committee recommends \$19,600,000, the amount of the budget request.

Third Occupational Health:

(a) Grants.

(b) Direct operations.

The National Institute for Occupational Safety and Health will continue in 1974, under the administration's budget proposal, to investigate the effect of the work environment on health and safety. On the basis of these investigations, criteria for about 20 hazardous substances will be published in 1974. The studies conducted, the guidelines published and the technical assistance provided to industrial establishments aid in protecting workers exposed to chemical hazards, atmospheric pollution, excessive sound, and other hazards on the job.

One of the major occupations of concern for the institute has been that of coal mining. In 1974, it is planned that research in this area will continue with the administration of medical examinations to 90,000 underground coal miners. These efforts should result in development of techniques for the prevention and control of occupational diseases of miners.

Grants are made to public agencies and institutions to provide for standards development research for the protection of the work force. In addition, technical service and assistance to other agencies and to industry to emphasize the preventive aspects of occupational safety and health and the improvement of the productivity and employability of workers are provided. This is accomplished through the development of criteria for standards necessary for the successful implementation of a safe and healthy workplace and training public and private personnel to enforce these standards. In 1974, the administration proposed offering the training programs on a reimbursable basis.

The committee is recommending the \$25,600,000 requested.

Fourth. Program direction:

This program provides top management and staff services to insure the desired direction and development of these programs' goals and objectives. It provides the necessary staffing for planning, direction, and evaluating all program activities. In addition, this activity provided consultation and assistance to other parts of the Department of Health, Education, and Welfare and to various State and local health departments and private and official agencies.

The committee recommends the budget request which is \$3,921,000.

NATIONAL HEALTH STATISTICS

This program comprises the major activities of the Department of Health, Education, and Welfare in the measurement of the health status of the Nation and in developing and applying optimum technical methods for the collection, processing, and analysis of health statistics. It includes: first, collection of vital statistics; second, surveys and special health studies on illness and disability in the United States; third, studies of health survey methods; fourth, technical advice and assistance on use of statistics in health field; and fifth, efforts to implement a cooperative Federal-State-local statistical system to produce uniform health data for health care planning and evaluation.

The committee recommends \$22,821,000, the budget request.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

This item includes retirement payments, survivors' benefits, and dependents' medical care associated with commissioned officers of the Public Health Service.

The committee recommendation in the budget request of \$34,103,000.

BUILDINGS AND FACILITIES

This appropriation includes all proposed direct construction items of the Health Services and Mental Health Administration except construction of Indian health facilities.

The committee's recommended figure of \$9,500,000 is \$1,500,000 below the budget.

OFFICE OF THE ADMINISTRATOR

This activity provides a central staff needed in planning, directing, and administering the broad scope of program activities in the Health Services and Mental Health Administration.

The committee recommends the budget request, \$14,304,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Since its inception in 1937, the National Cancer Institute has carried out its mandate of conducting, fostering, and assisting research on the cause, prevention, diagnosis, treatment, and control of cancer in man through support of grants, contracts, and in-house studies. The role of NCI has been expanded and emphasized by the National Cancer Act of 1971, the stated purpose of which is "to enlarge the authorities of the National Cancer Institute * * * in order to advance the national effort against cancer." To achieve the goals of a nationally coordinated attack on cancer, a national

cancer program plan has been formulated with the assistance of 250 of the top cancer researchers in the United States. Seven major objectives have been defined for achieving the conquest of cancer and these objectives have been capsuled into four major thrusts: First, cause and prevention; second, detection, diagnosis, prognosis; third, treatment; and fourth, rehabilitation. The programs of NCI are in the process of being restructured to closely reflect the priorities of the national cancer program plan.

The committee figure is \$522,383,000 for fiscal 1974.

NATIONAL HEART AND LUNG INSTITUTE

Since the enactment of the Heart Act of 1948 it has been the mandate for this Institute to conduct and support research to increase scientific knowledge of the cardiovascular system so that the structural and functional abnormalities occurring with cardiovascular diseases might be defined, and that more effective means of prevention, diagnosis, and treatment might be developed. In 1969 the executive branch of the Federal Government formally expanded these responsibilities to specifically include diseases of the lung.

During the past year, there have been significant accomplishments in heart, blood, and lung research, as well as expanding mandates, which affect the mission of the Institute. Some of these are:

The National Heart, Blood Vessel, Lung, and Blood Act of 1972 was enacted in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

NHLI, now operating under Bureau status, but with its name unchanged, has undergone extensive reorganization and presently has the following divisions: Heart and Vascular Diseases, Lung Diseases, Technological Applications, Blood Diseases and Resources, Intramural Research, and Extramural Affairs.

The committee figure is \$281,415,000.

NATIONAL INSTITUTE OF DENTAL HEALTH

In June of this year, the National Institute of Dental Research will mark its 25th anniversary. The Institute conducts and supports basic laboratory investigations, clinical and applied research, and epidemiological and field studies, directed toward the elimination of oral-facial disorders and diseases. Research training is also supported to generate new knowledge and concepts regarding the course and development of oral diseases and means to reduce and prevent them.

The committee figure for fiscal 1974 is \$44,131,000.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

This Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling arthritis, and connective tissue diseases, diabetes and other metabolic disorders, digestive diseases, diseases of the kidney and urinary tract, diseases of the blood, bone and skin. In addition, the fields of orthopedic surgery and nutrition are research concerns of this Institute. These objectives are pur-

sued directly within Government laboratory and clinical facilities in Bethesda and through universities, non-profit research organizations and commercial concerns supported with grants and contracts and include both laboratory and clinical studies.

The committee figure for fiscal year 1974 is \$155,894,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

This Institute is concerned with a variety of diseases which afflict the brain and sense organs. Disorders such as cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophy parkinsonism, and deafness result in long-term disability while cerebrovascular disease—stroke—is the third largest cause of death in this country and a major cause of serious disability. Progress against these inadequately understood diseases would relieve mankind of some of its heaviest disease burdens.

These neurological and sensory disorders fall into 13 major programs areas, each subject of a specifically focused research effort. The research effort in these areas is carried out through extramural project research grants, research grants, intramural research projects, field research projects and contract research projects. The program areas are: The neurological disorders of early life; the neurological disorders of adult life; the cerebrovascular disorders; epilepsy and related paroxysmal disorders; sclerosing disorders; muscular disorders, infectious diseases, trauma and injury to the nervous system; tumors of the nervous system; neuroendocrine studies; neutral aspects of learning and behavior; nervous system studies related to normal functions; and sensory disorders.

The committee figure for this Institute is \$120,073,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

This Institute conducts and supports broadly based research on the causes, characteristics, prevention, control and treatment of diseases believed to be caused by infectious agents including bacteria, fungi, viruses, and parasites—or by abnormalities in the body's immune mechanisms such as allergies. In its attack on infectious and allergic diseases, the Institute is focusing attention primarily on important problems that demand increased research efforts. Two types of programs—nationally organized research programs and special emphasis research programs have been set up to deal with these problems.

The committee figure for fiscal year 1974 is \$112,744,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

This Institute supports a wide spectrum of biomedical research which seeks an understanding of life processes whose alteration or disturbance may lead to disease. This research relates to knowledge concerning the processes and the development of implements for diagnosis and treatment of human disorders. Programmed research objectives are to elucidate the genetic and cellular basis for diseases, to enable the safer and more

effective use of drugs, to discover better ways for treatment of accident victims, and through the application of engineering approaches and manpower, to develop more rational automated laboratory procedures and techniques for health care delivery.

The committee figure is \$175,778,000 for this Institute.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The programs of this Institute represent a unique effort to study human development at all stages of the life span from conception through old age. The goals are to improve the quality of life, to reduce morbidity and mortality, and to increase man's ability to cope with his environment. All aspects of human development, physical, psychological, health must be actively examined.

The committee figure is \$125,254,000.

NATIONAL EYE INSTITUTE

The mission of the National Eye Institute is to conduct, foster, and support research and research training on the cause, natural history, prevention, diagnosis and treatment of disorders of the eye, the visual system, and related fields. The objective of this research is to increase knowledge needed to deal with, through improved health services, vision and vision-related health problems.

The committee figure is \$36,631,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

This Institute seeks to increase our understanding of environmental agents which can adversely affect man's health either immediately or over time. The results of the Institute's research are promptly made available to agencies having responsibility for environmental monitoring, standard setting, and control. The Institute seeks to determine the magnitude and significance of the hazard to man's health resulting from exposures to ranges of concentrations of chemical, physical, and biological agents in the environment. Underlying mechanisms of adverse response are examined in order to determine the principles and generalizations which can provide criteria which can serve as a basis for the establishment of standards by those agencies charged with the regulatory responsibility in this area.

Committee figure is \$28,879,000.

RESEARCH RESOURCES

The Division of Research Resources aids in fulfilling the mission of the NIH—to improve the health of all Americans—by providing support for the development and maintenance of research capabilities of the Nation's institutions of higher education, hospitals, and research organizations. Through the Division's four major programs, general clinical research centers, biotechnology resources, animal resources and general research support, funds are allocated in a manner which insures that stability, balance, vigor, and independence will be maintained while serving a broad base of investigators who are engaged in carrying out the research missions of the categorical NIH Institutes.

Committee figure is \$133,322,000.

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JOHN E. FOGARTY INTERNATIONAL CENTER

The John E. Fogarty International Center for Advanced Study in the Health Sciences is designed to facilitate and expand the continuing effort of the National Institutes of Health and the U.S. Government to broaden the knowledge base of the biomedical sciences. The Center serves as a focal point for the international activities of the NIH and is responsible for the administration of a number of international programs such as international fellowships, Fogarty scholars-in-residence, conference and seminars, international visitors center, special foreign currency, and foreign students exchange.

In administering these activities, the Center places its efforts on first, facilitating the useful exchange of distinguished scientists and scholars as well as promising young scientists; second, providing an environment, including facilities, which will contribute to the exchange, expansion and evolution of ideas; and third, promoting international cooperation for the dissemination and sharing of biomedical knowledge both on a bilateral and multilateral basis to supplement and assist that exchange of knowledge by individual scientists and institutions.

The committee figure for fiscal year 1974 is \$4,767,000.

HEALTH MANPOWER

First. Health professions support:

(a) Institutional assistance: (1) Capitalization grants: Health Professions Support is to provide through four program activities, support to health professions schools primarily first, for establishing and maintaining a viable financial base; second, for maintaining and expanding enrollments; and third, for improving distribution in terms of geography, specialty, and the disadvantaged.

Capitation, a complex formula grant, includes in its computation class size, total enrollments, and number of graduates to provide basic Federal support to the educational programs in the health professions schools.

In 1973 these basic educational grants were awarded to all eligible health professions schools which provide enrollment and fiscal resource assurance. About 300 schools of medicine, osteopathy, dental, optometry, podiatry, pharmacy, and veterinary medicine participated.

The committee has recommended \$187,277,000 for this item for fiscal year 1974.

(2) Startup and conversion assistance: The one-time grants under this activity are awarded to 2-year medical schools to assist in their conversion to degree-granting institutions.

In 1973 two additional 2-year medical schools received grants to assist them in converting to degree-granting institutions. Two schools—Dartmouth and Rutgers—received grants under this activity in fiscal year 1972.

The committee has recommended \$6,000,000 on this item, the same as it was last year.

(3) Financial distress grants: Awards under this activity are to schools which

have demonstrated critical financial need but which also plan management improvement activities to overcome reliance on this Federal support.

The \$15,000,000 requested for these grants in 1973 assisted over 15 schools which demonstrated critical financial need. Schools aided by these grants conducted appropriate activities to alleviate their financial dependency on these grants, and improve their own fiscal and management operations.

The committee figure on this item is \$10,000,000 for fiscal 1974.

(4) Special projects: Special projects—this is a program of targeted activities, utilizing project grants or contracts, which include support for increasing enrollments, expanding training in primary care and family medicine and increasing admission of the disadvantaged and women.

In 1973 support continued primarily to grants previously awarded to schools for the physician augmentation program, for expanding training in primary care, and for other purposes authorized in the law.

The committee recommends \$53,000,000 for fiscal year 1974.

(b) Student assistance: (1) Direct loans: Health professions support—Student Assistance—provides loans and scholarships to eligible students who need financial assistance in order to pursue a career in the health professions.

The loan and scholarship funds are awarded to schools based on legislative formulas. The schools in turn award funds in accordance with individual student needs after considering other available financial resources.

In 1973, the participating health professions schools will make loans to about 27,000 students—this is 29 percent of all eligible students. They will award scholarships to over 16,000 students.

The committee figure for this item is \$36,000,000.

(2) Scholarships: The committee figure for this item is \$15,500,000.

(3) Loan repayments: The committee figure for this item is \$400,000.

(c) Construction assistance: (1) Grants: Health professions support—construction assistance.

Assistance is authorized for Federal participation in the construction of teaching and related library, clinical, and research facilities for the training of physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, and professional public health personnel.

Construction assistance can be provided in the form of matching grants, interest subsidies and loan guarantees. The last two forms, available only to private nonprofit institutions. Allow the Government to provide a loan guarantee of up to 90 percent of the eligible cost of construction and to pay to lending institutions amounts that would reduce the interest rate paid by the school up to 3 percent.

In 1973, \$149,665,000 in grant funds and \$800,000 in interest subsidy funds brought forward from 1972 were committed. An additional \$1,000,000 was requested for the interest subsidy account. These funds will support projects that

will ultimately add more than 1,300 first-year places in health professions schools. The committee's recommendation is \$100,000,000 for grants and \$1,000,000 for interest subsidies.

(d) Dental health activities: This activity is directed toward increasing the supply of dental manpower, improving the quality of dental services and delivery systems, and reducing the need for dental services through the broadest possible application of dental disease prevention and control measures. Direct operations funds provide support of staff that provide professional consultation, guidance, and technical assistance necessary to develop, administer, and support the grant and contract programs of the division.

In 1973, the division TEAM grant program which provides dental students with training in expanded auxiliary management—TEAM—is now supporting operating programs in 20 dental schools. This new program shows considerable promise for expanding still further the productivity of the future dentists.

The committee recommends \$14,979,000 for this activity.

(e) Educational assistance: This subactivity supports the following programs:

First. Family medicine grants, which will be provided to public or private non-profit hospitals to plan, develop, or operate training programs in family medicine.

Second. Health professions teacher training grants provide for the preparation of teaching personnel in the health professions field. Schools are required to use at least 75 percent of any grant for traineeships.

Third. Educational grants and contracts are made to explore, develop, and demonstrate new initiatives in health professions education such as decentralized medical education. Also undertaken are special studies such as determination of the need for and condition of teaching facilities, and evaluation of health professions programs.

In 1973, \$5,000,000 for family medicine training will be awarded to 52 hospitals to support continuing programs for about 650 residents in family practice. The \$1,000,000 in grants for training and traineeships for health professions teaching personnel will be made to seven schools of medicine and osteopathy, one school of dentistry, and one school of veterinary medicine. These grants will provide advanced training in educational techniques for approximately 45 full-time-equivalent faculty trainees.

The committee recommends \$9,320,000 for this item.

(f) Direct operations: The committee recommendation for this item is \$3,313,000, the same as last year.

Second. Nursing support: (a) Institutional assistance: (1) Capitation grants: The committee recommends \$33,800,000 for fiscal year 1974 on this item.

(2) Financial distress grants: The committee recommends \$5,000,000 on this item.

(3) Special projects: Special projects grants and contracts are awarded on a national competitive basis to schools of nursing and/or health agencies. Financial distress grants are awarded to

schools of nursing. Capitation grants are awarded annually to accredited schools of nursing upon application based on legislative formula designed to increase enrollments.

In 1973, financial assistance was provided to 1,000 programs under the capitation grants and three schools were awarded financial distress grants. Under the special project grants and contracts program, emphasis continued on projects for the development of programs to prepare practitioners to assume new and expanded functions and responsibilities in the provision of nursing care.

The committee recommends \$20,000,000 for this item.

(b) Student assistance: The nursing student loan and scholarship programs are designed to give financial aid to the economically disadvantaged, including minority groups, and increase the supply of nurses in the Nation.

Funds are provided for student loans at any public or other nonprofit accredited school located in a State. Maximum loan per student is \$2,500 per year with an aggregate limit of \$10,000 per student. Grants to nursing schools for annual scholarships to students were limited to \$2,000 per student. Schools make the scholarship awards to students who, in the judgment of the school, have an exceptional financial need.

The 1973 amount provided support for 26,250 students under the loan program. The scholarship request provided for 19,500 students of exceptional financial need. The amount for traineeships supported an estimated 2,650 long-term trainees and 900 short-term trainees.

The committee recommends \$24,000,000 for direct loans, \$19,500,000 for scholarships, \$11,500,000 for traineeships, and \$1,600,000 for loan repayments.

(c) Construction assistance: (1) Grants: Grants, loan guarantees, and interest subsidies programs were authorized to provide assistance in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing and to assist in the replacement or rehabilitation of existing facilities for such schools.

The Nurse training Act of 1971 provides for a guaranteed loan and interest subsidy program for non-profit private nursing schools and a direct—matching grant—construction program. The Federal Government is permitted to guarantee loans up to 90 percent of the cost of construction and to pay to lending institutions interest subsidies payments that reduce the interest rate paid by the school up to 3 percent.

In 1973, \$1,000,000 was requested for guaranteed loans/interest subsidy funds and \$10,020,064 was obligated for construction assistance. The construction grants generated approximately 520 new first-year places in schools of nursing. It is estimated that commitments to three programs for guaranteed loans/interest subsidy support will be made in 1973.

The committee recommends \$20,000,000 for grants and \$1,000,000 for interest subsidies.

(d) Educational assistance: Direct operations funds support Division of Nursing efforts in developing criteria and

methods for evaluating nursing services and promoting full utilization of the skills of nursing personnel. The Division assists, through its activities in consultation, conferences, and publications, several thousand nursing schools, hospitals, and health agencies to improve the quality of nursing education.

Educational grants are made to individuals, universities, and non-profit organizations. Research training grants provide institutional support to colleges and universities in order to strengthen nursing doctoral programs. Fellowship awards cover the costs of training—tuition, fees, stipends, travel and subsistence—nurse researchers. Full utilization recruitment grants and contracts are awarded on a national basis to public or non-profit private health or educational entities.

In 1973, educational project funds supported a total of 33 projects both new and continuations; the research training program was maintained at nine universities, the same level as in prior years.

The committee recommends \$7,569,000 for educational assistance, and \$4,119,000 for direct operations.

Third. Public health support: (a) institutional assistance: This item provides for formula grant awards to accredited schools of public health to assist those schools in providing training, consultative services, and technical assistance in public health and in the administration of State or local public health programs. Project grant awards are authorized for schools of public health and other institutions for the purpose of strengthening and expanding graduate or specialized training in public health.

Formula grants to schools of public health are awarded on an entitlement basis giving primary consideration to the number of federally sponsored students attending each school. The project grants awarded competitively to develop curriculums which are pertinent to changing public health needs in fields such as medicine, dentistry, nursing, engineering, and hospital and health services administration.

The 18 accredited schools of public health will receive formula grants in 1973 to expand and modify their programs to address the most critical public health problems. Project support is being limited to awards for administrative action on a small number of grants.

The committee's figure for this item is \$12 million.

(b) Student assistance: Public health traineeship grants support students taking graduate or specialized training in public health. These grants are awarded competitively to the institution providing the training with the grantee having responsibility for selection and appointment of individual trainees.

The \$9 million appropriated for public health traineeships in 1973 will support approximately 1,570 long-term and 5,400 short-term traineeships with attention to such subject areas as health care administration, environment-related health problems, preventive and community health care, and responsive-

ness to local public health manpower needs.

The committee recommends \$9,600,000 for this item.

(c) Direct operations: Direct operations are comprised of staff activities through which the programs of institutional support and student assistance for graduate and specialized training in this field are administered.

These staff carry out a variety of responsibilities, including consultative and technical assistance, liaison with public health agencies and organizations, and special studies and analyses of education and training of public health manpower.

The committee recommends \$631,000 for this item, the same as last year.

Fourth. Allied health supports: (a) Institutional assistance: Special improvement grants are awarded to allied training centers to assist in the provision, maintenance or improvement of the specialized functions which these centers serve. Special projects support experimentation, demonstration, and institutional improvement in allied health training.

These grants are awarded on a competitive project basis to junior colleges, colleges, and universities for curriculum improvement and expansion of enrollment capacity. Special projects complement the resources of the more output-oriented special improvement grants, by providing support for experimentation and innovation.

The committee recommends \$31,745,000 for this item.

(b) Student assistance: Traineeship grants for advanced training were awarded to support students preparing to teach or to serve in an administrative, supervisory, or specialist capacity in an allied health discipline.

In 1973, 550 long-term traineeships will be awarded and approximately 4,000 special institute trainees will receive support.

The committee recommends \$3,750,000 for fiscal year 1974 for this item.

(c) Educational assistance: Funds under this activity supported full utilization recruitment as well as supportive and development contracts designed to tap new resources for allied health manpower and extend the missions and overall objectives of the Division of Allied Health. This activity also included program support functions for administration of grant and contract programs.

In 1973, contract support will be continued and expanded in the areas of equivalency and proficiency testing, new curriculum development, and teaching methods.

The committee recommends \$1,359,000 for this item.

Fifth. Special educational programs: (a) Educational initiative awards: These awards are targeted toward achievement of special national health manpower goals, such as linking training efforts with service in the establishment of area health education centers, training of physician's assistants, and aid to minority health education. Emphasis in these programs will be on primary care.

The committee recommends \$46,500,000, as requested by the Department.

(b) Computer technology—The committee restored \$3,000,000 for this item.

(c) Direct operations: This item provides for staff operations related to program support activities for the administration and direction of the Health Manpower Education Initiative awards.

The committee's figure is \$2,752,000, as requested by the Department.

HEALTH MANPOWER

Sixth. Program direction and manpower analysis: The Division of Manpower Intelligence provides a focal point for BHME, NIH, and the Department for data collection and analyses on health manpower resources and requirements, including distribution by discipline and location. The division supports contract projects for data collection and analyses with public and private organizations to extend the in-house capabilities to provide the essential, accurate data bases upon which to define the current health manpower pool and to forecast future requirements.

The committee recommends \$8,776,000 for fiscal year 1974.

NATIONAL LIBRARY OF MEDICINE

The National Library of Medicine serves as a national resource for biomedical information. Traditionally one of the world's most important research libraries, the NLM has in recent years become the principal focus within the Federal Government for national planning to improve communications in the health sciences. In order to accomplish this goal, the NLM has been coordinating the development of a national Biomedical Communications Network being built upon the existing health communication system but incorporating the latest advances in space-age communication technology.

The committee recommends \$25,871,000 for the Library.

BUILDINGS AND FACILITIES

The NIH direct construction program provides for the design and construction of laboratories, libraries, office buildings, and other facilities essential to the conduct and development of the mission of the National Institutes of Health.

The committee is recommending the budget request, \$8,000,000.

OFFICE OF THE DIRECTOR

The purpose of this activity is to provide overall program direction and central management services to the Bureaus, Institutes and Divisions of the National Institutes of Health. The functions and responsibilities of this activity are carried out through the offices of various associate directors and appropriate office directors with the aid of staff specialists and operating personnel.

The committee recommends \$12,000,000, the budget request.

SCIENTIFIC ACTIVITIES OVERSEAS—SPECIAL FOREIGN CURRENCY PROGRAM

Collaborative health research and research-related projects abroad are supported by foreign currencies owned by the United States which have been determined by the Treasury to be in excess of normal U.S. needs in the countries. The program helps achieve the domestic health objectives of the De-

partment and promotes U.S. foreign policy.

The committee recommends the budget request, \$1,192,000.

EDUCATION DIVISION

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

First. Improvement of postsecondary education: The Education Amendments of 1972 authorized the Secretary of Health, Education, and Welfare to make grants to and contracts with institutions of postsecondary education and other public and private educational institutions and agencies to encourage reform and innovation at the postsecondary level. Authority for administration of this program has been delegated to the Assistant Secretary for Education.

Assistant Secretary Marland testified before the subcommittee that—

We have an instrument of Government that does not intend to impose a governmental role . . . we are creating an instrument that will support inventive work by the higher education community to improve their effectiveness, but not according to some Federal code, not according to some high priest of postsecondary education who says, "You will do this or that or you won't get your money."

Marland gave examples of a "university without walls" in Minneapolis, and a new career-oriented project at Columbia University.

With the \$10 million budget in fiscal 1973, the Education Division hopes to fund approximately 100 projects out of 700 or 800 candidates.

The committee recommends \$10,000,000, a decrease of \$5,000,000 from the budget request.

Second. Salaries and expenses: The Assistant Secretary for Education is responsible for direction and supervision of the Education Division, provides leadership for the education activities of the Department, and serves as the key spokesman and advocate for assuring that the Department provides professional and financial assistance to strengthen education in accordance with Federal laws and regulations. In addition, he serves as the principal adviser to the Secretary on education affairs. This appropriation provides for the administrative expenses associated with the Office of the Assistant Secretary for Education. The estimate includes support of 15 positions in 1973 and 30 positions in 1974 for administration of the postsecondary innovation program, whose Director reports directly to the Assistant Secretary for Education.

The committee recommends \$1,722,000, a decrease of \$130,000 from the request.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

First. Aid to school districts: (a) educationally deprived children.

Through this program grants are made to local educational agencies to provide supplemental services for children from low-income families. Grants are also made to State agencies for handicapped children, dependent and neglected children, and juvenile delinquents in State institutions. The administration has proposed that this program be absorbed by special education revenue sharing.

Last year the subcommittee report expressed support of OE's efforts to "improve the administration of the title I program at the State and local level and to assure that the funds appropriated for it are used effectively," but also called upon OE to "review its own procedures with the objective of speeding up the computation of title I allocations so that States and school districts may be notified much earlier."

This year, when asked how he feels about the effectiveness of title I, Dr. Marland said:

I think title I has been used and abused in many ways across the land. . . . Until fairly recently, it merely supported more of the same in education. . . . I would have to say at the present stage, after 7 years of Title I, while many good things can be said about it in terms of attitudes of teachers, parents, and in some cases of children, the bottom line does not show very much.

The committee recommends \$1,810,000,000 for this item.

(b) Supplementary services: State plan programs and special programs and projects.

Grants are made to State and local educational agencies for developing programs which serve as models for improving and supplementing the regular school curriculum and programs designed to improve testing and guidance and counseling services in public and private elementary and secondary schools. In 1974, this program is proposed to be folded into revenue sharing for education.

The committee is recommending \$146,393,000.

Second. Strengthening State departments of education: (a) general support and (b) comprehensive planning and evaluation.

Grants are made to stimulate and assist States in strengthening the leadership resources of their education agencies by assisting them in the establishment and improvement of programs to identify and meet their educational needs.

The committee is recommending \$38,000,000 for this item.

Third. Bilingual education: Grants are made under title VII, ESEA, to achieve comprehensive curriculum reform in areas of high concentrations of non-English speaking children.

The committee recommends \$45,000,000.

Fourth. Follow through: This is an experimental, compensatory education program designed to develop and test new ways to educate disadvantaged children in the early primary grades. The parents, the community and the resources at the school are brought together in programs to meet the child's instructional, physical and psychosocial needs.

The committee recommends the budget request of \$41,000,000.

Fifth. Equipment and minor remodeling: Grants and loans are made for the acquisition of instructional equipment and materials, including minor remodeling necessary for the installation and use of such equipment to improve teaching in critical subjects in elementary and secondary schools.

The committee recommends \$25,000,000.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

First. Maintenance and operations: (a) payments to local educational agencies and (b) payments to other Federal agencies.

Payments are made to assist in the operation of schools in areas where enrollments are affected by Federal activities. In 1973 payments were based on over 940,000 federally connected children. In addition, the full cost of education is provided for children residing on Federal property where no State or local educational agency is able, because of State law or for other reasons, to provide suitable free public education to such children.

The committee recommends \$591,000,000.

Second. Construction: Payments are made to assist in the construction of schools in areas where enrollments are affected by Federal activities. From 1951 through 1973, \$1,435 million has been appropriated for this program aiding in the construction of over 69,000 classrooms to house about 2 million pupils in the 50 States, Puerto Rico, Guam, and Wake Island. In 1973 and 1974, appropriation language is proposed to fund local agencies that have been unfunded in recent years, that have the most pressing construction needs largely as a result of increased military activity and housing, and that provide assistance for children residing on Indian lands.

The committee recommends \$19,000,000, the budget request.

EMERGENCY SCHOOL ASSISTANCE

First. Special projects: (a) Metropolitan area projects: Five percent of the amounts appropriated for the Emergency School Aid Act are reserved for assisting local education agencies.

The committee recommends that this program not be funded.

(b) Bilingual education projects: From the amount appropriated for the Emergency School Aid Act, at least 4 percent is reserved to make grants to develop and implement curriculums designed to meet the special education needs of minority group children.

The committee recommends that this program be funded at \$9,958,000.

(c) Educational television: Projects are supported to develop and produce children's television programs consistent with the purposes of the Emergency School Aid Act.

The committee has recommended that this program be funded at \$7,468,000.

(d) Special programs and projects: Local education agencies and public organizations are assisted in conducting activities which are otherwise authorized by the Emergency School Aid Act, and promise to make substantial progress toward achieving the purposes of the Emergency School Aid Act.

These programs were recommended by the committee to be funded at \$12,447,000.

(e) Evaluation: Not more than 1 percent appropriated for the Emergency School Aid Act is reserved to make grants

to evaluate programs assisted under this authority.

The committee recommended that \$2,489,000 be spent in this area.

Second. State Apportionment: (a) Pilot programs: From the amount apportioned among the States, an amount equal to not more than 15 percent of the amount appropriated is reserved for this activity.

The committee recommends that this activity be funded at \$37,341,000.

(b) Special programs and projects: From the amount apportioned among the States, an amount equal to not more than 8 percent of the amount appropriated is reserved for this purpose.

The committee recommends that \$19,915,000 be spent for this activity.

(c) General grants to local educational agencies: The remaining funds of those apportioned among the States are available for grants directly to eligible local education agencies to meet special problems incident to desegregation.

The committee recommends that \$146,875,000 be spent for this activity.

Third. Training and advisory services: The Office of Education makes grants and contracts to render technical assistance in the preparation, adoption, and implementation of plans for the desegregation of public schools, to provide services and training for people to deal effectively with special educational problems occasioned by desegregation.

The committee recommends that \$21,700,000 be spent for this activity.

EDUCATION FOR THE HANDICAPPED

First. State grant program: Grants are made to States to assist in the initiation, expansion, and improvement of programs and projects for education of handicapped children at the preschool, elementary, and secondary school levels. In 1974, these grants are included in the special revenue-sharing proposal for education, giving the States more flexibility to fund programs to meet their particular needs for education of the handicapped.

The committee recommends that \$50,000,000 be spent for this activity.

Second. Special target programs: (a) Deaf-blind centers, (b) early childhood projects, (c) specific learning disabilities, and (d) regional resource centers.

Model centers are supported to provide educational, diagnostic and consultative service for preschool handicapped children and their parents. These centers are designed to stimulate and influence the development of additional services for preschool handicapped children.

Grants or contracts are awarded for the establishment and operation of regional resource centers to develop and apply the methods of appraising the special educational needs of handicapped children. Grants are also made for model centers to provide diagnostic, educational, and related services to deaf-blind children and for research in the field of physical education and recreation for handicapped children.

Grants are made to operate centers for research, personnel training; services for preschool and school-age children with specific learning disabilities.

The committee recommends that \$32,493,000 be spent on special target programs.

Third. Innovation and development: Grants and contracts are awarded for the development of new curricular materials, teaching techniques, R. & D. centers, and other research and demonstration projects.

The committee recommends that \$9,916,000 be spent for this activity.

Fourth. Technology and communications: (a) Media services and captioned films and (b) recruitment and information.

Contracts are made for the acquisition, captioning, production, and distribution of films and other educational media, for conducting research in the use of educational media, and the training of persons in the use of the materials for the handicapped. In 1974 funds are included for the National Educational Media Center for handicapped children.

The committee recommends that \$13,500,000 be spent for this activity.

Fifth. Special education and manpower development: Grants are awarded to support training of teachers, supervisors, speech correctionists, researchers, and other professional and subprofessional personnel in fields related to the education of the handicapped.

This activity is recommended by the committee to be funded at the level of \$37,700,000.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

One. Grants to States for vocational education: (a) basic vocational education programs, (1) annual appropriation, and (2) National Advisory Council.

Grants are made to assist States in maintaining, extending, and improving existing vocational education programs and to develop new programs in vocational education.

Matching grants are made to the States on a formula basis for vocational education programs, including the construction and remodeling of facilities. Forty percent of each State's allotment must be set aside for specific purposes.

A few accomplishments in 1973 are—an estimated 8,808,000 students were enrolled in basic vocational education programs and a total of 304 new or remodeled construction projects were initiated.

The committee recommends \$426,682,000 for the annual appropriation and \$330,000 for the National Advisory Council.

(b) Programs for students with special needs: This program provides grant support for persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs.

Formula grants are made to the States based on population by age groups and per capita income. No matching is required.

To point out a major accomplishment in fiscal year 1973, 167,000 disadvantaged students were provided special services to help them succeed in their career preparation.

The committee recommends \$20 million.

(c) Consumer and homemaking education: The purpose of this program is to meet the need of today's families, especially those in economically depressed areas. Programs that are emphasized are those dealing with marketplace, concepts of credit, contracts, warranties, and guarantees.

The formula grants are made to the States for programs in consumer and homemaking education. States must use one-third of the Federal funds allotted in economically depressed areas and 50 percent matching is required in other areas.

An accomplishment in fiscal year 1973 was an estimated 3,435,000 youths and adults were enrolled in consumer and homemaking education programs.

The committee recommends \$25,625,000.

(d) Work study: The purpose of the program is to support State projects that help young people ages 15 to 20 begin or continue vocational training by providing them with part-time employment to pay educational costs.

Formula grants are made to the States for development, and administration of program and compensation to students. Federal funds may be used to pay 80 percent of States expenditures.

In 1973 the appropriation resulted in preventing 33,000 economically disadvantaged vocational education students from dropping out of school.

The committee recommends \$6 million.

(e) Cooperative education: The purpose of this program is to support cooperative education programs which combine work experience with formal education. Funds are used for supervisory and other costs of instruction.

Formula grants are made to States for financial assistance, personnel, to provide instruction related to work experience, to reimburse employers for certain costs, and to pay costs for certain services to students.

The fiscal year 1973 enrollment for cooperative education was 109,000. About 75 percent of the funds are expended in areas of high rates of school dropouts.

The committee recommends \$19,500,000.

(f) State advisory councils: The program purpose is to advise the State boards of vocational education on the administration of State plans; evaluate vocational education programs, services, and activities; and prepare and submit an evaluation report on the vocational education programs carried out during the year.

Section 104(b) of the Vocational Education Act of 1963 required each State to establish a State advisory council in order for the State to receive a grant under title I of the act.

In fiscal year 1973, the State advisory councils from all 56 States and territories submitted reports of evaluation efforts of State vocational education programs.

The committee recommends \$3,204,000.

OCCUPATIONAL, VOCATIONAL AND ADULT EDUCATION

Second. Vocational research:

(a) Innovation: The purpose of this

program is to develop, establish and operate exemplary and innovative occupational education programs or projects designed to serve as models for use in vocational education programs.

Prior to fiscal year 1974, grants were awarded on a formula basis under part D of the Vocational Education Act of which 50 percent was for use by the State agency and 50 percent was for direct grants by the Commissioner of Education. In fiscal year 1974, the 50 percent previously funded for use by the State agency is included in the special revenue-sharing proposal to be submitted to Congress.

In fiscal year 1973, 59 projects were initiated under the Commissioner's funding authority.

The committee recommends \$16 million.

(b) Curriculum development: The purpose of the program is to develop curricula for new and changing occupations.

Project grants are made to colleges and universities, State boards, and other public and nonprofit agencies for development of program planning guides for the States.

In fiscal year 1973, 24 projects were funded for curriculum development activities.

The committee recommends \$4 million.

(c) Research—Grants to States: The purpose of the program is to support activities of State research coordinating units and other agencies and institutions in the development of programs and projects designed to meet the research needs of vocations education.

Prior to fiscal year 1974, grants were awarded on a formula basis under part C of the Vocational Education Act of which 50 percent was for use by State agencies and 50 percent was for direct grants by the Commissioner of Education. In fiscal year 1974, 50 percent previously funded for use by the State agency is included in the special revenue-sharing proposal to be submitted to Congress.

In fiscal year 1973, 56 projects were supported under the Commissioner's funding authority and 130 projects under the State agencies authority for a total of 186 projects.

The committee recommends \$18 million.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

Third. Career education: The purpose of this program is to provide funds to install and demonstrate career education programs directed toward systematic reform of the structure of the educational enterprise.

The Cooperative Research Act authorizes the Commissioner of Education to make grants to universities and colleges and other public or private agencies, institutions, and organizations and to individuals of research surveys, and demonstrations in the field of education.

No funds were provided for this activity in fiscal year 1973.

The committee recommends that this program not be funded.

Fourth. Adult education: (a) Grant

to States: Funds are used for the purpose of eliminating functional illiteracy among the Nation's adults by providing educational opportunities that will enable adults 16 years and older with a limited education to continue their education.

Grants are made to the States according to the formula specified in the act.

In fiscal year 1973, 691,000 adults were enrolled in adult education classes.

The committee recommends \$51,300,000.

(b) Special projects: The purpose of this program is to provide grants for special demonstration projects which involve the use of innovative methods, systems, and materials in the development of adult education programs.

Grants are awarded to local education agencies, or other public or private nonprofit agencies, including educational television stations.

Forty grants were awarded in fiscal year 1973 of which 12 were continuations from 1972.

The committee recommends \$7 million.

(c) Teacher training: This program supports projects to promote and coordinate and train personnel who work or who are preparing to work in adult education.

Grants are awarded to institutions of higher education, State or local education agencies, or other public or nonprofit agencies for preservice and inservice training and development of adult education personnel.

Nine regional staff development programs were continued and six national training institutes were held.

The committee recommends \$3 million.

HIGHER EDUCATION

First. Student assistance: (a) Grants and work-study: (1) Basic opportunity grants: (2) Supplementary opportunity grants: In conjunction with other forms of aid, the purpose of these grant programs is to enable qualified students to overcome financial obstacles to a postsecondary education.

The committee recommendation for BOG's is \$440,500,000 and \$210,300,000 would be provided for SEOG's for the school year beginning in the fall of 1974. A full discussion of the committee's action on higher education student assistance may be found on pages 59-61 of our committee report.

(3) Work-study: For some students, work-study earnings will supplement basic opportunity grants. The requested funds will provide grants to institutions for a portion of the wages paid to needy students. Under the 1972 amendments preference for employment under the program is given to students with the greatest financial need.

Funds are awarded and administered under an agreement between the Commissioner and each eligible institution of higher education, proprietary institutions of higher education or area vocational-technical schools.

Funds appropriated for the fiscal year 1973 will be used for program operation during academic year 1973-74 and, in some cases, will provide additional financial aid to basic grants recipients.

The committee recommends \$270,200,000.

(b) Cooperative education: This program alternates periods of full-time study with periods of full-time career-related work, thus providing students with both a means of financial assistance and with work experience.

After an institution has met eligibility requirements established by the Commissioner, its proposal is reviewed and evaluated by a panel of consultants from outside the Office of Education. The final funds decision rests with the Office of Education.

The 1973 budget request of \$10,750,000 will enable funding some 250 grantees for an average of \$40,000, thus enabling 250,000 to 300,000 students to participate.

The committee recommends \$10,750,000.

(c) Subsidized insured loans:

(1) Interest on insured loans: The objective of the guaranteed student loan program is to make it possible for students to borrow from private lenders to help pay for the cost of education and training at universities, colleges, and vocational schools with the Federal Government paying part of the interest for qualified students.

Most colleges, universities and schools of nursing and many vocational and technical schools are eligible.

In fiscal year 1973, an estimated total of 1,256,000 loans amounting to \$1.3 billion were guaranteed.

The committee recommends \$310 million.

(d) Direct loans:

(1) Federal and Capital contributions;

(2) Loans to institutions;

(3) Teacher cancellations: The direct loan program was established to encourage and assist institutions of higher education in making low-interest loans available to needy students. There is a provision for loan cancellation benefits to students who enter the field of teaching or military service.

The Federal capital contributions are allotted to the States on a formula basis. Institutions apply to the Office of Education for their share of the State allotment but must match one-ninth of the Federal share. Loans are made to the institutions who find this matching a hardship.

It is estimated that 624,500 students will borrow \$430,919,000 under this program during 1973 and that \$23,600,000 will be obligated late in 1973 for use by students during academic year 1973-74.

The committee recommends \$293 million.

Second. Special programs for the disadvantaged: (a) Talent search; (b) Special services in college; (c) Upward bound: The special programs for disadvantaged students encompass talent search, upward bound, special services in college, and educational opportunity centers. All these are concerned with helping disadvantaged students receive a postsecondary education.

Talent Search grants to or contracts with institutions of higher education, public and private agencies, combinations of institutions of higher education and public and private nonprofit agen-

cies and organizations may be made in amounts up to \$100,000 per year.

The \$70,331,000 requested in 1973 will serve 264,000 students during academic year 1973-74.

The committee recommends \$70,331,000.

Third. Institutional assistance: (a) Strengthening developing institutions: Grants are made to strengthen institutions of higher education which need financial assistance in order to develop as institutions offering a quality education to the students they serve.

Proposals submitted by institutions of higher education are reviewed by a panel of readers. Recommendations are made to the program staff for final decision. Proposals are reviewed for quality and for their capacity to serve the needs of low-income students, especially minority groups.

With \$51,992,000 of the 1973 funds, 200 previously funded projects and 26 new projects will be funded.

The committee recommends \$99,992,000.

(b) Construction:

(1) Subsidized loans;

(2) Grants.

The purpose of this program is to provide grants, loans, and interest subsidies to institutions of higher education to assist in financing the construction of academic facilities.

Prior to fiscal year 1970, grants and direct loans were the primary method of Federal financing for higher education construction. In 1970, the annual interest grant program was put into operation as a means of assisting more institutions.

Under the annual interest grant program in 1973, \$26,925,000 will be obligated for continuation support of prior year loans, \$4,500,000 new grants to support an estimated \$200 million in loans.

The committee recommends \$31,425,000.

(c) Language training and area studies: Programs funded under this activity are aimed at improving the capabilities and resources of American educational institutions for research and training in international studies. University centers, programs, fellowships, and research in the United States are supported as well as research and training abroad.

Applications are received from U.S. institutions of higher education, individual researchers, State education agencies, public school systems, and nonprofit education agencies.

The budget proposed an abrupt phase-out of this program, but the committee recommends a funding level of \$12,360,000.

(d) University community services: The university community service grants strengthen community service programs of colleges and universities to help solve community problems.

Funds are awarded on a formula basis to the 50 States, the District of Columbia, Guam, Puerto Rico, Virgin Islands, and American Samoa. Each State has to provide one-third matching funds based on the total cost of its approved programs. A state agency appointed by the Governor administers the funds in each State by determining

priorities and approving proposals. The Office of Education provides consultative services and offers leadership in identifying and encouraging the funding of national priorities.

The committee recommends \$15 million

(e) Aid to land-grant colleges: Funds are awarded to support instruction in agriculture, the mechanic arts, the English language and various branches of the sciences.

The Second Morrill Act of 1890, as amended, provides a permanent annual appropriation of \$2,700,000 to be allotted, \$50,000 to each State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. The Bankhead-Jones Act, as amended, authorizes an annual appropriation of \$12,460,000.

The committee recommends \$10 million.

(f) Veterans cost of instruction: The committee recommends \$25 million for the veterans cost of instruction program for payments to institutions of higher education for recruiting veterans into postsecondary education.

(g) State postsecondary education commissions: The commissions provide for comprehensive planning of postsecondary education by State agencies as authorized by section 1202 of the Higher Education Act, as amended. A part of the 1973 appropriation under the heading State administration and planning for construction will be available to start up the new agencies.

The \$3 million recommended by the committee will finance the first full year of the new postsecondary planning agencies.

Fourth. College personnel development:

(a) College teacher fellowships: The purpose of this program is to prepare persons for academic careers in educational programs beyond the high school level. Recipients must be pursuing, or intending to pursue, a course of study leading to a degree, of doctor of philosophy, doctor of arts, or an equivalent degree, but shall not be for study at a school or department of divinity. A panel of university faculty members, working as Office of Education consultants, review and recommend specific doctoral programs at applying institutions to the Commissioner for final approval of a fellowship award.

The committee recommends \$5,806,000.

(b) Fellowships for disadvantaged: A program of fellowships for disadvantaged is authorized by part D, title IX of the Higher Education Act as amended. In 1972 the Office of Economic Opportunity funded stipends, the main cost of project CLEO—Council on Legal Educational Opportunity—while the Office of education paid for a summer institute. Since the project has passed through its experimental stage, it is appropriate that it be transferred to an operating agency.

The committee recommends the budget request of \$750,000.

(c) Allen J. Ellender fellowships: The purpose of this program is to increase understanding of the Federal Government by secondary school students and their teachers. It is estimated that 1,500

participants will benefit from the 1973 appropriation.

The committee recommends \$500,000.

LIBRARY RESOURCES

First. Public libraries: (a) Services: The Library Services and Construction Act, as amended, authorizes grants to States to promote the extension and improvement of public library services in areas without such services or with inadequate services, to construct public library facilities, to improve State library services for the physically handicapped and institutionalized, to improve public library services to disadvantaged persons, to strengthen State library administrative agencies, and to promote inter-library cooperation among all types of libraries.

The committee is recommending \$49,209,000.

(b) Construction: Title II of the Library Services and Construction Act authorizes grants to States to support the construction of public libraries. Funds may be used for the construction of new buildings, for additions to existing buildings, and for renovation or alteration of existing buildings or the acquisition of an existing building to be used for public library purposes.

The committee recommends \$9,500,000.

Second. School library resources: Title II of the Elementary and Secondary Education Act provides grants to the States for the purpose of providing school library resources, textbooks, and other instructional materials. It operates from an approved State plan which provides for the distribution of the benefits among the public and private school students and teachers of the State in accordance with their relative need for such materials.

The committee recommends \$90,000,000.

Third. College library resources: (a) College library resources: Title II, Part A, of the Higher Education Act, as amended, provides grants to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, such as books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials (including necessary binding). Grants are awarded to eligible institutions of higher education, and other public and private non-profit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis.

The committee recommends \$10,500,000.

(b) Librarian training: Title II, part B, of the Higher Education Act of 1965 authorizes grants to institutions of higher education and library organizations or agencies to support the training of paraprofessionals and professionals in library and information science for services of all types of libraries. Such grants may be made for fellowships, traineeships, and short- and long-term training institutes for library personnel.

The committee recommends \$3,000,000.

(c) Library demonstrations: Title II—B

of the Higher Education Act, as amended, authorizes the Commissioner of Education to make grants to and contracts with public and private institutions, agencies, and organizations for demonstration projects relating to the improvement of libraries or the improvement of training in librarianship. Awards may be made to demonstrate new techniques, systems, and equipment for manipulating information. In addition, information derived from such projects may be distributed and disseminated.

The committee is recommending \$1,500,000.

Fifth. Undergraduate instructional equipment: Title VI-A of the Higher Education Act authorizes funds through matching grants to institutions of higher education to improve undergraduate instruction through acquisition of instructional equipment (including closed-circuit television) and materials and through minor remodeling. Funds are distributed among the States on a formula based on higher education enrollment and per capita income.

The committee recommends \$12,500,000.

EDUCATIONAL DEVELOPMENT

First. Education professions development: (a) Teacher Corps: This activity is directed toward improving educational opportunities for children of low-income families by improving the quality of programs of teacher education for both certified teachers and inexperienced teacher interns. In 1974, about 3,200 continuing participants and 1,700 new participants will be supported. A portion of the request will be directed toward improving bilingual and Indian education.

The committee recommends \$37,500,000.

(c) Elementary and secondary development: These activities include teacher training programs concentrating on specific populations and/or subjects in which teacher deficiencies have been recognized, and also include personnel development activities to strengthen specific skills of existing personnel through training and to introduce new research and development products to local State education agencies. Low-income students are targeted groups. Both the urban-rural and the career opportunities programs encourage meaningful participation of parents and the community in the educational process. The urban-rural program involves 36 sites training approximately 6,500 educational personnel in 1973 and 1974. The career opportunities program will train about 8,000 participants in 1973 and 1974.

The committee recommends \$53,660,000.

(d) Vocational education: This activity supports State and local education agencies and institutions of higher education in strengthening their efforts to recruit and train individuals for career and vocational education. In 1973, the State systems grant program, which is used to institute statewide programs in vocational education, provides a minimum of \$50,000 to each State; the fellowship program will train 56 individuals to increase leadership capabilities.

ties in elementary and secondary education.

The committee is recommending \$6,900,000.

(e) New careers in education: The purpose of this activity is to attract qualified and diverse persons to the field of education, either on a full- or part-time basis, who would not ordinarily consider this field. Workshops for qualified high school students and dissemination of recruitment materials on careers and volunteers in education are some of the methods used.

The committee recommends \$300,000.

(f) Higher education: College teachers, administrators, and educational specialists are trained at less than the doctoral level by this activity, funded through title V, part E of the Higher Education Act of 1965. Funds are used for institutes, short-term training, and fellowships for full-time graduate study not eligible under title IV of the National Defense Education Act.

The committee is recommending \$2,100,000.

Two. National priority programs: (a) Educational technology demonstrations: This activity supports the establishment, expansion, and improvement of non-commercial broadcasting facilities. It also supports special demonstration projects concerned with application of new technology-based systems to improve efficiency and productivity of educational agencies, provide individualized instruction, and to extend the educational opportunities and access to learning resources for groups presently outside and within formal educational systems. The educational television programs, "Sesame Street" and "The Electric Company," are also supported. The special technology demonstration projects will be transferred to the National Institute of Education in 1974.

The committee recommends \$16,000,000.

(b) Drug abuse education. This program operates through project grants aimed at developing drug education leadership teams at the State and local level through a variety of training programs, and providing technical assistance to such teams to aid them in assessing local drug problems, developing programs and skilled leadership to combat their causes, and to evaluate drug programs already existing. Local support for demonstration projects is expected.

The committee is recommending \$12,400,000.

(c) Right-to-read: The goal of this program is that by 1980 all reading programs in the Nation's school system will be improved and that illiteracy will be almost eradicated. Eligible grantees include local and State education agencies, institutions of higher education, and other public and private agencies. Packaging of validated reading programs and installation of the same, planning for the retraining of all teachers in reading, funding of an adult "Sesame Street," development of models for the effective use of technology in reading instruction, and increased technical assistance to statewide reading programs are some of the 1974 plans.

The committee recommends \$12,000,000.

(d) Environmental education: Funds are available to any nonprofit agency, institution, or organization for the support of environmental education pilot and demonstration projects, which are directed to develop an informed public that will understand the mutual dependencies between man and his environment. Curriculum development, personnel training, community education programs, and development and dissemination of effective activities and materials are supported.

The committee recommends \$4,000,000.

(e) Nutrition and health: This program demonstrates ways to organize local systems of child development services through more effective coordination of existing health and nutrition resources.

The committee recommends \$2,000,000.

(f) Dropout prevention: This grant program provides funds to local school districts to develop demonstration model programs to reduce the number of students who leave school before high school graduation. In 1974, 14 of the 19 projects operating in 1973 will be continued. It is estimated that 100,000 students will be affected in 1974, making a total of 275,000 students reached in the 5 years of this program.

The committee is recommending the budget request of \$4,000,000.

Third. Data systems improvement: (a) Educational statistics: This item includes certain surveys and special statistical studies meant for use in planning new programs in education, projecting manpower needs, and closing the data gap in certain areas of education. In 1974, it also includes planning for a major new program, common core of data for the seventies, which is to replace the current uneven and inadequate provision for educational statistics in the 50 States, 6 outlying areas, and the District of Columbia with an integrated system of statistics to meet Federal, State, local, and institutional needs for planning and management.

The committee recommends \$4,250,000.

(b) National achievement study: This activity is meant to collect national data on the changes in educational attainment over a period of 5 years. This data helps measure the impact on educational achievement that the Nation's investment in education is bringing about. In 1974, results will be reported on the second science assessment and the first assessment in mathematics.

The committee recommends \$6,000,000.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

U.S.-owned foreign currency which the Treasury Department determines to be in excess of normal requirements is used to strengthen American education through research and training abroad sponsored by American institutions. Projects focus on foreign languages, area studies, world affairs, and intercultural understanding and are designed to update the professional competencies of American educators, to further research, and to develop improved curricula and effective instructional materials.

Political developments in certain foreign countries at the close of 1972 necessitated cancellation or postponement of some projects pending issuance of new guidelines on educational programs by these governments. Estimates for 1973 and 1974 are based on the assumption that these issues will be resolved.

The committee recommends \$2,000,000 for this item.

SALARIES AND EXPENSES

The Office of Education administers grants-in-aid and provides technical assistance and statistical services to State and local education agencies, institutions of higher education, libraries, and other organizations to establish and maintain efficient school systems, and otherwise promote the cause of education throughout the country. It also collects and disseminates statistics and facts showing the condition and progress of education in the United States. This appropriation provides for management, staff services, planning and evaluation of education programs, advisory committees, and related expenses required in accomplishing the mission of the Office.

The committee is recommending \$83,118,000.

STUDENT LOAN INSURANCE FUND

Under the Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965, the Office of Education received authority to insure loans to students in eligible institutions who do not have reasonable access to State or private nonprofit programs of student loan insurance.

The Higher Education Amendments of 1968 merged the National Vocational Student Loan Insurance Act into the Higher Education Act insured loan program, and in addition to extending the Federal insurance program, authorizes the Office of Education to reinsure loans guaranteed by State and nonprofit private agencies at 80 percent of default by student borrowers.

Upon default by the student borrowers, the Office of Education will pay to the beneficiary the amount of the loss sustained by the insured upon federally insured loans and 80 percent of the loss sustained on reinsured loans guaranteed by State and nonprofit private agencies. The fund takes over loans on which it pays insurance claims and seeks to collect on them.

The committee recommends \$57,883,000.

PAYMENT OF PARTICIPATION SALES

INSUFFICIENCIES

The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals. Such statistical compilations and surveys shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

All moneys received in payment for

work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

The committee recommends \$2,948,000.

NATIONAL INSTITUTE OF EDUCATION

On August 1, 1972, the National Institute of Education was established to strengthen and improve educational practice in formal and informal learning situations through the conduct of research and development activities.

By law, the Institute must expend a minimum of 90 percent of its appropriated funds through grants and contracts with qualified public or private agencies and individuals. These awards may encompass basic and applied research, planning, surveys, evaluations, experiments, developments, and demonstrations in the field of education.

The committee is recommending \$142,671,000 for this item, \$19,526,000 below the budget request.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

First. Maintenance assistance: Maintenance payments provide needy persons with income to supplement their own resources for the essential costs of food, shelter, clothing, and other necessary items of daily living.

The estimates for maintenance assistance reflect transfer of the adult categories of maintenance assistance to Federal administration effective January 1, 1974. This reduces the 1974 costs under the appropriation by about \$1.1 billion.

The estimates for maintenance assistance for 1972 and 1973 have been adjusted to show the costs of the intermediate care facilities program in the medical assistance totals.

New Federal initiatives are proposed in 1973 and 1974 to strengthen the Federal role in the management of this program, focusing on aid to families with dependent children. This effort will save \$128 million in 1973, and a total of \$750 million in 1974. The 1974 savings include \$158 million to result from legislation which will be proposed.

The committee recommends the budget request, \$5,528,546,000.

Second. Medical assistance: States participating in the medicare program provide medical assistance to all persons receiving or eligible to receive assistance payments. States may elect to provide medical assistance to certain medically needy persons who need help with their medical bills. The Federal share of medicare expenditures for 1974 is \$5.272 billion, or 55 percent of the total Federal, State and local expenditures.

The increase in the number of persons receiving medical assistance during 1974 results largely from the anticipated increase in the number of recipients of maintenance payments.

The Social Security Amendments of 1972 will have a significant impact on the costs of the medical assistance program. Direct savings of \$714 million are estimated in 1974. These will be partially

offset by cost increases of \$326 million to provide for expanded medical assistance to the adult categories and the establishment of professional standards review organizations at the State level.

The medical assistance totals have been adjusted to reflect increased costs resulting from the shift of intermediate care facilities, savings from preadmission certification, and improved program management. Legislation will be proposed to eliminate Federal matching payments for dental care for adult recipients—States may continue to offer the service—and to require reimbursement for medicare services provided in freestanding clinics.

The bill provides \$5,271,862,000, the budget request.

Third. Social services: Matching grants are made to States for a portion of the costs of operating social services programs approved by the Secretary. The purpose of these grants is to enable each State to provide social services with the objective of overcoming the conditions which cause the family or individual to need public assistance.

To halt escalating costs, a limitation on grants for social services under public assistance programs was included in the State and Local Fiscal Assistance Act of 1972. The act provides for a \$2.5 billion limitation on Federal matching grants for social services and for a formula allocation of that limitation to the States based on population.

Federal costs for social services grew from \$690 million in 1971 to \$1.6 billion in 1972 and were estimated to increase to \$4.7 billion in 1973 and \$5.2 billion in 1974.

The 1973 costs of \$2.7 billion reflect a number of adjustments from an uncontrolled program to the \$2.5 billion limitation.

The budget request of \$2 billion is recommended in the bill.

Fourth. State and local training: Federal financial participation at the 75 percent rate is available to States for costs of training public assistance staff or persons preparing for employment in public assistance agencies. States are required to provide for the training and effective use of subprofessionals as community service aides and of volunteers.

The committee recommends the budget request of \$44,640,000.

Fifth. Child welfare services: Grants are made to States to help in establishing, extending, and strengthening services for the protection and care of homeless, dependent and neglected children. Child welfare services are not limited to the poor but are available to all children who need them.

The basic statute establishes a formula which prescribes between 33 1/3 percent to 66 2/3 percent Federal participation. States are encouraged to coordinate child welfare services with the social services program of AFDC and to use child welfare services to fill the gaps that cannot be reached through the AFDC social services program.

The amount of the budget request \$46,000,000 is recommended by the committee.

WORK INCENTIVES

First. Training: Under this activity, individuals are prepared for self-supporting employment through on-the-job training, public service employment, work experience, orientation, and institutional training. The program includes registration assessment for employability planning, counseling and job development, direct placement, followup of all employed participants, and adjudication of the work test. Program development, evaluation, and administration of the WIN program are included under this activity.

Second. Child care: This activity provides for child care and other supportive services necessary for WIN participants to enable them to accept training or employment. An estimated 45 percent of the WIN participants in 1974 are mothers who are unable to provide child care for their children while they are undergoing WIN training. In addition, child care is provided for the children of WIN participants receiving training in other manpower funded training programs and for children of employed WIN participants. The child care and social services are provided to families in support of the work and training portion of the program through the separate administrative unit in the States established for the WIN program.

The committee recommends a decrease of \$150,000,000 from the budget request, or \$384,434,000, for the work incentive program.

SOCIAL AND REHABILITATION SERVICES

Second. Grants for the developmentally disabled: Funds are used to support programs designed to assist in providing services needed in the care and treatment of the developmentally disabled including the mentally retarded, the cerebral palsied and the epileptic.

In fiscal year 1973, 55 States had developed State plans enabling them to use their allotments to provide services and facilities to the developmentally disabled. Services for approximately 175,000 persons were supported on a full or partial basis.

The committee is recommending \$42,750,000.

Third. Special programs for the aging: The purpose of special programs for the aging is to support State and area agency programs to assist older persons throughout the Nation to live independent, meaningful, and dignified lives in their own homes or other places of residence with emphasis on the reduction of isolation and prevention of unnecessary institutionalization. These programs were designed to increase the capacity and competence of State and sub-State agencies in developing a comprehensive, coordinated, community based service system.

Federal resources are available through formula grants to support: The staffing and operation of State agencies on aging; the preparation and administration of area plans on aging, including the development of comprehensive and coordinated social services delivery systems; and the establishment, maintenance and operation of nutrition pro-

grams for the elderly. Discretionary funds are also available for developing or operating model programs.

The committee recommends the budget request of \$195,600,000.

Fourth. Youth development and delinquency prevention: The purpose of the Juvenile Delinquency Prevention Act is to help States and local communities in providing community based preventive services, including diagnosis and treatment, to youth who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such youth services, and to provide technical assistance.

In 1973, grants for 62 youth service systems will be awarded. This includes refunding 16 systems initiated in 1971; grants to 8 impact cities for the development of systems; and support for 38 additional youth service systems particularly in those States which do not have one at present. Two training grants have been awarded and six grants for the provision of technical assistance.

The committee recommends the budget request of \$10,000,000.

Fifth. Research: Projects are supported to develop and improve the administration and services of the social and rehabilitation service programs. Research and demonstrations are conducted in the areas of rehabilitation and employability service, community services, medical assistance, child welfare, and services for the aged. Income maintenance experiments are supported to assess the alternative methods of income supplementation. Research and training centers are supported to provide for testing of methods of rehabilitation in critical areas such as stroke, paraplegia, and circulatory problems. Regional research centers provide for analysis of such areas as the factors relating to client dependency, problems of the rural poor, and health delivery systems for the poor. The 1974 program will continue to emphasize methods to provide coordinated services at the local level, testing of methods of rehabilitation of the disabled receiving assistance payments, and improving the health care delivery system under the medicaid program.

The committee recommends \$26,467,000.

Sixth. Training: Commitments under this program will be phased out by the end of 1974. A secondary loan market is being created by the Department that will enable students to secure guaranteed and when appropriate, subsidized student loans to continue graduate and undergraduate training for SRS-related activities.

The committee recommends \$16,900,000.

RESEARCH AND TRAINING ACTIVITIES OVERSEAS

The Agricultural Trade Development and Assistance Act of 1954 and the International Health Research Act of 1960 authorize the conduct of research and related activities abroad. Research, demonstrations, and research training programs are supported with foreign currencies accruing to the United States through the sale of surplus agricultural

commodities and through other sources. The estimate for 1974 proposes an appropriation of \$4,000,000 for the purchase of foreign currencies in excess currency countries to support research activities which complement, supplement, and strengthen domestic research and service programs. This program enables the United States to benefit from progress that other countries are making in dealing with social and rehabilitation and social security problems and to utilize the talents of foreign scientists working in these fields.

The request in 1974 will be used to generate new knowledge in rehabilitation techniques for the physically disabled and severely disabled including those with spinal cord injuries. Research will be undertaken to develop and test a variety of residential care alternatives for the developmentally disabled. Special problems related to rehabilitation engineering, rehabilitation medicine, sensory disorders, and mental health will be examined; new methods will be tested for rehabilitation of juvenile delinquents; and development of innovative programs for the elderly will be supported.

The interchange of U.S. experts and their counterparts in the cooperating countries will also be stressed as an indispensable adjunct to the SRS international research program. Comparative studies abroad will supplement the domestic research efforts in the evaluation of the old-age, survivors, disability, and Medicare provisions of the Social Security Act.

The committee recommends \$2,000,000, which is a \$2,000,000 decrease from the budget request.

SALARIES AND EXPENSES

This appropriation finances administrative expenses for carrying out various grant and contract programs associated with the provision of social and rehabilitative services to the physically and mentally disabled, the aging, children and youth, and impoverished families.

These support activities include policy and program development activities, technical and financial management assistance and consultative services to State and local governments, voluntary organizations and other grantees, and grants management activities. Also included are monitoring and review activities designed to assure the effective and prudent use of Federal funds by grantees, the conduct of research by intramural staffs, and the collecting, processing, and disseminating of statistical data and reviews of accomplishments of program activities.

The 1974 increase is to provide for better management of the public assistance program. An additional 725 positions in 1974 are proposed for this purpose.

The committee recommends the budget request of \$78,800,000.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

First. Matching payments for SMI: An estimated \$2,031 million will be required in 1974 to finance the Government's contribution to the Federal supplementary medical insurance trust fund. For each monthly premium paid by enrollees in the voluntary medical insurance pro-

gram, which primarily covers doctor bills, the Federal Government contributes a like amount for aged beneficiaries. For disabled beneficiaries, including persons eligible for treatment of chronic kidney disease, the Federal contribution will be a larger amount sufficient to cover the anticipated higher medical costs which the disabled incur. Disabled persons will be covered under this program effective July 1973 as a result of enactment by the last Congress of the Social Security Amendments of 1972. The standard premium rate for 1974 will be \$6.30 per month. The estimate for 1974 assumes that an average of about 20.8 million aged persons and 1.7 million disabled persons will be enrolled in the program during 1974 as compared with an average of about 20.4 million aged persons in 1973.

The committee recommends the budget request of \$2,031,000,000 for this item.

Second. Hospital insurance for the uninsured: A payment of \$537,393,000 to the Federal hospital insurance trust fund is budgeted for 1974 to cover the costs of hospital and related care for certain individuals age 65 and over who are not insured under the social security or railroad retirement systems. (Costs for the aged and disabled who are insured are financed by contributions on earnings by workers and by employers.) The estimate assumes that there will be an average of 1.3 million uninsured persons covered for hospital insurance benefits during 1974. The uninsured group covered by this provision includes persons who retired before their occupations were covered by social security (such as teachers and State and local employees) and widows whose husbands died prior to earning coverage under social security.

For this item, the committee is recommending the \$537,393,000 requested in the budget.

Third. Military service credits: The appropriation includes reimbursement of \$239 million to the Federal old-age and survivors insurance trust fund, the Federal disability insurance trust fund and the Federal hospital insurance trust fund for benefits paid on the basis of noncontributory military service credits of veterans of World War II and certain veterans of the post-World War II period. The basis for the computation of these payments is prescribed in sections 217(g) and 229(b) of the Social Security Act and includes reimbursement for administrative expenses and interest cost to the trust funds.

Again, the committee agreed on the budget request of \$239,000,000.

Four. Retired benefits for uninsured persons: This appropriation provides for a payment of \$302,788,000 to the Federal old-age and survivors insurance trust fund as reimbursement for actual benefit payments made in 1972 to certain uninsured individuals aged 72 and over, related administrative expenses, and interest lost to the trust fund. These benefits were established to afford some protection for certain persons, or their surviving dependents, who retired before the enactment of social security legislation or before their occupations were covered by social security.

To be eligible an individual must have less than three quarters of coverage and have attained age 72 before 1968. These benefits must be reduced if an individual is also receiving another governmental pension. The amount of the reduction depends upon the amount of the other governmental pension. In addition, these benefits must be withheld if an individual is receiving payments under a federally aided public assistance program.

The committee recommends \$302,788,000, the amount of the budget request.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

The Federal Coal Mine Health and Safety Act of 1969 provides for the protection of the health and safety of persons working in the coal mining industry. Title IV of the act provides monthly benefits to living coal miners who are totally disabled due to pneumoconiosis arising out of employment in coal mines and to surviving widows. The requirements for entitlement and the amounts of the benefits are stated in the law.

The Black Lung Benefits Act of 1972 (Public Law 92-303) made substantial changes to the original legislation. The principal provisions of the amended law are:

First. The Social Security Administration will be responsible for taking claims and paying lifetime benefits with respect to miner claims filed through June 30, 1973, rather than December 31, 1971.

Second. Benefits are payable to orphans, and in certain circumstances to totally dependent surviving parents, brothers, and sisters.

Third. Eligibility requirements are liberalized, including an occupational definition of "total disability" and a rebuttable presumption that a miner with 15 years of certain mine employment who is disabled from a respiratory or pulmonary impairment is presumed to be disabled from pneumoconiosis.

Fourth. Black lung benefits payable by Social Security Administration are not subject to the workmen's compensation offset provision of the Social Security Act.

Authority to obligate and expend funds for benefit payments and administrative expenses for title IV purposes is contained in the language for this appropriation. The 1972 amendments to the act greatly increased the number of beneficiaries who will be eligible. The 1973 obligations include almost \$600 million in retroactive benefits for periods prior to 1973 payable to persons who originally filed claims in 1970, 1971, and 1972. The 1974 benefit costs represent the continuing level which will gradually decline in future years as beneficiaries die or are otherwise terminated from the rolls.

The committee recommends the budget request, \$967,863,000.

SUPPLEMENTAL SECURITY INCOME

Title III of the Social Security Amendments of 1972 provides for the implementation of a new Federal supplemental security income program of assistance to needy persons aged 65 and over, and to the blind and totally disabled (without regard to age). The program provides a minimum income of \$130 per

month for an individual and \$195 per month for a couple. The law encourages recipients of these payments to work when they are able to do so by not counting some income in determining eligibility and benefit level. Eligibility requirements and benefit support levels are the same in all States. The States may supplement the Federal payments and if they do so the Federal Government will pay the cost of administration for making these supplemental payments. A "hold harmless" provision limits the amount States have to pay for supplemental payments to the costs incurred in calendar year 1972 under the former State-administered assistance programs for the aged, blind, and disabled. The Federal Government will pay the additional amount necessary to assure that recipients do not receive smaller total payments than they did in 1972. The new program is effective January 1, 1974.

This appropriation request covers: First, the Federal payments to the needy aged, blind, and disabled beginning with the effective date of January 1, 1974; second, the amount of Federal "hold harmless" payments to the States; third, the cost of vocational rehabilitation services for blind and disabled recipients who have the potential for becoming more self-sufficient and possibly returning to work; and fourth, the estimated cost for administering the entire program in 1974. Startup administrative costs will be incurred in 1973 principally for the conversion of persons from the present State-administered programs to the new Federal program, and for processing about 1 million of the 3.5 million anticipated applications from newly eligible persons. These 1973 costs are covered in a proposed 1973 budget amendment. The balance of the startup costs plus program administrative costs for the second half of 1974 are included in the 1974 estimate.

The committee recommends \$2,211,636,000, the amount of the budget request.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

Grants are made to this nonprofit institution in Louisville, Ky., to supply educational materials and tangible apparatus for education of the blind, to blind children in schools for the blind, in public schools, and in private nonprofit institutions, and multihandicapped children, and adult trainees at rehabilitation centers.

Funds are also provided for staff and other expenses of committees which advise the Printing House and approve materials and aids to be manufactured and supplies through the Federal appropriation.

Numbers of blind children served by the program are as follows: 1972 actual, 21,846; 1973 estimate, 22,705; 1974 estimate, 23,500.

The Printing House also receives \$10,000 annually from a \$250,000 permanent trust fund on deposit with the Treasury.

The bill includes \$1,817,000 for the American Printing House for the Blind, the amount of the budget request.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

As authorized by Public Law 89-36 the National Technical Institute for the Deaf—NTID—provides a coeducation residential facility for postsecondary technical education for persons who are deaf in order to prepare them for successful employment; prepares professional manpower to serve the Nation's deaf population; and conducts applied research in aspects of deafness related to education, training, and employment.

The sum of \$5,087,000 is requested for the continued development of NTID to fully operational status. In addition to serving the needs of 503 full-time equivalent students, significant new steps to be taken in 1974 include: Training new faculty and staff and other professional people to work with deaf persons; gathering and collating into usable form vital data about the social, educational, and economic needs of deaf students at NTID; showing how the needs of deaf people can be served through a primarily hearing institution; and carrying on active applied research in all phases of NTID's operation directed toward improving economic assimilation of deaf citizens.

The sum of \$1,400,000 is requested for partially furnishing and equipping the new NTID facilities which will be completed by January 1974. This construction consists of a residence hall, a dining hall/commons, and an academic complex.

The committee recommends the budget request, \$6,487,000.

MODEL SECONDARY SCHOOL FOR THE DEAF

As provided under Public Law 89-694, the Model Secondary School for the Deaf will provide an exemplary secondary education program for deaf persons in order to prepare them for college or other advanced study.

In 1973 the Model Secondary School for the Deaf continued to operate in temporary, leased facilities with enrollment increased to maximum permitted by available space. Staff and programs were expanded such that all planned components of the school were made operational on at least limited bases. Emphasis was placed on the development of additional curricular offerings, design and production of teaching materials following an instructional development model, implementation of planning and decisionmaking models based on the concepts of management by objectives, initiation of a broadly based research and evaluation program, expansion of staff development activities, and dissemination of materials and information to the profession of education of the deaf. For 1974, objectives for the school encompass continued maturation in each of the above areas with particular emphasis on refining and improving instructional and support programs. Development of instructional materials especially designed for the deaf adolescent and with a highly mediated format will receive high priority.

In 1973 construction of the permanent Model Secondary School for the Deaf facilities was initiated.

The bill includes the budget request, \$3,962,000.

GALLAUDET COLLEGE

Gallaudet College is a private, nonprofit educational institution providing an undergraduate higher education program for the deaf, a tutorial school for deaf students who need such training to qualify for college admission, a graduate school program in the field of deafness and a continuing education program for deaf adults. The estimates for 1974 will provide funds for increases in educational technology, upgrading physical facilities, support for continuing education, expansion of the graduate school and maintenance of faculty salaries.

A construction program designed to replace aging buildings and provide modern facilities to accommodate increased enrollments was initiated in 1956. Further construction has been temporarily halted until such time as the urgently required construction funds are made available.

By an act of Congress, Public Law 91-587, the college has the authority to operate the Kendall School as a national demonstration elementary school for the deaf. The school will: First, develop an exemplary educational program for children from the age of the onset of deafness through the age of 15; second, develop a diagnostic center; third, develop a parent education program; and fourth, become a source of important research on learning problems of young deaf children. The 1974 operation estimates will provide for the maintenance of faculty salaries along with providing necessary built-in increases for food and transportation services. Construction of the permanent facility will be delayed until the necessary construction funds are made available.

The primary functions of the institution are the instructional, research, and public service programs. The following is a report on the number of persons enrolled in the instruction program.

The committee recommends the budget request, \$10,492,000.

HOWARD UNIVERSITY

The university is a private nonprofit institution consisting of an undergraduate college, a graduate school offering the master's degree and the degree of doctor of philosophy—in African studies, biochemistry, English, government, history, pharmacology, physics, psychology, physiology, and zoology—and 13 professional schools. Federal funds provide 61.8 percent of the total operating costs for the academic program. Funds from non-Federal sources are realized from student fees, gifts, grants, endowments, dormitory rents, cafeteria sales, bookstore sales, and hospital patients.

Freedmen's Hospital furnishes inpatient and outpatient care and a facility for training of physicians and nurses and other professional and technical health personnel. Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services from patients other than medicare, medicare patients, the District of Columbia, and other jurisdic-

tions. Federal funds provide 64.8 percent of the total operating costs.

The Federal Government has undertaken to finance a major construction program at Howard University, including the erection of a number of new buildings and alterations and repairs to the existing physical plant. Between 1945 and 1973 appropriations for this purpose have totaled approximately \$100 million.

The amount of the budget request was included in the bill, \$57,873,000.

OFFICE OF CHILD DEVELOPMENT

The Office of Child Development was established at the direction of the President in July 1969. Its purpose is to coordinate, plan, and evaluate Federal activities affecting development of young children, including those in health, social welfare, environment, and education. The Office also administers Headstart programs.

Support is provided for research projects and grants designed to increase our knowledge of effective early childhood programs and to develop better statistical reporting on current services provided to young children. Under this same activity, projects will be designed to carry out the child research and reporting mandates of the Children's Bureau Organization Act of 1912. In 1974, research and demonstration efforts will be focused on child advocacy; day care and early childhood education; adoption and foster care; social ecology, including TV and other program media; child abuse; and education for parenthood.

Followup activities for the White House Conference on Children and Youth have been folded into regular Office of Child Development functions.

Headstart is a major demonstration effort focused on a variety of child development services during the first 5 years of life. In 1974, services will be provided to 300,000 full-year and summer children and 20,000 children in experimental programs which includes health start, home start, and the multifunction child development centers. The Economic Opportunity Act amendments of 1972 also mandated that 10 percent of the enrollment opportunities in Headstart be made available to serve handicapped children. In addition, funds are provided for career development and technical assistance to grantees and evaluation efforts will be continued. The experimental parent and child centers will provide services to children 0 to 3 years of age and their families.

This office also provides support for the administration, management, and direction of the Headstart program and programs of the Children's Bureau. Primary emphasis in 1974 will include continued improvement and innovative thrust in Headstart, coupled with intensive efforts to prevent and correct program deficiencies. Another priority effort will involve further improvements in our management systems. Also, program standards, policies and guidelines will be developed in areas of in-home and school-age care and to provide for an orderly and rapid expansion of services to handicapped children.

The committee recommends \$419,100,-

000, \$24,700,000 below the budget request.

OFFICE OF THE SECRETARY OFFICE FOR CIVIL RIGHTS

The Office for Civil Rights was established in 1966 to direct and coordinate the responsibilities assigned to the Department under title VI of the Civil Rights Act of 1964. Subsequently, enforcement responsibilities in the field of civil rights were centralized in the Office for Civil Rights and are largely implemented through the regional offices. Recent legislation has widened the Department's civil rights charter. The Higher Education Amendments of 1972 added two major responsibilities. Title VII of the amendment requires review of school districts for compliance with the terms of emergency school aid grants, and title IX prohibits sex discrimination in admission to educational institutions. The Comprehensive Health Manpower and Nurse Training Acts prohibit sex discrimination in admission to health professions schools.

The office is also responsible for assuring that beneficiaries of approximately 200 major programs receive services on a nondiscriminatory basis. Federal assistance is provided through 500 State agencies and thousands of school districts, nursing homes, hospitals, colleges, and other similar entities.

It is also responsible for insuring compliance with Executive orders on equal employment opportunity at universities, hospitals, and other institutions holding Government contracts.

The committee recommends the budget request, \$17,943,000.

DEPARTMENTAL MANAGEMENT

First. Executive direction: Broad policy direction is given to the various operating programs of the Department. Staff assistance is provided for the development of the Department's legislative program and for coordination and leadership in all areas of program operation. Staffing is provided for long-range program and policy planning.

Second. Public information: Overall guidance is given to the Department's relations with the public. Information is provided to the press, various public and private organizations, and to interested individuals.

Third. Community and field services: Supports the Office of the Assistant Secretary for Community and Field Services, the President's Committee on Mental Retardation, and the Office of Field Management. Policy direction, coordination, and leadership for the Department's social programs are provided. This activity is also responsible for the organization, integration, evaluation, and coordination of the Department's field activities, and planning and coordination of programs designed to meet specific urban needs.

Fourth. Legal services: The Office of General Counsel acts as legal adviser to, and provides legal services for the Secretary, and operating agencies of the Department, and the staff of the regional offices.

Fifth. Financial management: The HEW Audit Agency is responsible for the

policy and coordination of all Department audit activities, including liaison and coordination with the Defense Contract Audit Agency and other government agencies. It performs internal and external audits of all Department activities to provide assurance that Federal funds are used for the purposes intended. The Audit Agency is administered on a decentralized basis with the central office in Washington, D.C., responsible for policy, coordination, and overall administration, and a regional staff in each of the HEW regional areas responsible for the performance of all audits within its respective geographical area.

Staff assistance is provided to the Secretary in formulating policy in all areas of financial management, particularly budget, finance, and grants administration.

Sixth. Administrative management: The Facilities Engineering and Construction Agency consolidates and provides a single point of contact for all HEW construction support services. It provides for standardization of policies and procedures; surveillance of special purpose projects with regard to design, construction, and fund utilization; and the promotion of an effective research and development program.

Under the Federal Property and Administrative Services Act of 1949, as amended, the Secretary: First allocates needed surplus personal property to State agencies for educational, public health, and civil defense purposes; second, transfers surplus real property for educational and public health purposes, including research; third, protects the rights of the United States under the terms and conditions of such transfers; and fourth, promulgates regulations governing the operation of the program and enforces such regulations.

Staff assistance is provided to the Secretary for formulating administrative policy. Support in these areas is provided the Assistant Secretary for Health and Scientific Affairs in connection with his line responsibility over the four health agencies. This activity also provides administrative management services for all units of the Office of the Secretary.

Seventh. Policy Research: This activity, transferred from the Office of Economic Opportunity in fiscal year 1974, support research into the causes and cures of poverty. In fiscal year 1973, Policy Research funded projects concerning a variety of poverty's aspects. The University of Wisconsin Poverty Institute was supported in continuing income maintenance studies; major studies were continued on the impact of alternative health insurance plans on medical services utilization by low- and moderate-income groups; other studies to understand the determinants of family income and economic status, were supported.

Eighth. Indian program: This activity, also transferred from the Office of Economic Opportunity in fiscal year 1974, is aimed at the unique poverty problems of Indians. It provides funding for salaries and expenses and for grants to support tribal council efforts to end poverty. Self-determination is the major goal of the Indian Program activity.

The committee is recommending that the Departmental Management office be funded at \$120,198,000, which is \$2,000,000 below the budget request.

TITLE III—RELATED AGENCIES

ACTION

ACTION was established as an independent agency on July 1, 1971, under the authority of the President's Reorganization Plan No. 1. The agency brings together a number of volunteer programs, previously administered by other agencies, including the Peace Corps, VISTA—volunteers in service to America, foster grandparents, retired senior volunteer program, and the senior corps of retired executives and active corps of executives.

Funds for ACTION are requested in two appropriations: First, Peace Corps, act on international programs; and second, ACTION, operating expenses, domestic programs. These appropriations each contain a share of the common administrative support for the agency. An appropriate share of these costs is included in the program support activity in each appropriation total.

The committee recommends the budget request of \$43,004,000 for ACTION domestic programs.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The service, under title II of the Labor Management Relations Act of 1947, assists labor and management in mediation and prevention of disputes affecting industries engaged in interstate commerce and defense production, other than rail and air transportation, whenever in its judgment such disputes threaten to cause a substantial interruption of commerce. The service also makes its mediation and conciliation facilities available to Federal agencies and organizations representing Federal employees in the resolution of negotiation disputes.

The committee recommends the budget request, \$10,960,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The Commission is a permanent, independent agency composed of the Librarian of Congress and 14 members appointed by the President, five of whom are professional librarians or information specialists. The Commission, which began its work in mid-1971, is responsible for developing plans for meeting the library and information needs of the Nation, for coordinating Federal, State, and local activities to meet these needs, and for advising the President and Congress on national library and information science policy.

The committee is recommending the budget request of \$406,000.

NATIONAL LABOR RELATIONS BOARD

The Board resolves representation disputes in industry and remedies and prevents specified unfair labor practices by employers or labor organizations. Legislation required assumption of similar responsibilities for the Postal Service on July 1, 1971. Additional funds are requested to enable the agency to effectively cope with a steadily rising caseload in both unfair labor practice and representation cases. Estimates for 1974 re-

flect an intake increase over 1973 of 11 percent for unfair labor practice cases and 6.3 percent for representation cases.

The Board's activities cover four major areas: First, filed investigations; second, administrative law judges hearing; third, Board adjudication; and fourth, securing compliance with Board orders.

The committee recommends \$55,050,000, the budget request:

NATIONAL MEDIATION BOARD

First. Mediation: The Board mediates labor disputes and determines collective bargaining representatives for 700 carriers and the 1 million employees in the railroad and airline industries.

Second. Voluntary arbitration and emergency disputes: When mediation fails, the parties are urged to submit their differences to arbitration. If neither mediation nor voluntary arbitration is successful, the President, when notified of disputes which threaten seriously to interrupt service, may appoint an emergency board to investigate and report on the disputes as a basis for agreement.

Third. Adjustment of railroad grievances: Railroad employee grievances resulting from application of collective bargaining contracts may be brought for settlement to the National Railroad Adjustment Board. The divisions of the Board are composed of an equal number of carrier and union representatives compensated by the party or parties he represents. Administrative direction and guidance is provided by the administrative officer and clerical assistants who are compensated by the National Mediation Board. The appropriation also provides for neutral referees to sit with the Board when they are deadlocked. Boards of Adjustment previously carried under activity two above, are also financed under this program.

The budget request of \$2,867,000 is recommended.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The Review Commission, established by the Occupational Safety and Health Act of 1970, adjudicates enforcement actions initiated by the Secretary of Labor under that act when they are contested. The Commission holds hearings and issues orders affirming, modifying, or vacating the Secretary's enforcement actions.

The committee recommends the \$4,890,000 requested in the budget.

OFFICE OF ECONOMIC OPPORTUNITY

The committee recommends \$333,800,000 in the bill for this item. This includes Legal Services Corporation, special impact program, and General Services Administration.

RAILROAD RETIREMENT BOARD

Payments for military service credits: Railroad workers entering military service may have such service credited toward benefits under the railroad retirement system under certain conditions. This appropriation of \$22,478 is to pay the last of 10 yearly installments on the amount due the railroad retirement account for creditable military service for the period through June 30, 1963.

SOLDIERS' AND AIRMEN'S HOME

The United States Soldiers' and Airmen's Home provides medical and domiciliary care and other authorized benefits for the relief and support of certain old, invalid, or disabled soldiers of the Regular Army and airmen of the Air Force. Funds for operation and maintenance of the home are appropriated from the soldiers' and airmen's home permanent fund—trust fund—and not from the general funds of the Treasury.

An orderly plan for expansion provides that when the domiciliary or hospital areas of the home are filled to capacity, new construction will be provided. The 1974 program provides for continuing the expansion of the home by including funds for final plans and specifications for the construction of a 330-bed domiciliary building. The 1974 program also includes funds for the development of a new garden area for members of the home, for concept planning for an addition to a hospital ward wing, and for the renovation of a portion of an old domiciliary building for its ultimate use as an administrative facility.

The committee recommends \$12,782,000 for this item.

Now, Mr. Chairman, I inserted in the Record yesterday a table which indicates a package of amendments I propose to offer to this bill when we begin reading it for amendment. I am not going to take the time, in view of the few Members on the floor now, to go into the 26 items I have included in this package until we get the kind of people here who will be interested in hearing those remarks and reading the bill, but let me give you the reasons for my offering the package of amendments.

In my judgment, this bill in its present form is, just as sure as you are born, going to get vetoed. It seems to me that since we had two bills like this last year vetoed and were operating the whole year under a continuing resolution, to have the prospect of running 2 years in a row under a continuing resolution for these programs is indefensible. So we have to make a significant effort here, it seems to me, to make a cut that is significant.

The problems in making these individual line item cuts are numerous. The magnitude of the pressures upon Chairman Flood and each member of the subcommittee and every Member of this House from all of the pressure groups at home means that it would be absolutely impossible to do if you tried to cut 5 cents from any one of these specific amendments on a teller with clerks vote, whether it is for handicapped children, health manpower, or whatever it is. It is just impossible for Members to stand up to that individual pressure.

However, it seems to me, also, Members can support a package of amendments that would reduce the overall level of spending here so that we have some hope of having the bill signed by the President and not having to go through this charade of operating under a continuing resolution.

My conclusion and my rationale for having this package put together is, No. 1, consideration for a broad-based

bipartisan support for what I am proposing and, two, I will not use this appropriation bill as a vehicle for terminating ongoing programs even though that may be desirable in some cases.

Why? Because the Committee on Education and Labor is currently writing or hoping to write new law in the field of education and manpower and revenue sharing, and then, as the chairman stated, 2 weeks ago we passed with only one dissenting vote in this House, if there was that, a continuation for 1 year of 12 programs which are currently ongoing. We did that to give the Committee on Interstate and Foreign Commerce, which has jurisdiction over many of these items, an opportunity to have an evaluation of each of these programs.

So in my amendment my overall philosophy has been that no item should be cut below the 1973 operating level and where the budget shows nothing, nothing, nothing, as the chairman so eloquently pointed out in his remarks, we will have restored in my amendment the figures that are less than what Chairman Flood recommends but what I think are compatible and would still give us the overall package of reduction aggregating \$631 million.

With those remarks, Mr. Chairman, I will be happy to yield for any questions that Members might have, and then I will be glad to yield time to my colleagues for any remarks they might like to make during general debate.

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

Mr. MICHEL. I will be happy to yield to the gentleman from Minnesota.

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

Mr. Chairman, I would just like to pursue the question again that I pursued with the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Flood) on the "hold harmless" feature in the bill, which is on page 18, and I will read it:

Provided, That the aggregate amounts made available to each State under title I-A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972:

The way I interpret that, that means that the total amount to the States will be the same as they received in 1972 for the local education agencies. Title I-A also has money for State institutions and they are not counted in the hold harmless. There is not that much of a shift in the State institutions. So as I have interpreted it, this would mean that each State would receive the same amount as 1972, but the 1970 census shifts in AFDC will have its effect on the local school districts in each State.

Mr. MICHEL. I would have to say to the gentleman that I was interested in the exchange that took place before, because, as I read the amendment, it says:

Provided, That the aggregate amounts made available to each State under title I-A—

and then it goes on. So the fact is really on the amount that eventually goes to the State, but it will still be within the

prerogative of the States to make that distribution as they see fit.

Mr. QUIE. If the gentleman will yield further, I must say no, the State does not have any prerogative on the distribution of the money. That is an entitlement formula. If the State did have entitlement then they could make that decision on the school districts.

Mr. MICHEL. I stand corrected.

Mr. QUIE. I think that is significant because it is my feeling that the school districts ought to receive the same amount as well, but there are all kinds of factors that come to bear. People have left some of the rural counties. There are some counties that have half as many farms as they did 15 years ago. So you can see what happens in 10 years. Some of the rural areas there is a difference in the weather in 1959, where they used income information for them if some of the counties had low incomes in that year, but have not since that time, therefore they would have come more into the modern day.

Also AFDC has had a significant impact, I know. In Minnesota, specifically in Minneapolis, AFDC has dramatically increased. In fact, under the census information, if I recall correctly, in Minneapolis there are 26,000 eligible children, only 6,000 are those that are counted under the \$2,000 income or less, 20,000 on the AFDC factor. That is the shift that has come in or that will come to bear.

I think the Members ought to know that. The other thing that I would like to mention—but perhaps Mr. Flood would like to react to that part before I proceed.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I have no quarrel with it except it winds up this way, like night follows day, if the State gets more now than naturally down through the districts they will get more too. There is no question about that. If and when they do get more in certain cases it will go right down the line.

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

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. QUIE. If the gentleman will yield further, some of the States had a reduction in 1973. For instance, I can read some of the States that did. Between 1972 and 1973, Alabama had a \$6.3 million reduction. That is before the 1970 census went into effect. They have already learned to live with it. Mississippi is the other one, as the gentleman from Pennsylvania (Mr. Flood) mentioned, with a \$6.2 million reduction. They have gone down from 42.1 percent to 35.9 percent. West Virginia dropped 20.5 percent to 17.3 percent.

I want to point out about West Virginia that there is a 20-percent reduction of the number of schoolchildren in that State, to say nothing of the reduction in the number of children from families with incomes below \$2,000 as far as AFDC is concerned.

In West Virginia they have the lowest increase of any State in the Union, a 90-percent increase as compared with New Jersey, which had a 600-percent increase in AFDC.

These are the kinds of changes that have occurred in the country by holding harmless even the State for 1972. The gentleman is giving money back to a State again where under no formula that we could ever devise in our committee could those States continue to receive that amount, and that is what really bothers me.

Mr. MICHEL. I want to say to the gentleman from Minnesota that I appreciate his contribution here to the debate, because what he says is so true. Of course, it is his committee that is in the process of rewriting the legislation devising the kind of formula that we will be dealing with in years to come. I have expressed the view a number of times that I am concerned about our getting the level of money too high in this bill and foreclosing the option of the authorizing committee to make what appropriate adjustments ought to be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

The problem here is just like impacted aid. Once we get the money level at a certain point, it is just a practical situation where, on the floor of this House, we have got to ride with the floor, or we just lose a Member from that State, and Member from another State, wherever there are a couple million dollars involved, and it is not the right way to legislate, in my opinion. But what we are trying to do here in having secured a rule waiving points of order on this provision—because it is legislation on an appropriation bill—is to do the best we can under a very bad situation.

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

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

Mr. QUIE. If we continue, however, to fund schools where the kids no longer exist, we are really taking money away from schools where the kids do exist.

Mr. MICHEL. I could not agree more with the gentleman from Minnesota.

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

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. PATTEN. The gentleman and others keep saying we are adding to medicare and that we are giving supplemental income that we do not have. Is it not true that under H.R. 1 we imposed taxes under which the Government would collect \$23.5 billion more under the social security program to budget the \$1.5 million worth of increases that the gentleman made reference to?

Mr. MICHEL. We have had in the last social security amendments a very significant increase in benefits, yes, 20 percent, and we also provided for some increase in the tax. There is a point of diminishing return. How many more times do we want to increase the social security tax? Is it any different from an income tax? It certainly is. It is the laboring man in this country who is paying the big burden of the tax by virtue of the social security tax.

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

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

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

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. COLLIER. I think it is significant, as long as we are getting into this area, to point out that at the present time pending before the Senate is another increase of 5.6 percent. This is well and good, but it is going to cost about \$2.8 billion next year, and we have to face up to the reality that it is going to have to be raised in the form of increasing the burden of the social security tax at a time when, added to the action that was taken by our committee in the last social security increase, we could find that there are going to be some 7 million people in this country paying more in social security tax than they are in Federal income tax, and it is one of the most regressive taxes that there is.

Mr. MICHEL. The gentleman from Illinois served with distinction on the Committee on Ways and Means, and he knows whereof he speaks.

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

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

Mr. HAWKINS. Did I understand that the rationale for the package reductions was made on the basis that no item would be reduced below the 1973 operating level?

Mr. MICHEL. Yes, sir.

Mr. HAWKINS. Directing the gentleman's attention to that item in the recommended appropriations for the Office of Economic Opportunity, it would seem that the gentleman has in that instance—

Mr. MICHEL. Excuse me. I do stand corrected, and I appreciate the gentleman's calling that to my attention. That is the one single item in the package of amendments which does not hold to that principle of having no money less than 1973, and my rationale there is simply this: There is currently enough money in the pipeline, from my understanding, to run most of the CAP agencies through November of this year, and some through December.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

My point is that to have the full amount appropriated as the gentleman from Pennsylvania (Mr. FLOOD) would recommend would be just too much money through the balance of the fiscal year since authorization does expire and we have to make a determination.

Mr. HAWKINS. The authorization does not expire until June 1974.

Mr. MICHEL. Right.

Mr. HAWKINS. Is it my understanding they are actually appropriating less than enough to carry CAP agencies through the rest of this fiscal year?

Mr. MICHEL. On the basis of the information we have it should be a sufficient amount to run the current ones that are still operating through May of next year.

Mr. HAWKINS. It is not the informa-

tion that the Committee on Education and Labor had itself, so if that is the rationale I would hope we can discuss that at that particular time.

Mr. MICHEL. I will be happy to, and of course, the gentleman may have his information from a different source.

Mr. HAWKINS. Inasmuch as it does not correspond to the rest of the rationale which the gentleman used in the other cuts, to which I also object, but certainly this goes far beyond what the gentleman in the well has maintained is a fair and reasonable amount.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I want to point out there is legislation in the Congress before the House Ways and Means Committee changing the formula of the social security tax. The present tax does request 50 percent of the employer and 50 percent of the employee. When the social security was originally set up it called for one-third from the employee and one-third from the employer and one-third from general revenue. In fact, England and France and most of the Scandinavian countries levy this kind of tax. There is no reason for the continuation of this type of tax, because in the past 10 or 15 years social security has had freighted down on it many of the burdens of State and local governments and it is about time that some of the burdens of social security were paid out of general revenue. I can think of medicare as one of the cases where this burden has been taken off the State governments and taken up by the Federal Government.

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

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of this legislation and I commend the great chairman and his committee who have presented this great bill so well before the Congress.

Mr. Chairman, we have before us today one of the most crucial bills yet to come before the 93d Congress. The fiscal year 1974 Labor-Health, Education, and Welfare Appropriations has been a source of considerable controversy between the Congress and the administration and I wish to make my views clearly known on this subject. I would urge my colleagues to give particular attention to the following aspects of the bill:

Funding for elementary and secondary education is of vital importance. The administration has exhausted considerable time and effort to promote the idea of revenue sharing to allow State and local officials a greater say in the distribution of education funds. I, in turn, have heard a great deal from these officials in my State, and they are in unanimous agreement that the proposed education revenue sharing would be totally inadequate to meet the demands and provide for quality education on the elementary and secondary level. This bill recommends \$1,810 million for educationally deprived

children under title I of the Elementary and Secondary Education Act. This is the same amount as the fiscal year 1973 appropriation. It recommends \$90 million for library resources under title II of ESEA. This is \$10 million below the fiscal year 1973 appropriation; however, it is a considerable increase over the administration's budget request which proposed to eliminate all funding for this program; \$146,393,000 is recommended for supplementary services under title III of ESEA as requested in the administration's budget proposal. I would have liked to have seen more funds appropriated for this program since this is a reduction of \$25 million from the fiscal year 1973 appropriation. The administration's proposal to eliminate ESEA title V-A funding was particularly disturbing to me; and I was pleased to note that the bill recommends \$33 million for this program. The need for bilingual education is becoming increasingly apparent throughout the United States, and the \$45 million recommended in the bill for these programs under title VII of ESEA can in no way be considered extravagant.

I know that some of my colleagues feel that the funding for the Elementary and Secondary Education Act is too high, and that they favor the revenue sharing plan. I must strongly disagree, as I have spent considerable time studying the accomplishments of these programs and can honestly say that the many successes and achievements which I have witnessed could not be accomplished through the present revenue-sharing proposals. Indeed, I would favor even greater funding for these fine programs, as my colleagues on the Appropriations Committee know full well. I would be remiss if I did not take this opportunity to thank the members of the committee for the responsible manner with which they prepared this legislation. There is no more important time in an individual's life than his early formative years. The quality of education which he receives as a youngster is one of the greatest factors in determining his character.

Another area of vital importance is the Office of Economic Opportunity. There has been much talk to the effect that OEO is too costly. I ask my colleagues to consider the costs to their States in terms of increased welfare payments, increased crime, and increased deterioration of inner cities which is the inevitable consequence of terminating OEO programs. I would like to quote from the committee report:

The Committee's action in continuing Federal support for Community Action Agencies for an additional year is based on its belief that a majority of these agencies are performing important functions, and that in many cases there would be no other local agency capable of assuming those functions if the Community Action Agencies are terminated.

I am in complete agreement with the committee in this area. The committee has recommended an increase of \$190 million over the administration's budget request for the Office of Economic Opportunity; however the total OEO appropriation is less than half the amount appropriated in fiscal year 1973. My position

on this is very clear. I am a cosponsor of H.R. 8468, a bill to extend the Office of Economic Opportunity at its fiscal year 1973 level—\$790 million. I would like to direct the attention of my colleagues to the testimony which I submitted to the Subcommittee on Equal Opportunity of the House Committee on Education and Labor when they held hearings on OEO in Boston on March 23 as they clearly indicate my reasons for wanting increased funding for the Office of Economic Opportunity:

TESTIMONY BY HON. JAMES A. BURKE

Mr. Chairman, I want to thank you and the other Members of the Committee for holding these hearings in Boston. Your efforts are greatly appreciated.

As you know, the Administration has adopted a new philosophy with regard to the programs of the Office of Economic Opportunity. It was decided that the Federal Government should do away with agencies that assist the poor, and that local governments should be given money to fund their own programs in this area. On the surface, this does not sound too unreasonable. On closer inspection, however, it becomes obvious that the Administration's proposal is totally inadequate and unrealistic. The Administration is not just shifting the funding process in this area, it is ignoring the minority and poverty-stricken population altogether while shifting the blame to the city governments.

I would like to examine what O.E.O. has become over the last 9 years. When it was first established by President Johnson, it was hailed, and rightly so, as a major advancement. For the first time, an agency had been established to deal exclusively and directly with the problems of our nation's poor. There had always been agencies to assist the wealthy, and the steadily employed segments of our society, i.e., The Department of Commerce, The Department of Labor, The Small Business Administration, etc., but the poor and the undereducated had nowhere to turn. For the first time, there was a visible symbol of our nation's commitment to insure that all people were given an equal opportunity to advance and succeed within our society. The people of our inner cities found that, at last, there was a single agency to whom they could appeal for help. Programs were no longer hidden away in the back of countless different agencies, but were consolidated under one clearly identifiable Office of Economic Opportunity. It is true that O.E.O. has not accomplished all that had been hoped for it. But it is not true, as President Nixon would have us believe, that this is the result of mismanagement of funds. The simple fact is that O.E.O. has always suffered from inadequate funding. In 1967, when O.E.O. was given its highest priority, it was able to meet only 14% of the expressed need in Detroit, 6% in Hartford, 10% in New York, and 21% in Atlanta. Obviously, this was not due to mismanagement but the result of inadequate funding. The real truth of the matter is that O.E.O. has done a remarkable job managing its funds and has proved itself extremely capable of producing maximum achievement from limited resources. The Administration would also have us believe that the administrators of O.E.O. and Community Action programs are growing fat while the poor continue to suffer. Nothing could be further from the truth. I know the people who administer these programs in the Boston area and they are not wealthy. They are extremely dedicated and capable individuals who work tirelessly and unselfishly to assist the underprivileged of Boston. I have seen the advancements they have made in providing education, training, and employment for people who would otherwise have been locked into the welfare roles forever.

More importantly, they have helped lift people from apathy and frustration and have given them pride and hope.

The Administration has now proposed to take all of this away from the poor. If implemented, this proposal would displace the pride and shatter the hope which Community Action Groups have worked so long to instill in the underprivileged. The Administration's stated purpose is to return control of these programs to the people. Yet who are the people if they are not the administrators and members of the Community Action Groups. What this proposal asks is for the local governments to perform the impossible. Our cities are already taxed to the maximum. Our city officials are burdened with an overwhelming number of problems, i.e., garbage removal, zoning regulations, fire prevention and control, highway safety, crime prevention, congestion, pollution control, etc. and now, they are expected to successfully carry out the work of Community Action Groups on an even more limited budget than that given to those groups. This is simply not being realistic. These Community Action Groups have established a clear record of success in dealing with the special problems of the poor. Their administrators and staff personnel have the experience and expertise to produce maximum results with the limited funding available to them. Now, the Administration tells us that this is an inefficient way of handling the problem and that the already overburdened city officials will be better able to deal with these programs.

The inevitable consequences of the elimination of these Community Action Agencies is obvious. Action for Boston Community Development (ABCD) estimates that half of those employed through the neighborhood agencies will be forced to return to welfare if these agencies are dismantled. Self-Help, Inc., served 6,569 people in my District last year, providing food delivery, transportation services, job placement to the chronic unemployed, business development, and most significantly, a Health and Health Education Clinic which served 2,900 persons last year. The Quincy Community Action Agency operated two centers in my District providing a Well-Baby Clinic with a free immunization program for mothers and children. The Quincy CAA provided a wide range of services in the areas of housing, legal advice, health, and employment. On a national level, if the Emergency Employment Program is eliminated, 180,000 jobs will be lost in the public sector with the poor and the minority workers being hardest hit. If the Neighborhood Youth Corps is ended, 740,000 teenagers, mostly ghetto youths, will be jobless. In Boston alone last year neighborhood employment centers found jobs for 4,500 persons who had been previously considered as hardcore unemployables. Without educational and employment opportunities, there is bound to be a sharp increase in the crime rate; our inner cities will continue to deteriorate but at a much increased rate; more money will have to be spent for welfare—money that should be spent to place people in meaningful and lasting jobs.

I respectfully submit that special revenue sharing is completely inadequate for dealing with the special problems of this nation's poor and underprivileged population, and I strongly urge the Committee Members to take note of the fine work which has been accomplished in this area by the various Community Action Groups.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, in testimony before our subcommittee this year, the Secretary of Health, Education, and Welfare expressed the need to define

more clearly the Federal role in general, and the HEW role in particular, in our domestic life. The bill before us today reflects the opinion of a majority of our committee as to how these roles shall be defined for fiscal 1974.

In a bill of this scope—\$113 billion, when trust funds are included—it is inevitable that differences in opinion will arise concerning specific priorities and total spending levels. These differences will be fully outlined during our consideration of several amendments later today.

What should be stressed, however, is the general direction of Federal expenditures for human resources programs. We are considering a bill here which contains in excess of \$35 billion above the budget request for our Nation's defense.

When I joined this subcommittee back in 1965, the total appropriations for Labor-HEW were \$24 billion. With this bill, we will have seen more than a four-fold increase in Federal human resources funding for these programs alone over the last decade.

When considering a bill which is growing as rapidly as this appropriations bill is—more than 10 percent a year—it is important that we reassess the effectiveness of these programs. This is especially true when we consider that if we were to fund fully all of the programs previously authorized by Congress for the Department of Health, Education, and Welfare, we would need an appropriation for that Department alone of nearly \$300 billion per year. And that is just for existing programs; it allows for no new efforts to meet changing needs.

I understand there will be efforts this afternoon both to cut this bill and to increase it for specific programs. At this time I would remind you that in our effort to determine who is to set spending priorities, we should not lose sight of the prime issue of how much spending there should be.

As we look at our mounting Federal budget deficit and its direct effect on inflation or higher taxes, or both, we must remember it is Congress which controls the amounts of spending authority for the Federal Government. Expenditures cannot take place unless we provide the necessary budget authority.

Turning to a few items of special significance in the bill, the committee has included funds for continued staffing of community mental health centers. The statistics regarding the effectiveness of these centers was overwhelmingly in favor of continued funding.

We have recommended sizable increases for the National Institutes of Cancer and Heart and Lung Diseases. Appropriations for these two Institutes have grown more than 27 percent over the past 2 years. Further growth can be expected as more promising research and treatment leads become available.

In the area of Health Manpower Training, we have restored many of the cutbacks proposed in the budget so that our important Health Manpower Training Institutions can continue to expand their efforts to meet a critical national

need. I am especially concerned about the proposed elimination of capitation grants to schools of veterinary medicine, optometry, pharmacy and podiatry. In each of these areas, very few schools must serve the needs of the entire country. The Federal Government has a responsibility over and above that of the States to assist these schools.

The committee has also included funds for the construction of new facilities for the health professions schools. Many of these schools have expanded their enrollments, due, at least partly, to encouragement from the Federal Government. With the proposed elimination of construction funds, these schools would find themselves with more students but with no place to put them. In spending these construction funds, I believe priority should be given to schools of veterinary medicine, optometry, pharmacy and podiatry which are in the process of completing facilities rebuilding programs initiated through Federal-State matching plans to meet critical accreditation requirements.

Perhaps no area of health manpower development is in greater need of continuing Federal support than nursing. The committee has responded to this need by restoring institutional support and by increasing student aid and construction funds. In total, we have included \$148 million for nursing support, an increase of \$95 million over the budget request.

This year, the administration proposed a consolidation of several existing elementary and secondary education programs into a special revenue sharing program. That proposal has now been dropped for fiscal 1974, and the committee has recommended funding for the present programs under the usual structure. It is very important that these appropriations be enacted in the very near future, so that local and State school administrators can complete their budget and program plans for the next school year.

The bill includes \$610 million for school assistance in federally affected areas. This will be adequate to fund the category "B" children—those whose parents work on Federal property which is not taxed locally—at 68 percent of entitlement, the same level voted by Congress for fiscal 1973. The committee continues to be aware of inequities in this program, but we are also aware of the critical need for this assistance in certain areas. Any substantive changes in the entitlement formulas should come from the education and labor committee, not the appropriations committee.

The budget proposed the termination of Federal assistance to school, college and public libraries, but the committee disagreed. We have included \$176 million to continue this marginal but necessary assistance.

A total of \$1.8 billion is recommended for higher education programs, an increase of \$143 million over last year. The largest portion of this aid—\$1.5 billion—is for student assistance. In general, the bill funds each of the student assistance programs at the fiscal 1973

level, with significant increases for the basic opportunity grants program and for interest on insured loans.

I will not take any more time for details, but I would refer Members of the House to the very extensive eight volumes of hearings which were held by our subcommittee. This year the hearings include progress reports on selected programs, such as cerebral palsy, cystic fibrosis, drug abuse, juvenile delinquency, black lung disease, sickle cell anemia and others.

Throughout the hearings, administration witnesses stressed the theme I mentioned at the outset of my remarks—the need for reassessment of the Federal role in human resources programs. In some cases, the committee felt that certain programs should be continued during this reassessment, and the bill includes another year's funding for these programs. In other cases, the committee agreed in part, and funds have been reduced for these programs with the understanding that they will be phased out.

There is a lot of experience represented on this subcommittee in the fields of interest covered by the bill. The new members also took an active and constructive part in our deliberations, and they they have been a real asset to the subcommittee.

I want to especially compliment our chairman, the gentleman from Pennsylvania (Mr. Flood) and our hard-working ranking minority Member, the gentleman from Illinois (Mr. Michel) for their leadership and dedication during particularly the past 2 years, which have been most difficult in this committee because, as stated before, several times we have had to redo our work.

As the House today considers the Labor-Health, Education and Welfare appropriation bill for fiscal year 1974, I, too, would like to take this opportunity to pay tribute to Robert M. Moyer, who had a great deal to do with the formation of the Labor-HEW funding bills.

As stated before, for 20 years, from fiscal year 1953 through fiscal year 1973, Bob served as the professional staff member for the Labor-HEW Appropriations Subcommittee of the House. During my service on that subcommittee, since 1965, I always found Bob to be efficient, to be helpful, to be fair. I can imagine he is following the progress of this year's bill and is enjoying his retirement immensely. We all wish him well.

I commend to the Members a careful reading of our report.

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

The CHAIRMAN. The Chair will count.

Thirty-two 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. 288]

Alexander	Blatnik	Brown, Mich.
Ashbrook	Brasco	Burlison, Mo.
Badillo	Breaux	Camp

Carey, N.Y.	Gubser	Rallsback
Carney, Ohio	Hansen, Wash.	Randall
Clark	Harsha	Reld
Conyers	Hébert	Rooney, N.Y.
Culver	Henderson	Rosenthal
Danielson	Jarman	Slack
Derwinski	Kastenmeier	Steiger, Ariz.
Diggs	King	Steiger, Wis.
Edwards, Calif.	Landrum	Stephens
Esch	Long, Md.	Teague, Tex.
Evins, Tenn.	Madden	Thompson, N.J.
Fish	Michel, Ill.	Thornton
Fisher	Mills, Ark.	Tierman
Fraser	Murphy, N.Y.	Wiggins
Gettys	O'Neill	Zwach
Green, Oreg.	Pepper	
Gross	Price, Tex.	

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, 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. 8877, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 375 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

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

Mr. CONTE. Mr. Chairman, we are considering today what is, in my mind, the most important single appropriations bill this body will act upon this year. For this Labor-Health, Education, and Welfare appropriations bill deals with the present and future health of the people of this country, the education of our youth, the welfare of all our people, young and old alike, and the protection and prosperity of our laboring force.

The total amount proposed for these Departments for 1974 is \$113.17 billion; \$32.82 billion of this is new obligational authority under the bill before us. The remainder is for trust funds and permanent appropriations.

So it is clear that it is not only our most important money bill from the point of view of dealing with the concerns of human life, it is also our largest single appropriations bill.

Because the needs covered by this bill are so vital to our society, the Labor-HEW Appropriations Subcommittee faced a monumental task in tailoring a bill which both met the need and still reflected some budgetary control.

The distinguished gentlemen from Pennsylvania and Illinois (Mr. FLOOD and Mr. MICHEL) as well as my other colleagues on the subcommittee, are to be commended for their hard work and dedication. Our hearings stretched over 6 weeks. They take up eight bound volumes. I might say, I gave up 24 years seniority on two other subcommittees because I wanted to work with them and the other distinguished members of the subcommittee. It was a privilege to serve with them and I look forward to many more years of continued association on the subcommittee.

The final product of our labor is a bill which certainly will not satisfy everyone. I, for one, am not satisfied with every part of it. But no one can deny it is an

honest and bold effort to strike a reasonable course through the stark limits of the budget on one side and the great needs of our people on the other.

I certainly will not attempt to repeat the fine presentations that have already been made regarding the committee bill. But there is one overriding factor that must be stressed here and now. That is the great need for the Congress to reassert our control over the programs of the Departments of Labor and Health, Education, and Welfare.

Since July 1, 1972, these Departments and related agencies have been financed on the basis of a continuing resolution of the Congress. Of course, this means that the budgets on which they have been operating are ones in which the Congress had had no voice, which it has not approved, and over which it has not had effective direction.

By June 30, \$31.7 billion will have been spent this way, and this situation cannot continue. We cannot allow it to continue.

Later, I will be supporting an amendment to reduce funding for some of the programs in the committee bill. This was a hard decision for me to make. I know very well that there are strong arguments for some of the measures which such an amendment would cut.

However, I cannot stress too strongly the very real need for us here today to adopt a bill that can and will be enacted into law.

Even with the cuts that I will be supporting in order to get an appropriations bill enacted, the remaining bill is one that goes a long way in all areas to meet the great needs that exist.

In the mental health area, the bill still would increase funds for general mental health research. The bill restores funds for staffing community mental health centers and for child mental health programs. It also approves the administration's substantially increased budget for drug abuse programs, and restores alcoholism project grants.

The amendment Mr. MICHEL will offer to reduce the spending level in this bill would slice \$19.54 million for general mental health training programs and \$1 million for alcoholism training programs. I do not agree with these proposed cuts. The incidence of mental illness is increasing, and alcoholism is our No. 1 drug problem.

We need these programs and thus I will offer my own amendment to the Michel amendment to bring the spending level for them up to that recommended by the committee.

It was the executive branch, not the Congress, that decided to phase out these vital mental health and alcoholism training programs. Here again, I would stress the importance of Congress reasserting its authority over these programs.

In the area of health services, this bill would restore funds for regional medical programs and for Hill-Burton programs for modernization and renovation of medical facilities. In both of these vital areas, the administration had recommended absolutely no funds.

Under the National Institutes of

Health, the committee bill substantially increases funds for programs of the National Cancer Institute and the National Heart and Lung Institute over last year.

And even if the main amendment to reduce spending carried, the bill would still increase funds over what the administration requested for research in the remaining institutes.

However, in this area again I take issue with the main amendment which will be offered to reduce spending. This amendment will call for cutting \$26,281 million for NIH research training programs. I oppose this move and will offer another amendment to the main amendment to restore the full \$26,281 million for this purpose.

I do this because I firmly believe that the answer to the health care crisis in this country lies in our learning more about sickness and health. It is only by continuing to train the brightest young people we have that we are going to find the answers we need.

The shortage of health professionals in this country is particularly acute in the ranks of registered nurses. In recognition of that fact, our Labor-HEW Appropriations Subcommittee worked very hard to overcome the administration's weak response to the nurses training needs in this country.

The result was a committee bill that succeeded in reinstating most of the programs that the administration would have killed and boosting spending for these programs to the level of \$148 million.

The programs we saved and the budgets we recommend are: Capitation grants for nursing schools, \$33.8 million; grants for nursing schools in financial difficulty, \$5 million; traineeships for student nurses, \$11.5 million; and grants for construction of training facilities, \$20 million.

The bill recommends more adequate budgets than had been requested for: special project grants, \$20 million; student loans, \$24 million; and scholarships, \$19.5 million.

The bill also has provisions for repayments of loans for students unable to complete their training, interest subsidies for construction loans, educational assistance projects, and administration of all nurse training programs.

What the committee bill recognizes, and the administration's requests failed to recognize, is that we all have a deep responsibility to support nurses training in this country at this time of such desperate need. And the costs of that support should be spread over a wide base through Federal expenditure, rather than imposed on the sick through additional patient-care costs.

In light of the importance of these nurses training programs, I prevailed upon the author of the main amendment which will be offered to reduce the spending level, Mr. MICHEL of Illinois, to exclude these programs from his amendment. I am extremely pleased that the gentleman agreed with my position and, with the exception of construction grants, did not include these important programs in his amendment.

Moving now to the area of funding for

education, the committee was faced with a very significant problem in the area of elementary and secondary education this year. The President had proposed the substitution of educational revenue sharing for more than 30 categorical grant programs.

However, the Better Schools Act had not been submitted to the Congress at the time of the hearings. The administration witnesses were unable to clearly and directly respond to the questions the committee had about the program and how it would compare with the present categorical programs.

Now the Better Schools Act has been introduced as H.R. 5823. However, it was clear to the members of the committee that we could not wait until the Congress had made a final decision on whether to adopt the Better Schools Act or to extend the programs under the Elementary and Secondary Education Act. For this reason, the committee relied on authority in the General Education Act which extends the appropriation authority for these categorical programs for 1 year and made appropriations accordingly.

Were the committee not to do this, we would see a nationwide crisis in elementary and secondary education. We would start the year with no appropriations whatever, and the budget of each and every school system would be placed in such a position that their continued operation would be in a state of almost complete uncertainty.

The committee faced a very difficult task in determining what were the proper levels for these programs. The result of the committee recommendation is a very careful balance among the appropriations of 1972, the authorization and operating levels in 1973, the needs expressed by the various school systems, and the levels for comparable program areas under the Better Schools Act. I believe that, by and large, the committee has done a good job in balancing these complex interrelationships and the competing needs.

It is very clear that, in the coming year, the Congress is going to have to undertake a deep and searching evaluation of the contributions of the present elementary and secondary education programs, as well as others proposed to be replaced by the Better Schools Act, and make some hard decisions.

It is my hope that this evaluation will continue as expeditiously as possible, without sacrifice of thorough examination. If this is not done, the crisis which will face us next year will be even more acute because of the absolute need for legislation for next year's programs.

I am somewhat troubled by the committee's adoption of the administration's proposal to begin phasing out the Follow Through program. I believe that this program has made a valuable contribution to our educational system, and I have some serious questions about the merits of its termination. I believe that, as the longer term results of the program are evaluated, its true value will be fully appreciated.

In the area of higher education, this appropriations bill is a strong second step in the direction taken by the urgent 1973

supplemental bill earlier this session toward adequate funding for the Federal post-secondary student assistance programs.

As you recall, the Education Amendments of 1972 changed the student financial aid picture in some respects. A new program was added—the basic opportunity grants—but the legislation also required that the three proven and effective institution-based programs be funded at a specified level. Despite an administration request that would have denied funding for two of these three programs, we followed the spirit and the letter of the law and a very pragmatic need, and funded all three. This bill continues that commitment to both the new program and the old.

The supplemental bill passed earlier this year funded the three traditional programs at last year's level and phased in the new BOG program for first-year students only.

This bill provides sufficient funds for BOG grants for both first and second year students while maintaining the same level of assistance for the institution-based programs. I believe that there is great potential for the BOG program, but I also know that there will be great dislocations in student aid if the present college-based programs are terminated at this time.

The BOG program provides a base on which the other programs may build. Every postsecondary institution which has communicated with me has detailed the negative effect that excessive reliance on the BOG program will produce for its students. The three institution-based programs provide the flexibility lacking in the BOG program.

We owe to the students of this country and to our private educational institutions a sufficient Federal commitment to allow the students to attend the institutions of their choice and to allow the institutions to survive. I believe that this bill accomplishes both of these goals.

I am extremely pleased that the committee saw the need for continuing funding of the veterans cost of instruction amendment. The committee provided \$25 million, the same as was appropriated last year, to provide an incentive for our schools to go out and recruit the veteran and provide special services to him.

Today, an education is a primary need in order for the veteran to become an integrated and productive citizen in our peacetime society. I believe that, because of the limitation of the present GI bill, these funds are absolutely essential. Our veterans are coming back from Vietnam and finding a welcome which borders on "Who cares?" Not enough of our veterans are availing themselves of the educational opportunities under the GI bill, and the Congress must use every means at its disposal to correct this problem. The veterans cost of instruction amendment is one means to do this, and I believe that it deserves our unqualified support.

I think it is clear from my remarks here, Mr. Chairman, that the choices facing our committee in formulating this bill were painful ones. I have only touched on some of the programs, some

of the needs. But each has its own cadre of support, and nearly all of them are worthy to some degree. It is the determination of that degree, in light of budgetary restrictions, that has made this work so difficult.

I reiterate my strong feelings for the excellent work my fellow members of the subcommittee have done, and for the very vital need for the enactment of this legislation this year.

Mr. MICHEL. Mr. Chairman, I yield 7 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I will not take the full time but I will make merely a rather abbreviated comment to the committee on the package of amendments which I propose to introduce. Before I say what I will say about these relatively minor parts of the bill in size, but relatively major parts of the bill in program, let me join in commending the subcommittee and the committee for the manner in which they have approached this whole task of appropriating in this field. It is an impossibly difficult task, and I think the subcommittee has performed very well and I commend it for what it has done. But when the HEW-Labor Subcommittee heard testimony in the first part of March, they did not have the advantage of the information which has since been developed as a result of the changes brought about by the education amendments of 1972. And these changes have led me to believe I must propose three adjustments in the levels of higher education spending.

They are intended to give as great an impact as possible to Federal dollars. We know, with less money appropriated in this field than many would like to see appropriated, but in accordance with budget stringencies, we know we cannot go as far as we would like to go. We have got to see to it that the Federal dollars go as far as they can.

The first proposal is that the fund for the State incentive grant program created by the education amendments of 1972 be funded. I would propose we put \$20 million into this program and, sorry as I am to see it done, take these dollars from the BOG program. We already know the BOG program does not go anywhere near full funding. Even if it were fully funded, we would not get more than half the student cost, so we have to let every dollar in the area of student aid do as much as it can. By making this transfer to State incentive grants, and there are some 30 States which have State scholarship programs, we can make this \$20 million do the work of \$40 million and help students.

Second, I would propose shifting \$2 million from the undergraduate equipment grants program. I would add it to the bill's recommended \$3 million for 1202 and 1203 commissions. If all States apply for this money, there are none we can take care of adequately. It will not be possible for any State to get enough really to do its job.

This is a proposal that we shift this \$2 million and end up with \$5 million in this area of statewide comprehensive 1202 and 1203 planning commissions. This is necessary if we are going to be

ready for the additional money which would some day be recommended for community colleges and for occupational education.

The third part of the amendment would propose to take the fund for the improvement of postsecondary education, the fund that makes possible some very important innovative work in postsecondary education, and take it to the full budgetary level of \$15 million.

The bill has in it \$10 million for this fund. At the time the subcommittee had its hearings on this, the fund had not done its work. It was in the process of meeting and unable to make a full report to the subcommittee. The subcommittee very logically could not give them the full budgeted amount or go to an increased amount without knowing what had been done with last year's appropriation. Therefore, the proposal I have is that we move in this direction by taking \$5 million from university community service and adding this to the funds for this very important innovation work in the field of postsecondary education.

Mr. Chairman, I will dwell on these amendments at greater length at the time the opportunity is afforded when we go under the 5-minute rule to propose amendments, but I wanted to seize this opportunity to outline briefly what it is I propose to do.

I will close by saying that these amendments do not increase net spending at all. They are transfers, transfers calculated to make the Federal dollars do more in the vitally important field of higher education.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I thank the gentleman for yielding to me, for allowing me 10 minutes to discuss, and to make some comments about this bill that we are discussing here today.

Mr. Chairman, Members of the House, my presentation will not be as eloquent or dramatic or perhaps as entertaining as some of the other speakers who have discussed this bill. I hope not quite as confusing, either.

Mr. Chairman, I would like to talk about the simple approach to this matter of balancing the budget. I hope that there is one concerned taxpayer in the gallery who may have brought his family to Washington in their camper to save a few bucks, to make this trip possible and who might be interested in what I have to say, because I doubt if there is anyone on the floor who really cares. We are talking about an extremely big bill, an extremely large amount of money. Of course, until we at some point learn to live within our budget or have the guts to increase taxes, we are going to continue to increase our national deficit.

In 1965 social service programs cost some \$24 billion.

In 1972, \$71.8 billion was spent.

In 1973, \$83.6 billion was spent.

In 1974 the President of the United States proposes an outlay of \$93.8 billion. Now, that is a 12-percent increase over 1973.

There has been mention made of the way the President has budgeted this

money and the way he has set aside or left out some of the programs, expecting them to be picked up by revenue sharing. That is complicated, and something I will not try to cover.

I do know that the President is at least trying to approach fiscal responsibility. Only by holding these budgets down can we hope in 1975 to have a balanced budget.

This is my 15th year in legislative circles. This is the first year I have seen the departments coming to the legislature, coming to the Congress, and pleading with us to reduce spending. Caspar Weinberger, who incidentally did not request this speech, has spent most of his time this year traveling from the Senate to the House saying, "Will you please hold the amounts to our budget figures?"

But no, the committee felt compelled to increase them. I know how this came about, because we have had a parade of lobbyists in this Capitol ever since the budgets were announced, with all these people coming in to say, "We must have more money."

In Indiana alone the Governor of Indiana received last October \$45 million under revenue sharing, and I cannot for the life of me understand how all of it had to be spent on women's prisons, sports arenas, and things like that. I believe the lobbyists could have spent a little time at the State level trying to obtain some of that money.

We must work on priorities. That is why we receive these high salaries as Congressmen, to deal with priorities. No nation will ever have enough money to meet the requests of all the lobbyists who come to town. We know they are not all sincere. Most are, but some are not. We have to sort them out. We have to decide how much money we can spend.

So far as I am concerned, the administration's budget proposal for this bill is plenty. In fact, I believe it is too much. Just the same, we have responsibilities, and there is no use trying to dodge them. We can dodge them for so long, and then we will have to face up to them.

I guess some of us believe we will be retired and pensioned off before the day of reckoning really comes about.

At any rate, we are now living under some sort of price controls. I can tell the Members that until this Congress can balance the budget inflation is going to continue. Price controls in a situation where we are not balancing the budget do about as much good as putting a bandaid on a cancer. This bill covers health services, too. We have had some discussion about cancer and about Members of Congress who have had cancer, and they did not get well by putting a bandaid on it.

We are not going to cure inflation by putting on price controls, and particularly by not putting on wage controls at the same time. I have not always agreed with the President. I disagree with him on the arts and humanities funding; but he insisted on increasing it.

Certainly the proposal that has captivated the Congress is the Michel amendment, to cut in half the increase proposed by the committee. This is ob-

viously some sort of a compromise that has been worked out, just a 50-50 situation.

Mr. Chairman, I shall offer an amendment to the Michel amendment substituting the figures of the budget, and then I am going to call upon the Members of this Congress to exercise fiscal responsibility.

Any of those Members who do not wish to support my amendment, I wish they would stand up and identify themselves and tell the people up there what tax increase they propose to hang on them next.

We have talked about the increase in social security and the different ways we are maneuvering around behind the scenes. But in spite of that fantastic increase in social security, we are still running this Nation into debt billions and billions of dollars. In fact, the debt increase limit bill, which is going to have to be passed by this Congress, is going to take the national debt over a half a trillion dollars—with an interest bill, dear taxpaying workingman, of \$26 billion per year.

So I think that it is time for the Members of this Congress to stand up and be counted. We are sending some 30 billions of dollars out there in revenue sharing. Let the legislatures of the States be responsible. Let the city halls pick up a little of the bill for education and mental health and health care services with that money, and let us get over the idea that we can just throw money at every problem in this country so that problem will go away.

Mr. Chairman, I say this particularly in the face of reduced school enrollments, increased employment, and the end of the war. After all, we ended the war today here on the floor, I understand. The Congress stated that the Vietnam war, as far as this Congress is concerned, is over.

Then, Mr. Chairman, why should we not talk about balancing the budget and at least becoming responsible at home here.

I am not standing here and saying these things because I do not have concern for people and their problems, for prosperity and programs, but, by golly, there is one thing we must do: We must balance the budget, and let us stop kidding ourselves; it has to be done.

Mr. Chairman, let me finish by just quoting a little poem here that was put in the RECORD a couple of days ago by our good friend, the gentleman from Arizona (Mr. RHODES).

It was written by some lovely little lady who pays taxes. She understands some of these things that we do not seem to understand.

She wrote as follows:

It's time to admit that curing ills
Is simply no substitute for paying our bills.

Mr. Chairman, I hope the Members will give attention to my amendment, and I will appreciate the support of the Members.

Mr. FRENZEL. Mr. Chairman, in H.R. 8877, the Labor-HEW appropriations bill, the committee has given us a package that is at least \$1.2 billion over the budget, and, depending on other factors,

may wind up considerably more than that amount over the President's budget.

Early in the year I expressed my strong support for the President's ceiling of \$268.7 billion because of our urgent need to contain deficit spending. At that time I thought that ceiling was about as good a job as we could do to contain spending, and further that it might be adequate in terms of the inflation at that time.

Since that time our inflation problems have drastically worsened. We finished 1972 with the best inflation record of any western, industrialized nation but have seen our cost of living skyrocket during the first 6 months of this year. In my judgment, a wage/price/profit control program is necessary and helpful, but it cannot do the full job of controlling inflation. Supply scarcity, particularly international scarcities, make the inflation problem persistent and worldwide. What seemed to be an adequate fiscal response 6 months ago now seems to me to be inadequate.

It is, therefore, my hope that this Congress will be able to do better than the ceiling suggested by the President. If we are able to contain to reasonable the amounts increases over and above the budget for our most attractive spending programs and can effect judicious economies in the less attractive programs—military, foreign aid, and so forth, we could then achieve a spending ceiling this year that is under the President's suggestion.

I believe the current inflation systems call for improvement on the President's ceiling. Fiscal policy is an effective way to fight the kind of demand inflation which faces us now. The closer we bring our expenditures into balance with our revenues, the less problem we will have with high prices.

At the same time we do not want to make less than a first-class commitment to necessary programs. Particularly, I believe that our commitment should be a strong one in the social fields covered by the HUD appropriation passed last week and many of the items contained in the Labor-HEW bill before us. I have earlier indicated that expenses above the President's budget are acceptable to and many times enthusiastically accepted by myself.

The Michel amendment does give this appropriation more than one-half billion more than the President's budget. I believe that under current conditions this commitment can be tolerated, is needed and should be supported. Personally I would like to go higher in some categories, but since the battle is to be waged between the committee bill and the Michel amendment, I have no choice but to support the Michel amendment.

While no one can predict whether either the committee bill or the Michel version will be signed by the Chief Executive or not, the two vetoes made and sustained by last year's over-budget Labor-HEW appropriation ought to be instructive to us. I want a bill, and I would like to have it sooner. Those people and institutions dependent on these Federal funds must be able to plan for use of these moneys for optimum results. I

would hope that the Michel version might find Executive approval.

Any appropriation bill always contains many features which each of us would like to see raised and lowered. I would like to make many changes. However, the Appropriations Committee is responsible for presenting a total coordinated package. In the case of this bill, we have a choice of two coordinated packages. The Michel amendment has the best chance of being signed. My choice is the Michel amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to comment on the appropriations bill for the Departments of Labor and Health, Education, and Welfare generally and, more specifically, the funding level of \$610 million which is included in the bill for Public Law 874 programs.

For the past 5 or 6 months I have been in frequent contact with the Office of Education concerning the administration's attempts to terminate unilaterally the Federal commitment the Congress has made to school districts who bear the burden of significant Federal impact.

We were partially successful in restoring the proposed cuts and many school districts were barely saved from total financial ruin. Many were able to get through to the end of the school year without reducing too drastically the quality of education they were offering their students.

Now, however, we are considering a \$610 million appropriation for this program—which I fully and strongly support—but we have not yet resolved the central issue of the continuance of this program.

I feel the Congress has been seriously remiss on its responsibility to outline precisely its views on the Public Law 874 issue. Unless and until we do so, I fear the financial crisis the impacted schools recently suffered through will be seen on an annual basis.

Another school year is nearly upon us. I would guess that nearly every school district in the country has already completed its budgetary planning for the 1973-74 school year. How can they plan appropriately when they have no idea of their total funding level.

Are they supposed to plan for the receipt of funds they nearly did not receive this year but which they were entitled to? Or are they supposed to plan for the receipt of funds which have been authorized and appropriated by the Congress and are supposed to be distributed?

This presents a dilemma of such scope for the local administrator that it simply becomes impossible for him to make realistic budgetary decisions. Of course, the greater the Federal impact to the district, the larger the entitlement and the more impossible the dilemma.

The innocent victims of this governmental policy failure are the students themselves whose opportunity to gain an education is gravely compromised. We owe it to these students to resolve this controversy once and for all.

I am going to continue to pursue this matter until we can restore some certainty to the program. There must be a Federal effort to mitigate any adverse

impact its activities have in local areas, and local schools must be able to know well in advance precisely what the Federal effort will be.

I hope the responsible congressional committees will undertake to seek a viable and realistic solution at the earliest possible date. I also hope the administration will participate actively in this effort so a complete, effective agreement can be obtained. In the meantime we should support the \$610 million included in this bill for Public Law 874 activities.

Mr. RODINO. Mr. Chairman, the survival of OEO lies solely in our hands. What we decide here today shall determine, to a great extent, the future health, education, and employment, as well as the potential strength, courage, and leadership of many senior citizens, students, and children who have viewed this land of opportunity through eyes surrounded on all sides by poverty and degradation for far too long.

The Office of Economic Opportunity, created by the Economic Opportunity Act of 1964 was designed to coordinate Federal efforts to combat poverty and to develop new programs for our Nation's poor. I would like to concentrate on one particular component of this act—the Community Action program, directed toward mobilizing communitywide efforts against poverty. Since its inception, CAP has continually emphasized local initiative, involving local communities in planning, developing, and evaluating their own programs, and encouraging the poor to serve on the local community action agency's advisory councils and governing boards. Services were provided in housing, manpower, education, day care, consumer affairs, economic development, health, counseling, youth projects and legal services. In 1971, for example, CAP was the vehicle through which \$1.2 million in direct services reached the poor, of which 38 percent of this amount was provided through local initiative programming.

It is, therefore, extremely difficult for me to understand why our executive leadership, in its January press release on dismantlement, stressed:

It is the desire of the Administration to return decision making and resources requisite to effective programming to elected officials at the local level.

Perhaps the most important aspect of CAP was its continued emphasis on including the poor in the decisionmaking process. Mr. Nixon, it appears, in ordering the dismantling of OEO and particularly of the CAP program is destroying precisely the community participation and involvement he espouses be developed and preserved.

All of us in this Chamber, I am sure, have received countless letters from students, parents, teachers, community leaders and directors involved in such programs as Follow Through, Youth Chance, and Upward Bound. The following letters, from two of my constituents, perhaps best capture the essence of these thoughts, feelings and hopes:

DEAR SIR: I am a parent and employee in one of the Federally Funded Programs in Newark, New Jersey. The Newark Follow

Through Programs. To this program I owe all of my success, do to the opportunities brought to me through this program.

Before working in the Follow Through Program in my community I was a housewife on welfare, without any ambitions as to how I could better my life. However as of this day I am an aide in the Newark Follow Through Program and a college student pursuing to become a certified teacher in one of the Newark Schools in the next year or so.

Only through Federal funds was I able to acquire this success. Along with many other poor people of my community.

Please Sir!! Do not let these precious opportunities be taken away from poor Americans who cannot help ourselves.

Americans need America and America needs Americans who can give her support against poverty. However how can we support our country without aid from our country to provide opportunities to become self-supporting.

Again I ask you not to let the Federal grants be cut or taken away from the poor people who can not give support to our country until we are given support to better ourselves. Thank you.

FEBRUARY 20, 1973.

DEAR CONGRESSMAN ROBINO: I am writing you to ask for the continuation of the Youth Chance Program in Newark. I think the program is a great asset to the youth in Newark.

I believe when you want to start all over and cover your mistakes, you have to start fresh. If we suffocate our youth, and instill them with only despair and frustration, what hope does Newark have. As a black 16-year-old girl, I am concerned about my future, Newark, and the fate of all the people that live here. I see all this being threatened now.

I have a goal, and it is to be successful and help black people. The extermination of this program, would make it more difficult for me to attain that goal.

If the program isn't working, getting rid of it is not the answer. Because the problem which caused the program to be initiated is still there, and growing larger! You should examine it, and find out why it isn't working and make it better. That's progress! However, I don't think that is the case with the Youth Chance program.

Since they have employed me, I have not only been able to help my parents out, but help myself. I have met a lot of interesting people and have made many long-lasting friendships since I've been working in the library at the College of Medicine and Dentistry (the location of my job-site).

We are asking for a chance! The conditions that exist in Newark have already made us frustrated.

The Youth Chance Program has done a lot for me, and I hope to see it still functioning when my younger sisters and brothers get old enough to apply.

We have faith in ourselves, and we're asking for others to believe in us.

Sincerely,

Should we not demonstrate today that our faith and belief in these young people has not faltered but rather grows stronger and firmer by giving them a chance?

I do not know the situation in all your districts, but I am intensely aware of the need for the continuation of OEO for at least this year in my hometown of Newark, N.J. According to an official of the United Community Corp., Newark's Community Action Agency, Newark received \$2,593,000 in OEO funding during fiscal year 1973. She stands to lose the total amount of this sum, since this entire expenditure was allocated to OEO programs which are either being terminated

or whose future is in doubt. Among these are eight neighborhood service centers, providing emergency food assistance, health and employment information, youth counseling, a work training program and a separate project for senior opportunities services. In addition, CAP administers program receiving funding from other Federal agencies, including Headstart—funded by HEW—and two Department of Labor manpower programs. These projects may have to be terminated if another administering agency is not found.

Newark legal services received \$314,500 from OEO during fiscal year 1973. Funds ran out on May 31, 1973, when its OEO grant terminated. The project is now operating on borrowed money. Although we have passed legislation to establish a separate Legal Services Corporation, unless we act today, Newark's legal services program is certain to run out long before it is to be replaced by the successful passage of H.R. 7824.

And finally, the words of U.S. District Judge William B. Jones in his April 11 ruling on three combined suits against Howard Phillips on the dismantling of OEO and the termination of Federal financing for Community Action Agencies must not be forgotten.

He said:

The budget is nothing more than a proposal for Congress to act upon as it may please. It does not have the effect of law.

Otherwise, he continued:

No barrier would remain to the Executive ignoring any and all Congressional authorization if he deemed them to be contrary to the needs of the nation . . . The defendant (Phillips) really argues that the Constitution confers the discretionary power upon the President to refuse to execute laws passed by the Congress with which he disagrees.

Shall we let the administration feel that it has the power, the illegal power, to reorganize Government agencies regardless of legislation concerning these institutions that has been passed by Congress? Shall we let the administration feel that a President's budget message could alter Congress' power to decide when legislative programs should terminate? Judge Jones ruled that: First, the administration cannot unilaterally terminate OEO programs that are authorized by Congress to extend through fiscal year 1974; second, Mr. Phillips' actions to end Federal funding of CAP and to transfer certain programs to other Federal agencies are illegal under the Reorganization Act of 1949 which requires such actions to be presented to Congress; and third, various directives issued by Mr. Phillips since he became OEO's acting director are void because they were not published in the Federal Register as required by the Economic Opportunity Act of 1964. And, on June 11, Judge Jones further declared that Mr. Phillips, in holding office with congressional confirmation, has acted in a manner "unauthorized by law, illegal and in excess of statutory authority."

The challenge is now ours; the future of OEO rests solely in our hands.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Labor-Health, Education, and Welfare appropriations before us on the floor this afternoon.

Every program funded by this legislation is important and it would be impossible for me to outline the funding for all of them in detail in the time allotted me. I would like, however, to discuss programs which are of particular interest to me.

The first is the Office of Economic Opportunity. If ever a Federal agency had become a political football, OEO is that agency. As we all know, the Nixon administration had scheduled OEO for termination and all actions by the Administrator of that agency have been aimed toward that end. The bill before us today, however, would provide \$334 million for the continuation of OEO to be divided into the following areas:

	Million
Community action programs-----	\$218
Legal services-----	72
Special impact program-----	39
General support-----	5

OEO has done a good job. It deserves to be continued. No one would argue that any Federal agency has ever done a perfect job at filling its mandate. All would agree that congressional oversight with an eye toward revision of agency functions is a good idea which should be applied to all Government programs. But to simply take a "meat-axe" approach as some have termed the termination of OEO is insulting to the poor, is crudely political, and is bad management and bad government.

I am delighted that the House has said "no" to the President's willful destruction of OEO and particularly pleased at the continuation of the community action programs. These programs, staffed by dedicated, innovative and creative people are a vital part of our society and should not be summarily dismissed without cause.

Congressman MICHEL will offer an amendment to cut between \$600 and \$700 million from education, health and OEO programs. He is doing so at the request of the administration and the clear intent of this amendment is to so cripple these programs that they cannot possibly survive. I oppose the amendment. I will vote against the amendment and I urge all Members of the House to join me in opposition to this terrible assault on our educational, health and poverty programs.

The second program which I would like to discuss is the appropriations for the Elementary and Secondary Education Act. I have received hundreds of letters from school officials and individual citizens requesting my support for this important legislation and I have given continual assurances that I do support the act.

President Nixon announced in January that he intended to phase out all appropriations for this act and replace these funds with special education revenue sharing. Whatever the merits of revenue sharing for education, if we fail to enact these appropriations today, there will be no Federal elementary and secondary education funding for our schools next year. The administration has failed to give Congress a clear-cut revenue-sharing program for education and failed to adequately explain the goals and meth-

ods of achieving a decent Federal educational program by revenue sharing.

In fact, the administration is so confused and disorganized that were its mandate carried out by the Congress, it would be impossible to fund elementary and secondary education next year because there is no way to set up a special revenue-sharing program in the short amount of time allotted by the administration. The administration is simply using this special revenue-sharing argument to mislead the American people into thinking that Congress is spendthrift and at the same time virtually demanding, in the interest of our entire educational structure, that Congress continue the Elementary and Secondary Education Act. Congress is being muddled, and as unpalatable as that feeling and situation is, we at least have the opportunity to do the right thing today.

The bill provides a \$2.1 billion appropriation for elementary and secondary education. This amount is \$81 million above the fiscal year 1973 appropriation and \$2 billion above the budget request.

In addition, this appropriations measure provides the following funds in other areas critical to American education:

Impact aid—\$610 million, \$550 million above the budget request and \$51 million below the fiscal year 1973 appropriation.

Education for the handicapped—\$144 million, \$50 million above the budget request and equal to the fiscal year 1973 appropriation.

Occupational and vocational education—\$600 million, \$555 million above the budget request and \$43 million less than the fiscal year 1973 appropriation.

Higher education—\$1.8 billion, \$61 million above the budget request and \$133 million above the fiscal year 1973 appropriation.

Finally, the bill provides funding for important health programs, and I support these also.

The total breakdown of the bill before us is as follows:

[In millions]			
	Fiscal year 1974 request	Recommended in the bill	Change
Department of Labor.....	\$827.8	\$827.5	—\$0.3
Department of HEW:			
Education Division.....	\$5,272.4	\$6,164.4	+892.0
Health Services and Mental Health Administration.....	2,463.1	2,261.8	—201.3
National Institutes of Health.....	1,964.9	2,499.9	+535.0
Social and Rehabilitation Service.....	13,772.3	13,648.0	—124.3
Social Security Administration.....	6,289.7	6,289.7	-----
Office of Child Development.....	443.8	419.1	—24.7
Special Institutions.....	80.6	80.6	-----
Office of the Secretary.....	140.1	138.1	—2.0
Total HEW.....	30,427.0	31,502.7	+1,075.7
Related agencies:			
Office of Economic Opportunity.....	143.8	333.8	+190.0
Action.....	43.0	43.0	-----
Others.....	110.4	110.4	-----
Total, related agencies.....	297.2	487.2	+190.0
Total.....	31,552.1	32,816.5	+1,264.4

¹ This amount was not requested for use within the Office of Economic Opportunity, but to provide \$71,500,000 for a Legal Services Corporation, \$39,000,000 for special impact program to be transferred to the Commerce Department, and \$33,000,000 for GSA to use to liquidate OEO.

Mr. Chairman, the need to continue these essential programs is obvious. I will vote for the bill and for amendments to strengthen the programs and restore some of the funding cuts. Specifically, I will vote for Mr. RANGEL's amendment to restore most of the \$456 million difference between the OEO appropriations this year and those next year.

Congress has a right today to determine whether it will set national education, health, poverty, and manpower priorities or whether we will allow an administration which has demonstrated total callousness toward those areas to determine the shape of our future.

I vote for our kind of future.

Ms. ABZUG. Mr. Chairman, I rise in support of H.R. 8877, the Labor-HEW appropriations bill for fiscal year for 1974. The departments and agencies whose funds are contained in this bill did not get any appropriations during fiscal 1973—thanks to President Nixon's guns-before-butter policy—and had to struggle along at their fiscal 1972 levels despite substantial increases in the costs of goods and personnel under phases II and III. I do hope that we will be able to give them appropriations under this bill for 1974.

HEALTH

The Nixon budget for fiscal 1974 proposed massive cutbacks in Federal aid to health, particularly in the area of construction of medical facilities and assistance to students in medical and related institutions of higher learning. I am pleased to note that H.R. 8877 includes nearly \$200 million for medical facilities construction where the budget had requested zero and \$707 million for health manpower where the budget had requested only \$382 million. The health professions scholarships are to be funded at \$15.5 million where \$10 million had been requested. Nursing support is to be at \$148 million, where it had \$168 million last year and desperately needs more, but some solace can be found in the fact that Mr. Nixon had asked for only \$53 million for this vital link in our Nation's health care system. Public health manpower is to receive \$22.2 million where none had been sought in the budget, and the regional medical program is to receive \$82 million instead of the zero requested by the administration.

These figures may have little meaning in and of themselves, but when one sees how they relate to just one medical institution in one's district, their true significance takes shape. Had the Nixon budget recommendations been agreed to, Columbia University's medical school and related facilities would have lost over \$10 million in Federal funds for fiscal 1974. Projected consequences included the following, taken from a statement prepared by the office of the university's vice president for medical affairs:

1. A substantial number of key faculty members will be obliged to redirect their activities, or to leave the College, voluntarily or otherwise.

2. The College's ability to train individuals for academic positions in medical education will weaken, and qualified candidates will no longer seek such training.

3. The pool of future researchers crucial to implementation of existing and forth-

coming technology for the improvement of health delivery systems and health care will be significantly diminished.

4. The effectiveness of mission- or target-oriented research programs will be severely compromised, since the most efficient mechanism for disseminating new or improved techniques, i.e., the activities of individuals specially trained in these areas, will become less and less applicable.

5. The short-run and long-run effects of the above developments will be such as to make it extremely difficult for the College to accomplish the objective of increasing the production of physicians, an objective mandated by both the Executive and the Congress.

In individual areas of Columbia's medical programs, loss of student aid funds would have made it extremely difficult to include in the student population sufficient numbers of students from low-income backgrounds; more than half of the programs in basic sciences and nutrition would have had to be discontinued or greatly reduced in scope; the school of nursing as an entity might have had to close and the programs of the school of public health would have had to be significantly reduced. Research and service programs at affiliated hospitals, including the Harlem region stroke program, the neighborhood health centers program, and communicable disease control activities, would have been reduced or discontinued.

When these effects at one of the Nation's many medical centers are considered as just part of a proposed nationwide pattern, the true destructiveness of Mr. Nixon's programs becomes apparent. I am glad to see that the committee has on the whole not followed the administration's recommendations, though I think that they could have done better.

EDUCATION

Education is another area in which Mr. Nixon's meat ax took catastrophic swings. I am pleased to note that title I funds for the educationally deprived are being retained at their fiscal 1973 level of \$1.8 billion. Bilingual education is being raised slightly from its 1973 level to \$45 million but that is far too little for the millions of children who need it in order to become fully able to participate in our society. Most other education programs are being increased from their 1973 levels, though few are anywhere near their authorized levels.

ECONOMIC OPPORTUNITY

When it came to the OEO, whose community action programs had for the first time given poor people in the urban ghettos and the rural hamlets a feeling that they could have some input into the running of their lives and their society, Richard Nixon could not even wait for Congress to act on his budget recommendation to destroy the Agency. Instead, the Howard Phillips wrecking crew simply promulgated some regulations making the OEO "inoperative." Fortunately, Mr. Nixon has not yet taken over all of the courts, and a courageous Federal judge here in Washington put a stop to the shamelessly illegal actions of Mr. Phillips. The committee has recommended \$218 million for community action agencies, which is says is "the amount estimated to be necessary to continue these activities through June 30, 1974."

It is my firm hope that they will be continued not only through the coming fiscal year, but long after it as well.

While this bill does not adequately recognize the need to reorient our national priorities away from military spending and toward such things as health, education, and economic opportunity, it is far better than what Mr. Nixon wants for our Nation, and I urge its passage.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of committee bill making appropriations for the Departments of Labor and Health, Education, and Welfare, which includes funds for our education programs. While I will continue to insist that even the committee bill which I am supporting today does not come anywhere near doing the job that is really necessary if we are to achieve the goal of providing an adequate education for every child in this country, I would like to commend the committee for turning its back on the Nixon administration's proposed "non-budget" for education programs.

I support the committee bill because it contains funds which will save the taxpayers of this country money. It will do so because in passing the bill now before us, we will be making available badly needed Federal dollars to be sent directly to our local education agencies and our State agencies. These funds will ease the burden of rising property taxes, and in many cases will help alleviate the need for further increases in State and local taxes.

Mr. Chairman, speaking for my own constituents in the State of Michigan I can tell you very confidently that our people simply cannot afford any further tax increases. The people of Michigan have been generous and sincere in their commitment to providing decent education for their children, but there is a limit, which we reached in Michigan quite some time ago, to the amount of taxes a family can afford to pay on their house.

Let us not forget that despite the vigorous debate we experience year after year on the issue of providing funds for our education programs that even with the adoption of the legislation now before us, the Federal Government's contribution to the cost of educating our children is still less than 7 percent. That means that over 93 percent of the burden must be financed from State and local taxes—and that burden has become too great for most of our State and local communities to bear.

And let us also keep in mind that by today's standards, the dollar we sent back to our State and local education agencies last year that purchased a dollar's worth of education, will only purchase about 87 cents worth of education in the coming year.

Mr. Chairman, I would like to commend the committee for its work on this bill, because I know it had a very difficult job to do. It received virtually no cooperation from the Nixon administration, because the administration has exhibited an attitude of callousness and contempt toward the idea that all children in this country should be entitled to a decent education—and they have done everything to confuse and stall the activities of the

committee in its attempts to develop this bill.

The Nixon administration's attitude toward the education programs which we have developed over the years seems to be "eliminate them or decrease their funding." When neither of these two alternatives are legally feasible, this administration has another approach—it simply impounds the funds.

A comparison of the committee's bill with the administration's recommendations is a perfect illustration of what I am talking about when I refer to the Nixon administration "non budget" for education.

The bill now before us includes approximately \$2.1 billion for elementary and secondary education. This figure represents an increase of over \$240 million over the current operating level.

However, because the administration refused to request funds for existing programs and insisted instead of recommending funds for a nonexistent program—a program that was and still is not and probably never will be on the books—and a program that the Congress could not legally fund even if it wanted to, the figure of \$2.1 billion for elementary and secondary education programs included in this bill actually represents an increase of some \$2,029,393,000 over the administration's budget request.

Mr. Chairman, the administration's budget recommendation did not specifically include funds for any of the following programs because it anticipated that they could be consolidated under the Better Schools Act, which, as I have already mentioned, never did exist and probably never will. These programs include: ESEA title I, compensatory education; ESEA title III, supplementary services; ESEA title VI, education for the handicapped; vocational education; and adult education.

Because of the Nixon administration's consistent refusal to discuss with Congress a realistic education budget for fiscal year 1974, there is virtually no way of telling exactly how its budget would have affected these programs.

What we do know, however, is that the request for ESEA title I funds was zero, and that in fiscal year 1972 Michigan received over \$55 million under this program, which was shared by 140,000 students in 587 school districts throughout the State. This means that if the committee had not, under its own initiative, taken action with respect to title I funds, the taxpayers of Michigan would have to absorb a loss of some \$55 million under this program alone in the coming year. The committee bill provides for \$1.8 billion for title I programs, the same amount as last year, although this represents only a fraction of the amount Congress has authorized for compensatory education programs.

The administration's "nonbudget" did not include funds for any of the following programs: LSCA, titles I and II, public library services and construction; ESEA title II, school library resources; NDEA title III, strengthening instruction in science and mathematics; ESEA title V, strengthening State departments of education; the Manpower Development and Training Act; and the Education

Professions Development Act. The bill before us does. The loss of funds for these programs alone would cost the taxpayers of Michigan almost \$15 million.

The administration budget recommendation contained no funds for titles I, II and III of the Library Services and Construction Act. This would mean a loss of over \$1.7 million to Michigan taxpayers under title I alone, and it would signal the curtailment of the extension and improvement of public library services throughout the State. The bill before us now contains funds to enable some of these programs to continue on a limited basis, but I must here state my concern over the meager amount recommended by the committee—an amount which is less than the 1973 appropriation.

The bill now before us contains only \$90,000,000 in ESEA title II funds for school library resources. This represents a \$10,000,000 decrease from the preceding year. But once again, it is a significant improvement over the administration's request of zero funds for these programs.

If the administration budget were adhered to, Michigan would lose over \$4.5 million in vitally needed funds for library resources, textbooks and other instructional materials to meet the needs of both students and teachers, and in construction funds for new public library buildings.

Further, the Nixon "nonbudget" would take away from Michigan over \$1 million in title V funds and make it virtually impossible for Michigan to continue its data processing program and its accounting and procurement program. The bill now before us contains funds which will enable Michigan to continue most of its work in these areas, along with other activities of the State board of education and the office of the superintendent of public instruction.

Mr. Chairman, I could continue at length, but the story is just about the same for all the other programs—including vocational education programs, for which Michigan receives almost \$20 million annually, the Adult Education Act which provides Michigan with almost \$2 million in Federal funds, and the several other programs I have mentioned which bring millions of more Federal dollars into Michigan's school systems.

We are all very much aware of the threat of a Presidential veto hanging over the bill we are considering here tonight—we have heard this threat mentioned several times on the floor all day long. We know Mr. Nixon enjoys vetoing bills containing funds for education and other vital programs, because he has demonstrated his skill in this regard almost every year lately—in fact in one year he vetoed the education appropriations twice.

Mr. Chairman, tonight the Congress has the opportunity to exercise its own veto—because by adopting the committee bill we will be vetoing the Nixon "non-budget." I urge my colleagues to take advantage of this opportunity and vote for the final passage of H.R. 8877.

Mr. KEMP. Mr. Chairman, I rise to

express support for the Michael amendment to this Labor-HEW appropriations bill. This amendment would have the effect of reducing the overall expenditure level in the bill by some \$631 million. This still represents a \$632 million increase over the administration's budget request. Because Government spending is still the principal cause of inflation, I cannot support the committee bill. The price tag attached to this bill ignores the fact that our financial resources are not boundless—indeed, the current economic situation makes painfully obvious that our financial resources are as severely limited as are our human and natural resources.

To cite one example from the committee bill, aid to impacted school districts was continued at \$160 million—10 times the figure requested by the President. Every President since Dwight Eisenhower has called for major revisions in the aid to impacted areas school program, a boondoggle that funnels hundreds of millions of dollars into the wrong areas. Montgomery County, Md., one of the Nation's wealthiest counties, receives twice as much money under this program as the Nation's 100 poorest counties.

The President twice vetoed budget-busting HEW appropriation bills last year. At \$1.26 billion over the budget, the committee bill certainly invites another veto.

While the Michel amendment represents a \$632 increase over the budget, I can support this increase. The development of our society is beyond the point where it is possible, or desirable, to shrink from a major, organized, public responsibility for health, education and welfare objectives. However, the challenge is to find the means to pursue these objectives in ways that will preserve the capacity of our system to continue to perform.

The amendment provides a \$4.4 million increase over budget requests in funds for National Institute of Mental Health to expand new research into such problem areas as the mental health of the elderly; a \$19.5 million increase for maintaining faculty support for mental health institutions and assuring continuance of training curriculum and provides a total program level of \$144.5 million for NIMH staffing grants and which enable NIMH to fund \$19.2 million in new awards. A \$1 million increase over 1973 is provided for research in alcoholism and funds are provided which will enable training institutions to maintain faculty support at a level comparable to 1973.

The Michel amendment calls for \$110 million for construction in the areas of hospital modernization and outpatient care facilities. This reduction from the committee recommendation takes cognizance of the fact that the declining trend in national hospital bed occupancy rates contributes to the ever-increasing cost of medical care.

In addition, the amendment provides a \$54 million increase for research grants in biomedical research; \$4 million increase for biomedical research training; \$10 million increase for general research support grants which will restore support

to aid academic and other research institutions in meeting direct costs of health research. All health training programs and schools of public health will continue to be funded at their 1973 operating level; funds are provided for the construction of new nursing classroom space and capitation payments to schools of veterinary medicine, optometry, pharmacy, and podiatry are increased.

With regard to the education division, the amendment would provide \$1.7 billion for ESEA, title I.

While this is a decrease of \$97 million from the committee bill, the committee bases title I funds on 1972 levels, when the 1960 census was still being used, and would continue to pay States on the basis of information that is 14 years old. The Michel amendment would allow distribution of funds based on the 1970 census data, but would assure that no State received less than the 1972 or 1973 level of funding for that State, whichever is higher.

Support is retained for library programs at a higher level than in 1973 and a \$25 million increase for basic vocational education programs is provided which will meet increasing costs as well as enable some program expansion.

The Michel amendment represents increases which we can live with and still wage our war on inflation. The committee bill does not.

In his message to Congress on February 2, the President said:

Because our resources are not infinite, we face a critical choice in 1973 between holding the line on Government spending and adopting expensive programs which will surely force up taxes and refuel inflation.

Failure by Congress in the past to say no to demands for ever greater Federal spending has produced a ballooning budget of more than a quarter trillion dollars, fueled inflation and weakened the dollar. Our national debt is now so staggering that interest on it alone costs taxpayers nearly \$24 billion a year. Government—Federal, State, and local—now eats up more than one-third of the gross national product in taxes. We are moving toward the 40-percent mark—a point where the experts say it will be impossible to maintain a free-enterprise, incentive-oriented economy. Only the Congress and the Executive, working together, can halt this headlong plunge toward greater Government control of the economy.

The HEW budget is spiraling upward and more than 85 percent of their budget is determined not by what the executive branch might request or the Congress might appropriate, but simply by the expanding number of eligible people who claim benefits. It is important to note that the cost of extending the present range of HEW services—equitably to all those who are similarly situated in need and eligible—is estimated to be approximately one-quarter of a trillion dollars. That is, the additional cost would be roughly equivalent to the entire Federal budget.

Elliot Richardson, before leaving the Department of Health, Education, and Welfare, stated:

THE BUREAUCRATIC LABYRINTH

Since 1961, the number of different HEW programs has tripled, and now exceeds 300. Fifty-four of these programs overlap each other; 36 overlap programs of other departments. This almost random proliferation has fostered the development of a ridiculous labyrinth of bureaucracies, regulations and guidelines.

The average state now has between 80 and 100 separate service administrations, and the average middle-sized city has between 400 and 500 human service providers—each of which is more typically organized in relation to a federal program than in relation to a set of human problems.

Although studies indicate that more than 85 per cent of all HEW clients have multiple problems, that single services provided independently of one another are unlikely to result in changes in clients' dependency status, and that chances are less than 1 in 5 that a client referred from one service to another will ever get there, the present maze encourages fragmentation.

As an administrative matter, the system is, at best, inefficient. As a creative matter, it is stifling. As an intellectual matter, it is almost incomprehensible. And as a human matter, it is downright cruel.

I subscribe to Mr. Richardson's views and, particularly when coupled with the peak inflation we are now experiencing, I regard the increase in the committee bill as lacking in basic common economic sense. Fundamental economic principles dictate that spending should be cut in times of "demand-pull" inflation. It is inconceivable to me to consider appropriations such as this in the midst of a financial crisis and runaway inflation.

On June 21, the Labor Department reported that consumer prices rose at an annual rate of 7.2 percent during May. From January to March consumer prices rose at an annual rate exceeding 9 percent. Not since 1951, have we had a 3-month period to rival the first 3 months of this year. The wholesale price index, which has seldom increased at more than 1 or 2 percent, has risen at an annual rate, seasonally adjusted, of 20.5 percent during May.

The greatest power this body has is the power of the purse. We can use that power to approve massive spending increases which will further threaten our economic stability or use it to uphold the fiscal integrity of the Federal Government.

There is an unfortunate tendency, on the part of many, to view pragmatism and realism as somehow opposed to high promise and humanism. But we have reached a point at which high promise and humane concern can be responsibly expressed only through operational performance which is pragmatic and realistic. The time to face fiscal reality is now.

I urge the adoption of the Michel amendment so as to save this important bill from fiscal irresponsibility. Mr. Chairman, we need to cut spending now.

Mr. MITCHELL of Maryland. Mr. Chairman, an attempt has been made to kill off the Office of Economic Opportunity by referring to the testimony of some representatives of the poor and the poor themselves who appeared before the subcommittee to attack the OEO programs. No one should be surprised about

the appearance of and the statements of these persons. Housing programs have been supported and attacked by those persons to whom the programs give service. Agriculture programs have been attacked in similar fashion as have road programs, FCC regulations, Securities and Exchange Commission regulations, and others.

I am surprised that more representatives of the poor have not attacked these programs. The antipoverty programs from their inception were misinterpreted.

Many of the poor of this Nation conceived of the antipoverty efforts as a dole, a huge welfare grant, expecting that they would receive dollars to be quickly and fruitlessly spent. They did not or would not accept the purpose of OEO; namely, to deliver a series of services which would enable groups and individuals to rise from their impoverished status. They did not or would not accept the idea that there was a culture of poverty which had to be attacked, as well as meeting individual and group needs through the provision of services.

I can understand why other representatives and groups of the poor would attack OEO programs. They had the mistaken notion that every proposal developed by the poor should have been approved for funding by the Community Action Agency and Commission. For them, it did not matter that the proposal they had developed was without substance or unworkable, or poorly conceived. Their feeling was that any and all programs developed by the poor should be funded regardless of merit. Cannot you understand that a group whose proposal—or proposals—was not funded would have hostility, anger, and a vendetta attitude against the antipoverty programs, no matter how much they accomplished, and their accomplishments were and are major.

When I was the director of the Baltimore Community Action Agency, I recommended the funding of a proposal which appeared to be sound, which had the potential of having a positive impact on the lives of the poor and which had a competent staff.

Seven months after the program had been in operation I recommended and obtained its termination. Despite good staff and despite its sound approach, it simply was not having any impact. I incurred the wrath of the sponsoring group. I was attacked in the press. Vilified by gossip and rumor. But I was right in making the decision to terminate the program.

I hope you will understand that groups across the Nation whose programs were terminated at either the local level or by the Regional-National Offices would want to denigrate and castigate the Office of Economic Opportunity programs. It is sad but true that many of these groups were concerned solely and exclusively about themselves. They were not concerned about the masses of poor people.

So I would ask you my colleagues, not to be misled by reports of those attacks on antipoverty efforts by some of the poor and/or their representatives. Ersatz leaders of the poor sprang up as OEO be-

gan. Pseudo-poor groups suddenly materialized with the advent of OEO. And if they did not accomplish their own selfish ends they became attackers.

For every such group or persons, I can produce thousands of those who are truly poor who will support and fight for OEO.

A few months ago, 3,000 people who were poor rallied in Baltimore in behalf of OEO. They were not staff people, social workers, nor administrators. They were the poor, the desperately poor, who wanted their chance to break out of poverty. Those people, and their counterparts are the ones Congress should listen to. The question is, Will the Congress do so?

Mr. Chairman, the OEO programs, and in particular, the Community Action Agency components have been consistently attacked. Charges of corruption, misuse of funds, and abuse have been hurled about recklessly. If one listened to the opponents of OEO one would be tempted to believe that every employee in OEO is guilty of some sort of wrongdoing.

I will be the first to admit that there have been wrongdoings in OEO. But I will also be the first to claim that in every agency, State or Federal, small or large, there will be an insignificantly small number of employees who will do wrong. However, it is grossly unfair to smear and castigate the whole Agency or program because the actions of a few. OEO was particularly vulnerable because by its very nature it had to include persons who lacked administrative, managerial experience. Some of the charges made against OEO are true, but the mistakes came out of ignorance, not out of wicked intent.

Let me return to the idea that in every large body, almost inevitably there will be some who will violate rules and principles. A few members of the highest legislative bodies in the Nation and in the States have done wrong, committing offenses ranging from peccadilloes to felonies. Should the actions of these few result in the wholesale condemnation of all legislative bodies?

Throughout the years of our history in various administrations, at the National and at the State level, a handful of persons have violated trust, confidence, and have abused power. They have committed offenses involving corruption, malfeasance and, indeed, bribery. No Member in this House would dare say that every administration should be blanketly condemned because of the wrongdoing of the few.

Why then should we have a double standard when a program designed for and significantly involving the poor makes mistakes.

My argument is that when mistakes are made by the Department of Defense, we correct the errors, punish the wrongdoers, but we never threaten to abolish the Department of Defense.

That same argument applies to the Department of Agriculture, the Department of Labor, and all other departments and agencies of Government.

My colleagues, do not destroy OEO. We have moved from the 1930's when President Roosevelt saw one-third of a

nation, ill housed, ill clothed and ill fed, to a point where the vast majority of Americans enjoy a good life. But remember, it took us 40 years to do this.

OEO has moved since 1965, reducing the number of poor in America so that now there are about 25 million Americans living in poverty. Do not abandon that 25 million. Do not destroy this program.

Mr. Chairman, since 1965, I have heard the charges that the Community Action Agency is an instrument of social change, that it advocates changes in the status quo, that it seeks to arouse citizens. I hope that all of these charges are true. An integral part of the culture of poverty is the idea or the attitude that the poor are essentially powerless people, incapable of affecting decisions that affect their lives, and unable to resist powerful forces which add to the disruption and chaos in their lives.

In every major city in the country examples can be found of decisions being made which wreaked havoc with the jobs for the poor, housing for the poor, and the very lives of the poor.

Let me give you two illustrations about decisionmaking which ruined or disrupted the lives of the poor.

The first deals with the roadbuilding, interstate systems. In every city where connector legs have been constructed the lives of poor families have been adversely affected. For example, a connector leg was constructed through north Nashville, destroying the bulk of the minority owned businesses which at that time were grossing about 40 million dollars a year. The residents who were not forced to move because of the road construction, then found themselves in a situation in which the stores, barber shops, and other services were no longer easily accessible to them. Incidentally, the minority businesses destroyed by the roads system have never recovered. Some never relocated. Others relocated, then failed. But the point is that there should have been an agency, a force advocating for the poor in this situation. This is the kind of role a Community Action Agency should and must play. It is my understanding that the Department of Transportation now admits to its mistakes in north Nashville. But it is too late. The damage has been done.

Let me give you another illustration. In my city of Baltimore, 6 years ago, a small street known as Peach Alley, in the middle of the south Baltimore area was condemned for the expressway system. Now, after the residents have been forced to live under the threat of condemnation, the city has announced that the condemnation line was too broad, and that it will commence a renewal program in the area.

Six years ago, approximately 200 families lived in the area, but most of them, because of the threat of condemnation, moved from the area, into other already crowded neighborhoods, increasing the density problem and thereby increasing the potential for neighborhood deterioration. Now only about 72 families remain in an area of ruins.

Landlords failed to keep up their properties because of the condemnation.

The ruined area abounds with boarded up housing, it is plagued with rats and debris, and only one small grocery store remains open. The city made that mistake 6 years ago. There should have been an agency for the poor advocating for the well-being of 300 families. An agency fighting against the city's decision to condemn. Now, the Community Action Agency must move into the area, to attempt to sell to distrustful, wary residents a relocation plan. The residents have heard about the cities latest plans, but they have heard promises before and they want to know whether renewal is any different from condemnation.

Let me speak about the need for an advocacy agency for the poor from another perspective.

In every major city in this country urban renewal projects have been completed. Some of these have adversely affected the lives of a whole generation of people. I refer specifically to an almost fatal decision made decades ago to provide low cost housing to the poor in the form of public high rise units. These high rises have been destructive of family life, they have bred all kinds of social pathologies, and in general have not operated in the best interests of the residents. Years ago, many of us pleaded with housing authorities not to construct high rises for poor families, but our pleas went unheeded. In more recent years, Community Action Agencies protested against the construction of high rise units for poor families. These agencies were successful. Housing authorities now recognize that it was a serious mistake to attempt to provide high rise, multi-units for the poor families. More and more housing authorities now take the position that high rises will be constructed for the elderly only. Advocate agencies for the poor helped to bring about these decisions. Was that a terribly wrong thing to do?

Colleagues, the citizens of this Nation who are still socially and economically disadvantaged, need and deserve an advocacy agency. Instead of criticizing CAA's for attempting to bring about viable, positive social change, we should be praising CAA's for carrying out the mandate given them. To the extent to which they do carry out that mandate, we shall see a lessening of tension, a reduction of inter-class hostilities and, most importantly, we shall secure for the poor of this Nation the hope that they will not live out the rest of their lives in grinding, searing, spirit breaking poverty.

Mr. RANGEL. Mr. Chairman, I ask this body to approve funding overall economic opportunity activities at last year's \$790 million level, and community action programs at the authorized \$328.9 million level.

When Congress passed the Economic Opportunity Act of 1964, it was making a commitment to the poor of America. Now, 9 years later, there are still 25.6 million poor citizens in our country, in the world's richest Nation. At the same time, the present administration seeks to break that solemn pledge made by

President John F. Kennedy and by President Lyndon B. Johnson.

There have been reports that a Federal interagency committee is quietly studying the possibility of ending the Government's use of the word "poverty." I assume that means that "poverty" may soon disappear in this country, at least from the official vocabulary of the bureaucrats. Now, in this Chamber, Congress may save the bureaucrats a great deal of trouble by legislatively pretending that there are no longer poor people in the United States. That, Mr. Chairman, would be the tragic result of under-appropriating funds for the Office of Economic Opportunity. The truth is that failure to fulfill the pledge of 1964 and to fully fund the antipoverty program will only increase the odds that the number of needy people will skyrocket.

The failure of Congress to adequately fund the programs authorized under the Economic Opportunity Act as amended will signify another unfortunate victory of Executive power over congressional control. As you know, in April U.S. District Court Judge Williams Jones ruled that the administration could not lawfully dismantle OEO. One reason he did so was because the President failed to submit a formal Executive reorganization plan to Congress. Now, 2 months later, such a formal plan still has not come down from the White House.

Then, on June 11, Judge Jones ruled that Howard Phillips was serving illegally as Acting Director of OEO. This decision was affirmed by the court of appeals last week. Again, by his failure to submit Mr. Phillips' name to the Senate for confirmation, the President sought to disobey the law of the land and to use the Economic Opportunity Act as a weapon in his war for uncontrolled Executive power.

If we do not fund crucial OEO programs, if we do not guarantee adequate Federal assistance to community action programs and community development programs, it will mean that the President has accomplished his avowed aim, but the blame and the shame will belong to Congress. The White House hopes that the House of Representatives will do legally what the administration tried to do illegally.

Not only is the administration's lack of respect for the law of the land an issue, but Congress must also deal with the White House attitude that the poor are only second-class citizens.

It appears to me that the White House position is that what is good enough for Lockheed is too good for the poor.

Congress must also consider the impact in human terms of a cutback in OEO funding. Because of OEO, Central Harlem is now receiving \$5.3 million. East Harlem receives \$2.4 million. The upper west side of Manhattan receives \$888,000. Any reduction in funds will jeopardize urgent job training, anticrime, drug abuse, alcoholism, housing counseling, and economic development projects.

The impact of anything less than full funding would reverberate across the entire country. There are now 907 community action agencies, employing 184,500 people, half of whom were earning below

the poverty level when they were hired. Wild stories about antipoverty employees getting rich can be viewed more properly when we consider the statistics and abandon the rhetoric. They make an average annual wage of \$5,200, hardly enough to make them wealthy. In fact, that average annual wage is about the same as the amount of money a Member of the U.S. House of Representatives receives each year for stationery and stamps.

Mr. Chairman, there has been a significant decrease in the number of poor people since the inception of the Economic Opportunity Act in 1964. It was the dream of John Kennedy and Lyndon Johnson when they occupied the White House. To the poor, it was a symbol of both hope and commitment. Congress will betray the dream and the hope if it cripples the antipoverty program.

Columnist William Raspberry once wrote:

Who are the poor, anyway? Are they a different species of homo sapiens? Or are they like most of us but without enough money to live in decency?

Today, as I urge your support for these funds, I ask you these same questions. Are the poor any different from you? Would you deny them the opportunity to participate in the mainstream of America's social and economic life?

Mr. CLAY. Mr. Chairman, our President is on the move again. With axe in hand, he is trimming the trees—especially those which are growing in the vineyards of American hardship and need. Former President Johnson did not live to see the coming of his long-fought for Vietnam peace agreement, but neither did he live to see the timber fall on his long-fought for domestic programs.

Make a list of the most demanding problems in America today, and you have almost duplicated the list of the areas of Federal funding that will be completely cut off or drastically curtailed. That would include the crisis of the cities, the fates of the unemployed, the future of the poor, the elderly, and the filth of American waters. This administration has put Federal subsidies to public housing—without which they cannot operate—in the freezer. Our President has decided to terminate the model cities program—bringing a halt to any attempt to rehabilitate the inner cities, the slums, or the people. He is attempting to put the Office of Economic Opportunity in the past; he has jeopardized the college education of many disadvantaged youth. His economic policies have had grave, adverse effects on middle- and low-income citizens.

In his famous "welfare mess" speech—he declared to change a system which helps nobody. During his last term of office, nobody could agree on the Nixon method to help the poor—even though everybody agreed there had to be a better system. Now, it seems Mr. Nixon is content to live with any sort of system for the poor, so long as it does not cost money.

Our President rationalizes his Executive action by claiming that the programs are not solving the problems, so the money should not be spent. Not only has he stretched the limits of his con-

stitutional authority, he also makes us wonder how he rationalizes the "gold bricks" we have been throwing into Cambodia where it obviously has not been solving problems. But dumping money into Cambodia is considered "good will" and "honorable," while spending money for programs which even attempt to solve critical problems in our own country is considered "budget busting."

Mr. Nixon has not proposed any alternatives to the Office of Economic Opportunity, which he is attempting to terminate—he just says that local and State governments can and/or will address themselves to those needs. Had local, State, or municipal government been able to solve these national problems, the Federal Government would not have legislated in these areas to begin with.

Yes, Mr. Chairman, there should be a "battle of the budget," a hard-fought war over priorities, overspending, and over the President's efforts to supercede all rights and responsibilities of this Congress.

I urge my colleagues to support this bill. This bill will help to reverse a dangerous trend in this Nation. We are losing our capacity for compassion. No longer is it fashionable to champion the cause of the underdog. No longer is there a will to address the problems of the needy or the disadvantaged. No longer does there seem to be a national conscience to guide our behavior. The bill before us today, Mr. Chairman, in my opinion, is a barometer of the amount of compassion or degree of conscience still existing among the leadership of this country.

I appeal to both the conscience and the compassion of this body to support continued funding for OEO. At least, in a small measure, OEO attempts to address the problems of the poor. To those who have not traveled the breadth and width of this country recently, let me tell you what we on the Poverty Subcommittee of this House have seen. Under the long hair of our youth, we have seen long faces of disgust. In the wrinkles of the faces of the old, we have seen despair. In the mining towns of Kentucky and Pennsylvania, we have seen the bulging bellies of starving white children. In the ghettos of Harlem, Hough, and Watts, we have seen barefooted black children playing in front of rat-infested, dilapidated houses. In Texas and California we have seen brown people living in the depths of poverty and degradation.

Mr. Chairman, common decency dictates that we address the problems of poverty. The enactment of this legislation is one giant step toward that end.

Mr. ESCH. Mr. Chairman, I wish to congratulate the House for the wise action it took in continuing support for library programs. As you know, the 1974 budget requests that all Federal support for libraries be abruptly ended in fiscal year 1974. But the House in its wisdom has rejected this request. The committee report (H. Rept. 93-305) clearly states the necessity for continuing these programs:

Public libraries are viewed as a valuable resource to local communities. Continued Federal aid is considered essential not only

to make library services available to areas which now have little or none but also to update existing libraries in urban and rural areas. School library resources under Title II of the Elementary and Secondary Act will provide needed library instructional materials to the public and private schools serving over 48 million students. College library resources and undergraduate equipment programs assist colleges and universities with relatively small grants to encourage these institutions to use more of their own resources to update and improve resource and learning materials.

H.R. 8877 includes \$176,209,000 for the library programs. It provides \$58,709,000 for the Library Services and Construction Act—LSCA—and \$90 million for the school library program authorized by title II of the Elementary and Secondary Education Act—ESEA II—exactly the amount appropriated for these programs in fiscal year 1972. For the college library resources program, and for training and research in librarianship, both authorized by title II of the Higher Education Act—HEA II—the committee recommends \$15 million.

And for the undergraduate instructional equipment grants program, authorized by title VI of the Higher Education Act—HEA VI—\$12,500,000 is recommended. Given the financial constraint under which we must operate this year, I support the committee recommendations for the library programs. Compared with the budget recommendation of "zero funding" for libraries, the recommended \$176,209,000 looks good. We must remember, however, that this amount represents in fact a decrease of \$38,479,000 from the comparable appropriation for fiscal year 1973. And it is \$750,000 below the comparable fiscal year 1972 appropriation.

Mr. Chairman, in the Education Amendments of 1972—Public Law 92-318—enacted a year ago, we amended the law to make it clear that colleges and universities are entitled to a basic library grant of up to \$5,000 providing they meet certain maintenance of effort and matching requirements. This means that some 2,600 colleges and universities throughout the entire Nation will be eligible next year for the \$5,000 basic grant for library resources. To provide each one with such a grant would require a fiscal year 1974 appropriation of at least \$13,000,000 for HEA II Part A. For fiscal year 1973, we appropriated \$12,500,000 for the II-A library grants, in the supplemental bill signed into law last October—Public Law 92-607.

In my own State of Michigan, for example, 61 postsecondary educational institutions have received a total of \$296,850 in basic library grants from that appropriation, no single grant being more than the maximum \$5,000 entitlement. In my own district, \$5,000 was awarded to: Eastern Michigan University—Putnam Ypsilanti; Monroe County Community College—Monroe; University of Michigan—Ann Arbor; Siena Heights College—Adrian; and Madonna College—Livonia.

For fiscal year 1974, however, the committee recommends only \$10,500,000 for the library grants program, a \$2,000,000 cutback from the fiscal year 1973 level.

The result of such low funding will mean that all our colleges will not be able to receive even the small sum of \$5,000 to which they are entitled by law. Mr. Chairman, I ask to have inserted at the close of my remarks a table showing for each State the estimated number of institutions eligible for the basic library grant, and the estimated total of all such entitlements within each State.

(See exhibit 1.)

The basic \$5,000 grant is not a large sum of money, and in fact, the Department of Health, Education, and Welfare justifies its recommended elimination of the basic grant program for this very reason. "Meaningful levels of assistance" cannot be provided, they say. I submit, Mr. Chairman, that by such reasoning HEW has missed the whole point of the basic library grants.

First of all, the college must match the \$5,000. This means that the library receives \$10,000 for the purchase of library resources, one-half from the institution and the other half from the Federal Government. What could a college library buy with \$10,000? The average cost of a hardcover book is about \$13. This means a library could purchase on the average some 769 books for its students and faculty. The average cost of the more scholarly paperback books is approximately \$4.25. A library could purchase about 2,352 of these books for \$10,000. Or, it could purchase hard-to-get and often expensive retrospective issues of periodicals to fill gaps in its collection.

It could subscribe to a number of scholarly journals or reviews, so necessary to study and scholarship today. It is true that \$5,000 is a small sum of money. But it makes an important difference to our college and university libraries. In addition, it encourages the institutions not to cut back their library expenditures, because the basic grant program requires maintenance of effort as well as matching.

In sum, Mr. Chairman, just as the great Library of Congress serves the library and information needs of all Members of Congress, so the college or university library serves the needs of the entire student body and faculty at all levels of study and in all disciplines.

Title II-A of the Higher Education Act also authorizes special purpose grants which encourage university libraries to develop cooperative arrangements with other libraries. It encourages the development of library consortia, with the libraries of many institutions cooperating to serve the students and faculty of all the institutions involved. The trend toward library consortia development is an important one that must be continued and expanded. To the extent that libraries cooperate with each other, they can eliminate costly duplication, and among them they can acquire and make available a wider selection of materials than any one could on its own.

Special purpose grants can only be awarded, according to the Education Amendments of 1972, after all the basic library grants are satisfied. Therefore, an appropriation of only \$13,000,000 for title II-A would enable only the award-

ing of basic grants to all eligible institutions. Only funds over and above this amount could be used for special purpose grants.

I would urge, therefore, Mr. Chairman, that in the future the HEA II-A college library appropriation be increased, so that the basic grant entitlements can be fulfilled, and so that there will be funds in addition to support the much-needed cooperative library projects which the special purpose grants encourage. The law also authorizes supplemental grants for postsecondary institutions with special needs. These, too, can only be funded after the basic grants are awarded, according to the Education Amendments of 1972.

I would also like to speak in support of the HEA title II-B training program, Mr. Chairman, for which the committee recommends an appropriation of \$3,000,000 for fiscal year 1974. In this age of computers and continual new developments in telecommunications that are revolutionizing the techniques for the storage, retrieval, and dissemination of information, professionals in the field of library and information science must be trained and retrained to handle the new technology.

It should be noted, too, that accredited library schools operate in a different setting from most other graduate schools in that they have no undergraduate training programs, requiring generally only a bachelor's degree for entrance. They try to attract the most capable students they can upon graduation from the various disciplines in the natural and social sciences and the humanities, but these very same able students are also being urged to go on to graduate work in their own fields, and they often receive fellowships or teaching assistantships from departments in other disciplines, an option that the library school does not possess. Therefore, without fellowships, a library school is at a serious disadvantage in attracting quality students.

As a member of the Committee on Education and Labor, which worked hard over a period of many, many months on the Education Amendments of 1972, I commend the HEA II library programs to you. I am proud of our favorable action on the committee recommendations for all the library appropriations for fiscal year 1974.

EXHIBIT 1.—HIGHER EDUCATION ACT—TITLE II-A

ESTIMATED BASIC GRANT ENTITLEMENTS FOR COLLEGE LIBRARY RESOURCES

	Number of institutions ¹	Maximum entitlement ²	Enrollment ¹
Alabama.....	51	\$255,000	118,435
Alaska.....	3	15,000	11,698
Arizona.....	20	100,000	123,722
Arkansas.....	19	95,000	53,853
California.....	217	1,085,000	1,310,758
Colorado.....	32	160,000	127,842
Connecticut.....	46	230,000	130,960
Delaware.....	7	35,000	28,248
District of Columbia.....	20	100,000	80,565
Florida.....	64	320,000	255,916
Georgia.....	61	305,000	140,743
Hawaii.....	13	65,000	42,418
Idaho.....	9	45,000	34,536
Illinois.....	138	690,000	483,195
Indiana.....	44	220,000	201,424
Iowa.....	54	270,000	109,454
Kansas.....	52	260,000	107,973
Kentucky.....	36	180,000	108,047

	Number of institutions ¹	Maximum entitlement ²	Enrollment ¹
Louisiana.....	23	115,000	134,409
Maine.....	17	85,000	4,551
Maryland.....	48	240,000	167,773
Massachusetts.....	118	590,000	319,856
Michigan.....	87	435,000	407,338
Minnesota.....	59	295,000	157,291
Mississippi.....	41	205,000	80,265
Missouri.....	70	350,000	188,881
Montana.....	12	60,000	28,081
Nebraska.....	27	135,000	66,054
Nevada.....	6	30,000	17,271
New Hampshire.....	19	95,000	28,294
New Jersey.....	58	290,000	241,189
New Mexico.....	11	55,000	47,953
New York.....	225	1,125,000	851,273
North Carolina.....	113	565,000	193,389
North Dakota.....	12	60,000	29,765
Ohio.....	101	505,000	385,581
Oklahoma.....	40	200,000	121,927
Oregon.....	40	200,000	123,322
Pennsylvania.....	146	730,000	429,838
Rhode Island.....	13	65,000	49,320
South Carolina.....	46	230,000	93,771
South Dakota.....	16	80,000	28,909
Tennessee.....	62	310,000	147,299
Texas.....	134	670,000	487,028
Utah.....	13	65,000	82,277
Vermont.....	18	90,000	25,712
Virginia.....	70	350,000	177,089
Washington.....	43	215,000	192,062
West Virginia.....	24	120,000	64,665
Wisconsin.....	58	290,000	217,114
Wyoming.....	8	40,000	17,551
Total.....	2,664	13,320,000	9,106,885

¹ Based on 1972 USOE higher education statistics.

² Educational Amendments of 1972 (Public Law 92-318) mandate a matching basic grant of up to \$5,000 for every eligible institution. Actual entitlements may be higher than shown because multicampus institutions are eligible for multiple basic grants.

Mr. CAREY of New York. Mr. Chairman, I should like to explain the necessity for my not being present for debate and various votes on continuing appropriations and the Labor-HEW appropriations bill. It was necessary for me to accompany Mrs. Carey to the National Cancer Institute at NIH in Bethesda, Md., where she is undergoing successful chemotherapy for cancer. Upon return to the House floor, I was required almost immediately to depart for New York City, to vote in the Democratic run-off in which we selected our party's candidate for mayor of New York City. Had I been present, I would have voted "aye" on the amendments attaching to continuing appropriations for fiscal year 1974, a funding prohibition for bombing in Cambodia and Laos, and an amendment removing from the Mahon substitute the 60-days grace period for bombing. My position on these votes is indicated in the CONGRESSIONAL RECORD. I also would have voted for final passage of the joint resolution.

Had I been present during votes, later in the day, on the Labor-HEW appropriations bill, I would have voted "nay" on all amendments to cut the funding contained in this vital bill, and would have voted "aye" on final passage of the bill. I am including in the Extension of Remarks my statement in support of the Labor-HEW appropriations bill.

Mr. Chairman, the House has an opportunity and a duty to make clear to the President and his administration that the American people are determined to continue their support for Government programs that have helping people as their goal.

This appropriations bill is a continuation of a national tradition of which we can be proud. It is a tradition which de-

clares unequivocally America's belief that every man should have equality of opportunity in employment, health care, education, and protection of other basic constitutional and human rights.

What this appropriation represents, Mr. Chairman, is reaffirmation of a more detailed bill of human rights, which we feel spells out what is really meant by "life, liberty, and the pursuit of happiness." Those words, and the specific rights they stand for, have been and remain in serious jeopardy. Recent revelations of wholesale constitutional subversion within the administration emphasize again how vigilant a nation must be to maintain individual freedoms.

However, I think an equal threat persists both to the constitutional rights and mandate of the Congress and to the rights and needs of those whom the Congress is directed to protect and assist.

I refer specifically to the health, education, and welfare authorizations and appropriations that the President either has vetoed or for which he has impounded funds. Vetoes have the effect of depriving the uneducated, the sick, the poor, the disabled, and those least able to speak for themselves, of their basic rights and their basic needs. Impoundment causes the same necrology of hopes, but adds a flouting of the Constitution to this gravamen of insult and injury. We in Congress have either had badly needed legislation thrown back in our face or the President signs it into law and then proceeds to ignore the spending directives it contains.

Justice Frankfurter once complained about the law and the Court's decisions concerning the law:

Does anybody know where we can go to find light on what the practical consequences of these decisions have been?

Well, the distinguished jurist would have been even more astonished to see the direct orders of the Congress meeting with outright miscompliance and noncompliance by those sworn to uphold the Constitution and the laws established under that Constitution.

Mr. Chairman, I applaud the Appropriations Committee members who have worked so hard to design this masterful bill. It represents an independent congressional evaluation of these vital human needs. It also represents a clear statement, as I said earlier in my remarks, that the Congress and the Nation are charting our own course in these matters—they clearly are too vital and pressing to be left to the tender mercies of the OMB or the Secretary of Health, Education, and Welfare.

This bill appropriates a total of \$32.8 billion, or \$1.26 billion more than the administration sought. Funds are contained for the Office of Economic Opportunity, hospital construction, school libraries, community health centers construction, and regional medical programs—for all of which the administration requested no funds.

I support these additional funds and urge my colleagues to do so overwhelmingly and provide an additional signal of the support these programs enjoy.

Mr. Chairman, the bill is extensive in the programs it funds and there is no

need for me to comment on all of them. However, I should like to address some brief remarks to those programs I have worked to preserve and expand.

I, first of all, wish to make clear my strong support for the continuation of the Office of Economic Opportunity. Surely, action by the committee and the House is appropriate in the wake of recent court decisions, declaring illegal and unconstitutional, efforts to dismantle the structure and programs of OEO—efforts led, incidentally, by an acting director whose tenure was also illegal.

Various programs in which the community is actively involved have begun to demonstrate the wisdom of this "community action" approach. Putting people to work in bettering their own neighborhood or community makes good sense. It would seem the best way to introduce individuals and families, who have been trapped in the welfare circle, to gainful and dignified employment—employment directed into areas that foster a better understanding of the personal and social problems that give rise to a family tradition of welfare—a tradition that is passed on through no fault of those involved.

Community action programs both directly and indirectly bring increasing numbers of the disadvantaged into the economic and social mainstream of American life. We must continue these and other OEO programs and work to make them ever more effective—effective to the point where they work themselves out of a job. That is the way to dismantle these programs; not destroying them before they have achieved their goals. These programs should continue until the 24 million Americans now in poverty have raised themselves and their children out of poverty. Poverty in a Nation as wealthy, powerful and ingenious as America is a disgrace. We, as a people, have a right to insist on its disappearance from the land.

Mr. Chairman, another program that I have worked to preserve is authorized under title V of the Social Security Act. Projects funded under title V include maternal and health care centers. These centers are located to provide a team health care approach for the urban and rural disadvantaged mother and her children.

Earlier legislation directed that all project funding be merged with regular title V block formula grants to the States. This method of funding results in either the acute curtailment or the effective demise of practically all maternal and child health care projects in the Nation. I have received statements from directors of these projects from around the country, and have been warned that this is indeed the case, even in States that are slated to receive slightly increased funds under the formula grant funding mechanism. Until such time as the States have made administrative and funding commitments to adequate support of these centers, the present project funding must be continued. After such assurances, it will then be possible to focus on making more equitable the formula for distribution of block grants to the States.

The Senate Finance Committee has reported a debt limit extension bill which includes as an amendment the continuation of project funding. It would appear that the Senate will approve this amendment and that it will go to conference with the House. I am hopeful that when this amendment is brought back in disagreement, as nongermane, the House will give its approval to this vitally needed continuation of project funding.

The important services which these maternal and child health care centers provide is magnificently obvious. Throughout the Nation, infant mortality has decreased almost 26 percent during the period 1960–71, with most of the decrease in the last 5 years. And the largest reductions in infant mortality took place in the low-income areas of the larger cities where the majority of the 56 maternity and infant care projects now in operation are located. The health care provided also promotes better family health through parent education in nutrition and hygiene. The number of children declared "healthy on examination" has risen as a result of preventive medical and dental care programs. The nationwide value of these programs is beyond dispute. Continuation of project funding is clearly of vital and immediate concern to every Member of Congress.

Community mental health centers are another important aspect of health care neglected by the President's budget. These centers have played a major role in developing community alternatives for the care of the mentally ill. Until the establishment of these centers, the mentally ill had little alternative to being packed off to a custodial warehouse where they waited for years without either adequate treatment or hope of return to their homes and families. Committee inclusion of funding for center construction and for staffing demonstrate our commitment to establishment of the original targeted 1,500 centers throughout the Nation. We have only 500 now, and providing no funds for the centers, as the administration proposed, would have seen these standing empty and unused.

A survey of those communities served by the centers has demonstrated their immediate and effective impact on the areas they serve. State mental hospitals served by well-established and functioning mental health centers have an admission rate half that of the national average. There could not be any more starkly revealing evidence of the worth of these centers. They deserve to be, and I am confident, will be funded.

Funding is included in the bill for child day care centers. I would not speak specifically to the funding for these centers but must comment on the impact of certain proposed regulations governing eligibility for services provided at the centers. Regulations issued on May 1, 1973 would drastically limit the number of children eligible for the centers.

The Senate Finance Committee has approved an amendment to the pending debt limit extension legislation, postponing the effective date of these regulations and giving the Congress time in

which to legislate on this complicated matter of social services. I urge my colleagues support of this amendment should it be brought back to the House for floor consideration.

Mr. Chairman, there are several other aspects of the pending appropriations upon which I should like to comment. I am deeply gratified that the committee provides funding to educate deaf students in America. I am humbly proud to have been the author of legislation resulting in Public Law 89-694, which created the model secondary school for the deaf. This experimental school was established as a direct response to a national need. It is designed to serve as a laboratory for educational experiments, provide for the dissemination of working models to professionals educating the deaf, and also to help educate the high-school level deaf student.

The model secondary school for the deaf is located on the campus of Galludet College, which was established in 1857 by act of Congress. Galludet remains the only liberal arts college in the world, exclusively for the deaf. I appreciate deeply the continued funding for both these institutions—funding which permits us to continue rewarding educational experiences for the deaf, and derive new methods and techniques for teaching the deaf and other handicapped.

Mr. Chairman, I have touched only on several aspects of this vast and immensely important bill. As I stated earlier, not only is it a declaration for the rights of those who are least able to assert and protect their rights, but it is a reaffirmation of our determination to legislate for the general welfare in an effective and timely fashion.

Surely, reporting and approving overwhelmingly this bill, will demonstrate that the Congress, and indeed, all Americans, have not caved in on the confrontation between freedom and repression.

Neither the government of fear, nor the politics of fear must prevail. Repression takes many forms and paths and only by affirming the rightness of America and the goodness of Americans, can we continue to move ahead towards a truly just society—a society where personal freedom and personal security continue to increase; but never at the expense of each other.

Mr. Chairman, these are just a few of the reasons I urge House passage of H.R. 8877, without amendment to decrease any funding contained therein.

Mr. GIAIMO. Mr. Chairman, I have recently discussed funding for the National Cooley's Anemia Control Act with Chairman FLOO of the Labor and Health, Education, and Welfare Appropriations Subcommittee. Specifically, both Chairman FLOO and I were concerned with the possibility that funds to be appropriated for implementation of this act, as contained in the President's budget and the bill reported and passed by this House, were merely taken from other funds already available to the National Heart and Lung Institute and the National Institute of Allergy and Infectious Diseases. This would, of course, not represent the intent of Congress to provide additional funding for research into

this disease. So that this legislative record is clear, therefore, I would like to take this opportunity to insert a letter I wrote Chairman FLOOD on June 14. Mr. FLOOD has reviewed this matter with me and concurs that the bill passed by this House of Representatives is intended to provide new funding for research into Cooley's anemia, and does not merely represent a shifting around of funds within the National Institutes of Health.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 14, 1973.
Hon. DANIEL J. FLOOD,
Chairman, Subcommittee on Labor and
Health, Education, and Welfare, House
Committee on Appropriations, Wash-
ington, D.C.

DEAR MR. CHAIRMAN: I know that your Subcommittee has been quite busy in assessing the many priorities within the Fiscal Year 1974 Appropriations Bill for the Departments of Labor and Health, Education, and Welfare. I'd like to bring one relatively small item within this bill to your attention, hoping that you will consider the merits of this program and the overwhelming vote by which funds for it were authorized by the House and Senate just last year.

I am referring to a program to provide research and education funds to combat the genetic blood disorder known as Cooley's Anemia; the authorizing legislation passed to combat this disease, P.L. 92-414 ("The National Cooley's Anemia Control Act"), was an addition to Title XI of the Public Health Service Act. Since Cooley's Anemia—which affects children of predominantly Italian and Greek descent—and Sickle Cell Anemia—which affects children of predominantly African descent—are the only two genetic blood disorders leading to anemia, it made sense to combine them as two parts of one Title in that Act.

During hearings on this legislation, however, the Department of Health, Education, and Welfare presented information and testimony which purported to show that funds were already being spent (to the extent of \$2.1 million per year) on research to cure this disease. The truth of the matter, which quickly emerged under questioning from the Public Health and Environment Subcommittee members, was that most of the research so listed was only indirectly related to the problem of Cooley's Anemia and was actually directed toward a wide spectrum of problems in hemoglobin synthesis.

This kind of indirectly related research is, of course, necessary for the solution of a wide spectrum of problems. The Congress, however, in passing P.L. 92-414, indicated that it wished to see special attention devoted to the concentrated work on Cooley's Anemia.

In presentation of materials pursuant to P.L. 92-414, however, the Department has indicated that it will attempt to thwart and frustrate the intent of Congress by "crediting" that indirectly related research against the total authorization allowed for Cooley's Anemia appropriations during Fiscal Year 1973. Department figures show \$2.737 million for the purposes of research and education, equal to the limit of authorization, leaving out funds for screening. Just as the Department fought this legislation through the use of misleading figures, therefore, it is presenting the same kind of misleading information to your Subcommittee. Department figures, in fact, show \$2.6 million having been spent pursuant to P.L. 92-414 during Fiscal Year 1973—even though the bill was only signed by the President on August 29, 1972!

In order to counter such deceptive tactics, I am confident that you and your staff examined the figures submitted by the Department for inclusion in the Fiscal Year 1974 Budget. If you agree with me, I urge you to

support, by Committee amendment, if necessary, the addition of sufficient funds to the appropriations for the National Institute of Allergy and Infectious Diseases and the National Heart and Lung Institute to reflect the mandate Congress gave to this program. Without such work, the Department will succeed in merely manipulating existing funding, taking away from other categories in order to show their "compliance" with the instructions of P.L. 92-414.

Thank you again for your attention to this item, Mr. Chairman. I know it is of small magnitude in the overview of the full bill, but it is of great importance to me and the tens of thousands of children unfortunately enough to be afflicted by Cooley's Anemia.
Sincerely yours,

ROBERT N. CHAIMO,
Member of Congress.

Mr. CRANE. Mr. Chairman, as we consider the question of Federal grant programs for education and the formula of dollar per pupil aid based upon total enrollment, it is essential that we understand a basic and pervasive lack of fairness which is inherent in this program.

While teacher organizations throughout the country are spending a significant amount of time, energy, and resources lobbying for increased Federal aid to education, the fact is that, in many instances, their efforts are counterproductive. In many cases, the States in which they live and teach receive less funding for education as a result of Federal aid and involvement than they would if the Federal Government were to cease its programs and State and local governments were to assume their traditional responsibilities in this area.

I have spoken out many times before about the fact that Federal aid to education brings Federal control and involvement and that local school boards and school districts, by encouraging and supporting such aid, are in fact abdicating their own responsibilities and eliminating any chance for effective action.

In the past year we have seen increasing evidence that this analysis has been correct. Bureaucrats at the Department of Health, Education, and Welfare, without any legislative mandate from the Congress, have imposed school busing to achieve an artificial racial balance and have used the threat of withdrawal of Federal aid as the means through which to achieve their will. Similarly, in higher education, the Department of Health, Education, and Welfare has imposed racial, sexual, and ethnic quotas in faculty hiring. Once again, the threat of the withdrawal of Federal aid has been the means used.

Academic freedom and the independence and integrity of American education is being interfered with by governmental intervention in the hiring process and the imposition of arbitrary quotas. In an important statement issued in a report to the American Association of Independent Colleges and Universities, the president of Hillsdale College, Dr. George C. Roche III, declared that—

The attempt to achieve statistically adequate representation of women and ethnic groups on college faculties has tended to produce a rush to discover sufficient numbers of well-qualified professors with minority credentials. In actual practice, the numbers demanded of such minority types exceeded the qualified people available. Thus a strange

new word has entered the Affirmative Action dialogue. Today we talk about the appointment of persons who are not qualified, but who are "qualifiable." In point of fact, the guidelines state: "Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent."

Beyond this very real threat to academic freedom is the fact that the State of Illinois, among many others, is being shortchanged by the program we are considering at this time.

The tax burden of the State of Illinois represents 6.69 percent of the total Federal tax revenues. Under this program, however, in almost every category the State of Illinois receives far less than the 6.69 percent it pays in.

Let me cite a number of examples. In the field of social rehabilitation service and old-age assistance, Illinois receives only 0.99 percent of Federal expenditures. Thus, Illinois pays almost 7 percent and receives less than 1 percent. If this is fair and equitable taxation, it is difficult to understand why. In the area of grants for education for the handicapped, Illinois receives only 5.22 percent of the total, in adult education only 4.53 percent and aid to the blind only 1.50 percent.

In a report issued by the office of the superintendent of public instruction for the State of Illinois, it is declared that—

Formula grants comprise the largest amount of federal assistance, and because the formulas presumably weigh population, disadvantaged status, and other factors affecting urban states, one might assume that Illinois schoolchildren would benefit greatly. The fact is, however, that the Midwest Region, which has the largest population of the ten regions, ranks last on per capita formula grant expenditure per child.

The report continues to point out that—

Illinois, when compared with all sister states, ranks 43d in per pupil formula grant allocation. In fact, only one urban state is among the top 30 states. Obviously, formulas, which are supposed to be based on the number of schoolchildren, must be based on other factors as well.

Illinois received \$73.46 dollars per pupil in aid based upon total enrollment. The State of Alaska, on the other hand, received \$358.78 per pupil while Mississippi received \$159.04, North Dakota \$143.47, and South Dakota \$139.82. New York, the Nation's second largest State, received \$ 09.98 and California, the Nation's largest State, received \$85.34. It seems clear that there is something seriously wrong with this distribution of funds. The States which contribute the most, and have the most pupils, receive the least aid.

Since Illinois receives far less in aid than it contributes in taxes, Illinois teachers who lobby for increases in the amount of Federal aid to education are, in fact, lobbying against their own self-interest, and the interest of Illinois students. Our State would have far more money to use for quality education if the program of Federal aid were to cease, and the State were able to use its tax revenues at home. Money, once it reaches Washington, becomes involved in a bureaucratic maze. Few States receive anything like the money their citizens pay

in taxes back in aid. It is high time that our citizens come to understand this fact, and understand as well the dangers to the integrity of their school systems inherent in the Federal controls which accompany such aid.

The following table, which I wish to share with my colleagues, shows in some

detail the manner in which Illinois is being shortchanged by these appropriations measures.

At the left is a list of 41 activities followed by the total amount of money received by the 50 States and the District of Columbia during fiscal 1973. At the right are columns showing how much

Illinois received from these programs, followed by Illinois percentage of the total. By comparing the percentage figures with Illinois contribution to total Federal taxes, which is 6.69 percent, it is possible to easily determine how much Illinois has, in fact, been shortchanged in these programs:

ILLINOIS

[Federal fund tax burden, 6.69 percent; total tax burden, 6.40 percent]

	Total for 50 States and District of Columbia	Illinois	Percent of total		Total for 50 States and District of Columbia	Illinois	Percent of total
Educationally deprived children.....	\$1,501,105,787	\$76,324,460	5.08	Health services delivery—maternal and child health services.....	\$48,345,100	\$1,722,200	3.56
Emergency school assistance.....	186,910,800	10,046,782	5.37	Health services delivery—crippled children's services.....	50,896,200	1,785,000	3.50
Education for the handicapped—State grant program.....	36,407,767	1,901,098	5.22	Social rehabilitation service—old-age assistance.....	1,186,657,000	11,754,000	.99
Occupational, vocational and adult education—basic vocational education programs.....	376,736,799	16,954,129	4.50	Aid to the blind.....	63,547,000	955,000	1.50
Programs for students with special needs.....	19,620,322	882,966	4.50	Aid to the permanently and totally disabled.....	847,464,000	52,534,000	6.19
Consumer and homemaking education.....	25,144,065	1,131,547	4.50	Aid to families with dependent children.....	4,004,499,000	268,638,000	6.70
Work study.....	5,902,024	310,522	5.26	State and local administration.....	450,976,000	22,374,000	4.96
Cooperative education.....	18,915,000	662,047	3.50	Medical vendor payments and local administration and training.....	5,162,883,000	289,818,000	5.61
State advisory councils.....	2,519,938	96,304	3.82	Child Welfare Services.....	44,778,628	1,921,025	4.29
Innovation.....	15,520,000	482,053	3.10	Work incentives—awards for WIN social service, including child care and administration.....	85,520,000	805,000	.94
Research.....	17,666,739	795,049	4.50	Work incentives—awards for training and incentives.....	184,645,000	8,300,000	4.49
Adult education.....	50,111,320	2,271,708	4.53	Basic State grants program under sec. 2, Vocational Rehabilitation Act.....	582,365,320	21,202,454	3.64
Higher Education—student assistance—work-study.....	220,500,000	10,436,773	4.73	Developmental Disabilities Services and Facilities Construction Act of 1970.....	19,091,411	851,062	4.45
Direct student loans.....	283,873,671	14,465,991	5.09	Administration on aging—State agency activities.....	11,700,000	592,856	5.06
Construction—State administration.....	2,827,000	98,000	3.46	Area planning and social service programs.....	66,116,365	2,725,362	4.12
University community services.....	5,494,390	121,573	2.21	Nutrition program.....	97,739,160	5,230,048	5.35
Land-grant colleges and universities.....	2,550,000	50,000	1.95	Office of Child Development—Head Start—full-year and summer programs.....	341,850,796	14,709,275	4.30
Library resources—public library services.....	29,357,935	1,247,917	4.25				
Interlibrary cooperation.....	2,641,149	72,882	2.75				
School library resources.....	87,804,878	4,834,821	5.50				
Health services and mental health administration—drug abuse.....	14,810,689	1,217,821	8.22				
Alcoholism.....	29,446,448	1,367,259	4.64				
Health services planning and development—comprehensive State health planning.....	8,296,700	330,100	3.97				
Health services delivery—comprehensive health services.....	85,759,400	3,845,200	4.48				

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

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

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), \$795,475,000, of which \$15,000,000 shall remain available until June 30, 1975, for grants pursuant to part A of the Community Mental Health Centers Act.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Department of Health, Education, and Welfare and related agencies, and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the remaining paragraphs as follows: The paragraph on page 8, lines 13 through 20; the paragraph on page 11, lines 9 through 11; the paragraph on page 11, lines 12 through 15; the paragraph on page 11,

lines 16 through 19; the paragraph on page 11, lines 20 through 25; the paragraph on page 12, lines 1 through 6; the paragraph on page 12, lines 7 through 11; the paragraph on page 12, lines 12 through 17; the paragraph on page 12, lines 18 through 23; the paragraph on page 13, lines 1 through 4; the paragraph on page 13, lines 5 through 9; the paragraph on page 13, lines 10 through 18; the paragraph beginning on line 19, page 13, and extending through line 2 on page 14; the paragraph on page 14, lines 4 through 15; the paragraph beginning on line 23 on page 17 and extending through line 14 on page 18; the paragraph on page 20, lines 6 through 20; the paragraph beginning on line 21 on page 20 and extending through line 16 on page 21; the paragraph beginning on line 17 on page 21 and extending through line 2 on page 22; the paragraph on page 26, lines 4 through 24; the paragraph beginning on line 14 on page 39 and extending through line 6 on page 40.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), \$725,311,000.

To carry out titles VI and IX, sections 314(a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a) (7), 403(a) (1) and 433(a) of the Public Health Service Act; \$301,320,000 of which \$110,000,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, \$515,040,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, \$276,415,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, \$40,227,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, \$145,182,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the public Health Service Act with respect to neurology and stroke, \$108,505,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, \$107,111,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, \$152,528,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, \$116,092,000.

For expenses necessary to carry out title

IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$33,949,000.

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, \$27,154,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, \$110,871,000: *Provided*, That none of these funds shall be used pay to recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$4,319,000, of which not to exceed \$500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, \$590,984,000, of which \$2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, \$50,000,000 shall be for grants for construction of facilities (including \$10,000,000 for dental teaching facilities) under part B of title VII, and \$10,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I (\$1,713,000,000), title III (\$146,393,000), title V, parts A and C (\$38,000,000), and title VII of the Elementary and Secondary Education Act; title III-A (\$25,000,000) of the National Defense Education Act of 1958; and section 222(a)(2) of the Economic Opportunity Act of 1964, \$2,003,393,000: *Provided*, That the aggregate amounts made available to each State under title I-A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89-10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out, to the extent not otherwise provided, section 102(b) (\$20,000,000), parts B and C (\$419,682,000), D, F (\$25,625,000), G (\$19,500,000), H (\$6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) (\$61,300,000), \$575,641,000 including \$16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed \$18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of title VIII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92-506 of

October 19, 1972, \$1,803,914,000, of which amounts reallocated for work-study shall remain available through June 30, 1975, \$25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and \$440,500,000 shall be for basic opportunity grants (including not to exceed \$11,500,000 for administrative expenses), of which \$429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: \$310,000,000 for subsidies on guaranteed student loans and \$31,425,000 for annual interest grants for subsidized construction loans.

For carrying out, to the extent not otherwise provided, titles I (\$38,239,000), II, and III (\$2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II (\$90,000,000) of the Elementary and Secondary Education Act; and title II (except section 231) and title VI (\$6,250,000) of the Higher Education Act; \$156,969,000 of which \$5,250,000 to remain available through June 30, 1975, shall be for grants for public library construction under title II of the Library Services and Construction Act.

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, titles III, IV, V, VII and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, \$280,932,000; of which \$21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$241,300,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 802 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read and printed in the Record, since there are copies of the amendment available and since it is three pages single-spaced. In the interest of saving time, I would like to facilitate this matter.

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

Mr. YATES. Reserving the right to object, Mr. Chairman, may I ask the gen-

tleman what the amendment does with respect to bilingual education?

Mr. MICHEL. If the gentleman will yield, I appreciate the gentleman narrowing it down to one item, because I certainly intend to discuss the amendment fully, but as far as bilingual education is concerned, the committee added \$10 million to the budgeted amount, and I cut that \$10 million in half, to \$5 million, which will still provide, I might say to my good friend, some 30 additional new projects over and above the 64 initially scheduled under the President's budget. Therefore, my amendment would allow a total of 94 new projects.

Mr. YATES. Mr. Chairman, I regret the unfortunate and unfair amendment offered by the gentleman from Illinois. I withdraw my objection so the amendment may be debated and defeated, I trust.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman from Illinois withdrawing his objection.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Chairman, I have an amendment to the amendment offered by the gentleman from Illinois (Mr. MICHEL) his package amendment. When would be the proper time to offer that amendment?

The CHAIRMAN. The Chair will state that at any time while the amendment offered by the gentleman from Illinois (Mr. MICHEL) is pending, a Member can rise and seek recognition to offer an amendment to the amendment.

Mr. CONTE. I thank the Chairman.

The CHAIRMAN. The gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes in support of his amendment.

Mr. ROBINSON of Virginia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-one 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. 289]

Ashbrook	Green, Oreg.	Poage
Ashley	Gross	Price, Tex.
Badillo	Hanna	Quile
Blackburn	Hansen, Idaho	Rallsback
Blatnik	Harsha	Randall
Brasco	Hébert	Ress
Breaux	Henderson	Reid
Camp	Howard	Robison, N.Y.
Carey, N.Y.	Hutchinson	Rooney, N.Y.
Chappell	Ichord	Ryan
Clark	Kemp	Schellus
Conyers	King	Sikes
Culver	Landrum	Stanton,
Danielson	Litton	James V.
Davis, Ga.	Lujan	Stelger, Ariz.
Dent	Mailliard	Stephens
Derwinski	Martin, Nebr.	Teague, Calif.
Dickinson	Mills, Ark.	Teague, Tex.
Diggs	Mosher	Thompson, N.J.
Esch	Moss	Thornton
Eylins, Tenn.	Murphy, N.Y.	Ullman
Fisher	O'Neill	Whitten
Flynt	Patman	Zion
Gray	Pepper	

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. HOLIFIELD) 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. 8877, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 363 Members recorded their presence, 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 Chairman had recognized the gentleman from Illinois (Mr. MICHEL).

PERSONAL EXPLANATION

Mr. QUIE. Mr. Chairman, I would like to say that I am present, but that I neglected to put my card into the machine for recording during the last quorum call.

(By unanimous consent, Mr. MICHEL was allowed to proceed for an additional 5 minutes.)

Mr. MICHEL. Mr. Chairman and Members of the Committee, may I first quickly explain why I am offering this group or package of amendments rather than submitting them individually.

Mr. Chairman, there are some 370 or more line items in this bill. I propose to touch only 26 of those items with my package of amendments.

It is my opinion that this bill in its present form, being \$1.2 billion over the budget, is surely going to be vetoed. We have heard the arguments advanced by several Members here this afternoon, that we simply cannot go on for another year, for 2 years running, under a continuing resolution. That would be indefensible.

We have to make a serious effort to cut significantly here. The problem with doing it by line items is that one cannot get a sufficient number of Members on these very sensitive items to be recorded by tellers with clerks when in good conscience many Members know there could be somewhat of a token cut, or perhaps a bigger cut, or even a significant cut, on some of these items.

In an overall package, it is much more defensible, for individual Members of Congress, for one big reason, and that is we want to see a bill enacted into law and not be operating under a continuing resolution.

The magnitude of the pressures upon our chairman, upon the individual subcommittee members, and all the Members here, by these pressure groups in the field of education and in the field of health sometimes is unconscionable.

My rationale for putting this package together is, first, that it be given a broad-based consideration for bipartisan support and, second, I do not intend to see that this appropriation bill be used as a vehicle for terminating ongoing programs, even though that may be desirable in some cases.

As I said earlier in the debate, the Committee on Education and Labor is currently considering education bills on manpower training and revenue sharing. Two weeks or so ago we passed a bill, with only one dissenting vote, extending 12 health programs for another year, to enable the Committee on Interstate and Foreign Commerce to have an oppor-

tunity to study these programs and see which ones could be cut out, or reduced, or how we could reshape them.

First, it may be best to say what my amendment does not do.

It does not affect in any way impact aid, as much as I think there are some cuts that would be desirable in that area. It is an indefensible kind of program in many respects, but we are not going to debate that here. We do not touch it.

We do not touch the land-grant college item of \$10 million, that could be wiped out and would not hurt anybody. We have had \$10 million in that program for 20 years. If it were such a great program, by now it would be up to \$200 million or \$400 million. The president of Illinois University told me:

It is not the money, it is the principle of the thing. We just want you to be beholden to land grant colleges from now until doomsday.

So I do not touch it.

Higher education? We do not touch it in the amendment.

Veterans cost of construction, \$25 million. I do not touch it. It is a lousy thing, one of the worst we could have had on the books. It does not go to the veterans. It goes to the institutions themselves, if they increase their veteran enrollment by more than 10 percent.

Anything that has the name of "veterans" on it is something that everybody shies away from, thinking it might be doing something to harm the veteran. I am not going to run that risk, so I leave that \$25 million in the bill.

Next is the regional medical program. Our good friend the gentleman from Pennsylvania (Mr. Flood) likes to consider himself the father, mother, or grandfather of that particular program. We are not touching that item in the bill, although the gentleman from Pennsylvania, Mr. Flood, recognizes there are varying degrees of regional medical programs. Some are good. Some are not so good. Perhaps some ought to be eliminated.

In the cancer and heart and lung institutes, so far as research training is concerned, we do not touch that item.

As I said in the full committee, we do not touch the nurses in this particular amendment except for reducing the construction item from \$20 million to \$10 million.

But that is the amount they will have in the current fiscal year to spend. We do not touch health services delivery, and we do not touch preventive health services or any special programs for the aged.

Mr. Chairman, if the Members would like to follow me in a more orderly fashion, I call their attention to the appendix on page 21262 of yesterday's Record, where we have these 26 items enumerated. If I might in the limited time at my disposal, I will go down through each item very briefly.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

First. General mental health:

(a) Research: This activity provides funds to develop new knowledge and approaches to the causes, treatment, and prevention of mental illness, excluding drug abuse and alcoholism.

In 1973, 979 projects were funded through two grant mechanisms. Regular research grants, with no matching requirements, went to investigators in mental health institutions. The hospital improvement program is directed toward improving the treatment in State-supported institutions.

The \$8.8 million increase provided by the committee will double the amount the National Institute of Mental Health will have available for new research projects. This amendment would limit the increase to \$4.4 million, while still providing NIMH adequate funds to expand new research into such problem areas as the mental health of the elderly.

The \$4.4 million could provide some 140 more new projects than the budget proposal.

(b) Training: Regular training grants go to organizations to defray training costs and provide stipends for individual enrollees. Hospital staff development grants go to State mental hospitals to provide staff training. Research fellowships go to individuals to assist in research training.

The amendment would decrease the committee increase of \$38.1 million for this item by one-half to \$19.5 million. This will bring total funding in 1974 for the training of students in the fields of psychiatry, psychology, social work, and psychiatric nursing to a level of \$90.5 million. An increase of \$19.5 million is sufficient to maintain faculty support to the institutions, assuring continuance of a mental health training curriculum in the schools.

There are normally about 1,960 new students annually in the training programs being phased out.

Dr. Brown testified before our subcommittee this year that NIMH is changing the direction of its training and service activities to provide increased technical assistance and some development funds to help State and local personnel build on existing resources for meeting service and manpower needs. While reducing support for psychiatry, psychology, psychiatric nursing, and social work, the budget requested increases for demonstration projects to train new types of mental health personnel, and to explore improved training methods; for developmental activities to help educational institutions develop their own program capability and resources for manpower development; and for continuing education programs to help mental health service agencies and institutions develop the capacity for retraining and updating the education of mental health personnel. This is moving in the direction of more efficient utilization of manpower resources, which I think is where we should be going.

Our committee report says that we were presented with no evidence that the need for professional personnel in the field of mental health has diminished. This is true. The budget document simply pointed out that in post-war America when these programs originated, our mental health professional manpower was woefully inadequate, and it was necessary to underwrite extensive developmental programs for psychiatry,

psychology, psychiatric nursing, and social work, but that now, while some shortages still exist, professional mental health manpower appears to have a sufficient base with which to compete in the marketplace under the normal laws of supply and demand.

I do not think there is any question about it. I have all the respect in the world for the hard-working, dedicated people in these professions, and I think there is a definite need for continued training programs in these areas—but not at Federal expense. We should be moving instead toward activities such as the National Health Service scholarship program in which persons preparing for the health professions may be provided scholarship assistance in return for a commitment to serve with Federal health programs for a period of time. This makes sense, and the budget requested a sizable increase for this program, which our committee will consider as soon as it is authorized.

Here again we are faced with the continued funding of once necessary programs which have simply outlived their usefulness, and Members are caught in a situation where their vote for a phase-out may be construed as a vote against psychiatrists or psychologists, or psychiatric nurses, or social workers. It is a classical political dilemma, but I think we just have to face up to what needs to be done.

My amendment provides for an orderly phaseout by continuing existing commitments, but funding no new student support. At the same time, we provide funds for faculty and institutional support so that the schools will not be forced into financial crisis. It's logical, orderly, and reasonable.

In fiscal 1973, support for these training programs was reduced in the HEW operating plan about 30 percent below the 1972 level, supporting about one-quarter—2,101—fewer students. The budget request for fiscal 1974 proposed a further 30-percent reduction in funding, and of course, the number of students would be correspondingly lower.

(c) Community programs: (1) Construction of Community Mental Health Centers.

Grants are allocated for construction of public and other nonprofit community health centers. In 1973, 36 new grants were awarded. Funds go to States on a formula basis of population and per capita income. The matching basis for the State depends on whether the catchment area served has been designated as a "poverty area."

A \$15 million increase has been included in the committee bill for CMHC construction grants. This amendment would remove that \$15 million from the bill and eliminate new construction. Construction in this area is of low priority. Many communities, particularly concerned with drug abuse and alcoholism problems prefer to use their limited funds to meet matching requirements for the much-needed services and treatment activities.

(2) Staffing of centers: Grants go to staff community health centers. Grants

are awarded on matching basis with the percent of Federal support varying, depending on whether the catchment area served has been designated as a "poverty area."

This amendment would reduce by one-half the increase provided by the committee for staffing grants. This reduction would provide a total program level of \$144.5 million in 1974 and still enable NIMH to fund \$19.2 million in new awards to approximately 45 projects.

Staffing grants (p. 151, vol. 3): There are presently 57 CMHC staffing grants totaling \$34,900,000 which have been recommended for approval by the National Advisory Mental Health Council and are therefore technically acceptable for funding. This represents the number of applications recommended through the December meeting of the council. Subsequent to the announced policy to phase out support for the CMHC program in January, the NIMH is no longer accepting new CMHC staffing grants applications. All applications in process which had not been reviewed by the National Advisory Health Council were returned to the applicant.

No new staffing awards made in fiscal 1973.

Third. Alcoholism—(a) Research: This activity funds research on treatment and prevention of alcoholism. Projects grants are awarded on a non-matching basis for expenses directly related to the research project with the grantee being required to share in a portion of the project cost. A major portion of the funds awarded in 1973 were required to support existing projects.

The reduction of \$1 million from the committee bill will still provide a \$1 million increase over the requested 1974 budget for this item and approximately a \$1 million increase over the 1973 spending level.

(b) Training: This activity funds efforts to improve the quality of people working in areas of alcoholism. Project grants are awarded on a nonmatching basis with the grantee being required to share in a portion of the project costs. Fellowships provide stipends to individuals, based upon experience.

This amendment would remove the \$1 million increase provided over the budget request for 1974 and will enable training institutions to maintain faculty support at a level comparable to 1973.

(c) Community programs:

(1) Projects grants and contracts: Grants support community programs which demonstrate new or efficient methods of service delivery to alcoholics. Staffing grants are made on a matching basis and support initial staffing costs. Grants and contracts are used to conduct demonstration projects, provide cooperative programs, and provide education activities.

(2) Grants to States: Formula grants are allotted to States on the basis of their relative population, financial need, and the need for more effective programs. States may request that a portion of any allotment shall be used to pay some of the cost of the administration of the State alcoholism programs.

My amendment still leaves in the bill the \$65,322,000 for project grants and contracts. That is better than a \$53 million increase over the operating level for 1973. My amendment does, however, cut \$10 million from grants to the States and as a result there is still \$30 million, the current operating level, left in the bill for grants to the States.

Explanation of project grants and formula grants:

Project grants supported by this activity are as follows:

Staffing grants are made on a matching basis and support a portion of the initial costs for professional and technical staff in facilities for the prevention and treatment of alcoholism.

Grants and contracts are used to conduct demonstration and evaluation projects; provide programs in cooperation with schools, courts, penal institutions, and other public agencies; and provide counseling and education activities on an individual or community basis.

Formula grants—Funds are allotted to States on the basis of their relative population, financial need, and the need for more effective prevention, treatment, and rehabilitation programs. At the request of any State, a portion of any allotment shall be available to pay some of the cost of the administration of the State alcoholism programs. Plans submitted by the States must set forth a survey of need for the prevention and treatment of alcohol abuse, including an assessment of the health facilities needed to provide services.

HEALTH SERVICES PLANNING AND DEVELOPMENT

Fifth. Medical facilities construction: (a) (3) Outpatient facilities; (4) Rehabilitation facilities; (5) Modernization:

Formula grants, matched by local funds, are used for construction.

Hill-Burton—The committee has recommended a funding level in 1974 of \$197,200,000 for all five categories of Hill-Burton construction assistance. This amendment would reduce that allowance by \$87.2 million, to a level of \$110 million. These funds would authorize construction in the areas of hospital modernization, rehabilitation, and outpatient—ambulatory—care facilities, testimony before the committee has revealed a declining trend in national hospital bed occupancy rates. This vacant bed capacity contributes to the ever-increasing cost of medical care. New hospital bed construction will only compound this problem. For this reason I am proposing we provide for the modernization of existing hospital facilities.

As for outpatient—ambulatory—care facilities construction, the GAO in a report on health facility construction pointed out that nearly one-fourth of the patient population is treated in facilities which are excessive to their needs. The encouragement of construction in the ambulatory care facility area, which may be more appropriate for certain patients, provides for a more efficient use of present inpatient facilities with resulting economics to a community.

NATIONAL INSTITUTES OF HEALTH
RESEARCH GRANTS

The committee has proposed \$700,079,-000 for research grants in biomedical research. The proposed amendment would allow \$641,480,000 for research grants, which is \$54,476,000 above the fiscal year 1973 operating level and \$58,598,000 above the President's fiscal year 1974 budget level. This increase is sufficient to maintain competing and new research grants at their 1973 level.

The President's budget proposed a 25 percent cut in the new research grants awarded. It would have resulted in about 900 new research grants as against nearly 1,300 awarded in 1973. My amendment would cut back below what the committee proposed, but it would still provide for nearly 1,300 new Competing Research Grants in fiscal 1974.

RESEARCH TRAINING

The committee has recommended \$180,292,000 for biomedical research training. The amendment provides \$153,-980,000 for training, which is \$4,138,000 higher than the fiscal year 1973 operating level and \$27,986,000 higher than the fiscal year 1974 President's budget. The amendment will restore the program to the 1973 operating level, allowing the subcommittee mark-up for Cancer and Heart and Lung.

GENERAL RESEARCH SUPPORT GRANTS

The committee has proposed \$55,000,-000 for general research support grants in fiscal year 1974. The amendment recommends the amount of \$36,000,000, which is \$10,000,000 above the fiscal year 1973 operating level and more than double the fiscal year 1974 President's budget level—\$17,000,000. This increase will restore support to aid academic and other research institutions in meeting direct costs of health research.

HEALTH MANPOWER

First. Health Professions Support:

(a) Institution Assistance: (1) Capitation grants:

Complex formula grants based on class size, total enrollments, and number of graduates to provide Federal support to the educational programs of the health professions schools.

The committee has recommended an increase of \$34,777,000 for capitation payments to schools of veterinary medicine, optometry, pharmacy, and podiatry. The President's budget for 1974 requested no funds for capitation awards to these schools. This amendment would reduce by one-half the increase over the budget proposal. The level proposed in this amendment, \$17.4 million, will provide a \$4.7 million increase in 1974 over the 1973 President's revised budget.

Type of school	Number of accredited schools in country	Number HEW assists
Schools of medicine.....	114	114
Osteopathy.....	9	7
Dentistry.....	58	56
Optometry.....	12	12
Pharmacy.....	73	73
Podiatry.....	5	5
Veterinary medicine.....	19	18
Nursing.....	1,468	948

(4) Special projects: A program of targeted activities, utilizing project grants or contracts, which include support for increasing enrollments, expanding training in primary care and family medicine, and increasing admission of the disadvantaged and women.

A \$19 million increase over the President's budget is recommended by the committee for special projects. This amendment will reduce this increase by one-half to a level in 1974 of \$43.5 million, which is still \$9.1 million over 1973. The increase in 1974 will enable the Bureau of Health Manpower to make awards in such activities as curriculum shortening, recruitment of minority and low-income individuals into the health field, and the development of primary care training efforts.

(c) Construction assistance:

(1) Grants: Assistance for construction of teaching and research facilities for professional health personnel. Forms of assistance are matching grants, interest subsidies and loan guarantees, available only to private nonprofit institutions, allow the Government to provide a loan guarantee of up to 90 percent of the eligible cost of construction and to pay to lending institutions amounts that would reduce the interest rate paid by the school up to 3 percent.

This amendment will reduce by one-half \$50 million, the amount recommended by the committee for new construction at health professions schools. In 1973, \$100 million was appropriated for this purpose and the administration has elected not to obligate the funds. Reduction of this level to \$50 million in 1974 will enhance the possibility of acceptance by the administration while still providing adequate funds for the construction of new classrooms, library and laboratory space in health manpower schools.

It is expected that priority shall be given to schools of veterinary medicine, optometry, podiatry and pharmacy which are in the process of completing facilities rebuilding programs initiated through Federal-State matching plans to meet critical accreditation requirements.

(d) Dental Health Activities: This activity funds programs to increase dental manpower by grants to 20 schools, programs to improve the quality of existing dental services and delivery systems, and programs to reduce the need for dental services through the broadest possible application of dental disease prevention and control measures.

The committee has recommended an increase for this activity over the 1974 budget request of \$1,988,000. This amendment would eliminate the increase. The 1973 operating level for dental health is \$12.9 and acceptance of the budget request level in 1974 would maintain the program at this level, which will still enable improvement of training activities presently supported.

(e) Educational Assistance: This activity funds four programs. One, grants to public or private non-profit hospitals are provided to develop training programs in family medicine. Two, health professions teacher training grants go to health professions schools to strengthen teaching skills. Schools are required to

use at least 75 percent of any grant for traineeships. Three, educational grants and contracts go to support health professions schools in undertaking special educational research projects. Four, direct operations funds go to provide for staff salaries and activities associated with program management of the health professions programs.

This amendment will eliminate the increase of \$4,320,000 provided by the committee over the budget request. The budget request of \$5 million is sufficient to continue the family medicine training activities. Additional funds would be available for such demonstration and research projects that are now adequately covered by the educational initiative awards. The educational initiatives program has requested and the committee has allowed an additional \$34 million in 1974 over the 1973 operating level, to fund programs which extend health training into health care facilities, promote the training of physician assistance and augment the recruitment of students from rural or medically shortage areas into health careers.

Second. Nursing Support:

(c) Construction assistance: Grants, loan guarantees, and interest subsidies programs are authorized to fund construction of new facilities and rehabilitation of existing facilities of nursing schools. The grants are on a matching basis. The Federal Government guarantees up to 90 percent of the cost of construction and pays interest subsidy payments that reduce the interest rate paid by the school up to 3 percent.

The committee has again recommended an appropriation of \$20 million for nursing school construction. A similar amount was appropriated in 1973, and the administration chose not to obligate the funds and has requested no funds in 1974. This amendment will reduce by one-half, \$10 million, the amount available in 1974, while still providing adequate funds for the construction of new classroom space.

Third. Public Health Support:

(a) Institutional Assistance: Provides for formula grant awards for the purpose of strengthening graduate or specialized training in public health. Grants are awarded on an entitlement basis giving primary consideration to the number of Federal sponsored students attending each school. The project awards are awarded competitively.

(b) Student Assistance: Traineeship grants are awarded competitively to the institution providing the training, with the grantee having responsibility for selection and appointment of individual trainees. The \$9,000,000 appropriated for traineeships in 1973 supported approximately 1,570 long-term and 5,400 short-term traineeships.

(c) Direct Operations: Direct operations are comprised of staff activities through which the programs of institutional support and student assistance for graduate and specialized training are administered. Staff activities emphasized curriculum development in health services administration.

The committee has recommended a funding level of \$22,231,000 in 1974 for

the support of activities in public health schools. This entire amount is an increase over the President's budget, which proposed to terminate support. This amendment would reduce by \$6,660,000 the committee allowance which will provide sufficient funds to maintain these programs at the 1973 operating level. Contrary to the committee's belief, the Association of Schools of Public Health has said none of 18 schools intend to close as a result of Federal budget reductions. A majority of the graduates are employed by State and local governments and thus should share greatest in their education.

Fourth. Allied Health Support:

(a) Institutional Assistance: Special improvement grants were awarded to allied health training centers for improvement in their functions. These were also awarded to junior colleges, colleges, and universities on a competitive project basis for curriculum improvement and expansion of enrollment capacity.

(b) Student Assistance: Traineeship grants for advanced training were awarded to support students in allied health disciplines. The grants were awarded competitively to agencies providing the training, with the grantee having responsibility for selection of trainees.

(c) Educational Assistance: Funds under this activity support recruitment and development contracts which tap new resources for allied health manpower. Contracts complement the grants program of the Division by providing support for experimentation and innovation.

The committee has recommended an increase of \$38,705,000 for financial assistance to allied health training programs. No funds were requested by the administration to continue support of these activities. The amendment would reduce the allowance by \$16 million, which would maintain the program at the 1973 operating level and continue the programs presently funded.

EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

First. Aid to school district.

(a) Educationally deprived children: Grants are made to States and to local school districts for services for children from low-income families and for handicapped, orphaned, and neglected children. Special incentive grants are also made to States and districts with urban or rural areas with the highest concentration of children from low-income areas. The basic title 1 grant to school districts is computed on a county basis by multiplying the number of eligible children by one-half the State or national per pupil expenditure, whichever is higher. This entitlement is then prorated down to the funds available and grants are made through the State.

Title I—The amendment provides \$1,713,000 for ESEA, title I, an increase of \$127,815,000 over the 1973 operating level of \$158,185,000 and a decrease of \$97 million from the committee bill. The amendment would allow distribution of funds based on the 1970 census data, and would assure that no State received less than the 1972 level of funding for that State.

Second. Bilingual education:

This is a discretionary grant program which funds comprehensive curriculum reform in areas of high concentrations of non-English speaking children. Applications come from local educational agencies or jointly with institutions of higher education.

The amendment provides \$40 million, a \$5 million increase over the budget request and the 1973 level and a \$5 million decrease from the committee bill. The budget request of \$35 million was to support the expansion to another grade of 147 ongoing projects and to fund approximately 64 new projects. The increase of \$5 million provided by this amendment would allow for another 30 new projects or a total of 94 new bilingual education projects in 1974.

ESTIMATED OBLIGATIONS FOR BILINGUAL EDUCATION ACTIVITIES IN THE OFFICE OF EDUCATION, FISCAL YEARS 1972, 1973, AND 1974

	Fiscal year—		
	1972	1973	1974
Elementary and secondary education: Bilingual education (ESRA VII).....	\$33,732,218	\$35,080,000	\$35,000,000
Follow through.....	3,332,524	3,332,524	2,369,000
Emergency school assistance.....	2,675,000	16,892,600	16,292,600
Education for the handicapped: Early education for handicapped children.....	717,997	93,892	86,629
Teacher education and recruitment: recruitment and information.....	20,817	20,817	-----
Vocational education.....	28,000,000	30,000,000	30,000,000
Adult education: Grants to States.....	12,800,000	12,800,000	12,800,000
Special projects.....	1,874,000	2,000,000	2,000,000
Teacher training.....	750,000	750,000	750,000
	83,902,556	100,969,833	99,298,229

(a) State education agencies contribute approximately \$3,540,000 to bilingual projects funded by the U.S. Office of Education.

(b) Local education agencies contribute approximately \$7,000,000 to bilingual projects funded by the U.S. Office of Education.

Note: Further estimates on State and local spending for bilingual programs are not available.

HIGHER EDUCATION

Third. Institutional assistance:

(c) Language training and area studies: Programs funded under this activity improve the educational institutions for research and training in international studies. Research and training is also supported abroad.

The amendment provides \$7,360,000 for foreign language and area studies, a reduction of \$5,000,000 from the committee bill. The amendment would continue the Fulbright-Hayes program at the current operating level of \$1,360,000 and provide \$6,000,000 for activities under title VI of the National Defense Education Act, an increase of \$5,000,000 over the current spending rate for that program.

The amount for the title VI program would be sufficient to continue students presently holding language and area fellowships and meet other high priority needs while at the same time beginning

the phase-out of those parts of the program which have met their objectives.

OCCUPATIONAL, VOCATIONAL AND ADULT EDUCATION

First. Grants to States for vocational education:

(a) Basic vocational education programs: Authorizes grants to assist States in maintaining, improving and initiating vocational education programs. Matching grants are made to the States on a formula basis with 40 percent of the State's allotment spent for these purposes: first, 15 percent for the disadvantaged; second, 10 percent for handicapped, and third, 15 percent for post-secondary programs. State-wide matching is required on a dollar-for-dollar basis.

The amendment would provide a total of \$476,341,000 for basic grants, a \$25,514,000 increase over the 1974 budget request and a \$25 million decrease from the committee bill. The amendment would increase basic State support for vocational education by approximately 7 percent—an increase which should be sufficient to meet increasing costs as well as provide some program expansion.

LIBRARY RESOURCES

First. Public libraries:

(a) Services—Grants for public libraries—Funds grants to States to improve and extend library facilities in areas with inadequate service. Grants are based on a formula basis with the Federal share ranging from 33 percent to 66 percent and States must match in proportion to their per capita income.

Interlibrary cooperation—Grants are made on a formula basis with the Federal share being 100 percent in funding State's efforts to improve cooperation between libraries.

(b) Construction—This activity funds support for construction of public libraries. Grants are made to States on a formula basis with the Federal share ranging from 33 to 66 percent and States must match in proportion to their per capita income.

Second. School library resources:

Grants go to States for procurement of library resources for use by public and private elementary and secondary schools. Grants are allocated to the States on a formula based upon the number of pupils in the State.

Third. College library resources:

(a) College library resources—This authorizes grants to institutions of higher education for acquisition of library resources. There are three types of grants: first, basic grants up to \$5,000 which must be matched dollar for dollar; second, supplemental grants up to \$20 per student with no matching required; and third, special purpose grants which must be matched with \$1 institution money for every \$3 Federal money.

(b) Librarian training—This activity funds training for services to all types of libraries. Not less than 50 percent of the funds must be used to support fellowships and traineeships. These funds must be used to support fellowships and traineeships. These funds all go to library organizations and institutions of higher education.

(c) Library demonstration—This sec-

tion funds grants and contracts to institutions of higher education and other organizations to improve libraries or improve training in librarianship. Applications are submitted by individuals through their respective institutions. OE reviews the applications and awards the grants in mind of their priorities. In fiscal 1973, about 14 demonstration projects were funded.

Fifth. Undergraduate instructional equipment:

Grants are awarded to institutions of higher education to fund improvement of undergraduate instruction. Funds are allotted to the States by a formula based on higher education enrollment and per capita income. State commissions rank applications by the institutions and recommend the Federal share which, except in hardship cases, may not exceed 50 percent of the total project cost.

The amendment provides \$156,970,000 for public libraries, school libraries, college libraries, and undergraduate instructional equipment, an increase of nearly \$20 million over the current operating level, and a decrease of about the same amount from the committee bill. The amendment retains support, therefore, for all library programs at a higher level than in 1973.

SOCIAL AND REHABILITATION SERVICES

Grants for developmental disabilities. Funds support programs to provide services to the developmentally disabled including the mentally retarded, the cerebral palsied, and the epileptic. Funds support: First, formula grant programs to States for services and construction for the developmentally disabled; second, grants for operating facilities for developmentally disabled persons; third, grants to public and nonprofit organizations for hospital improvement of State mental retardation facilities; and fourth, projects of national significance which will help the developmentally disabled.

This amendment would maintain the President's budget figure of \$21,715,000, which is \$10,785,000 less than the figure recommended by the committee. The States currently have \$20 million in unexpended formula funds.

Mr. PERKINS. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kentucky.

Mr. PERKINS. The gentleman's amendment is so comprehensive that it is difficult for me to follow what you cut from the Elementary and Secondary Education Act.

Mr. MICHEL. Yes. The item that the chairman of the Committee on Education and Labor inquired about is as to what my amendment cut from title I of ESEA. That amount is \$97 million from the committee bill. But we retain in it that proviso which says that no State should be getting less than what they got in 1972.

Mr. PERKINS. The "hold harmless" provision would still remain in your bill, assuming it passes the House?

Mr. MICHEL. That is true.

Mr. PERKINS. And what is the amount you cut from the Office of Economic Opportunity?

Mr. MICHEL. From the Office of Economic Opportunity we cut half of the amount for Community Action. That is in the bill at a level of \$185 million. My amendment cuts that by \$92.5 million.

My rationale is simply this, Mr. Chairman: It is my information that the Office of Economic Opportunity is in the process of phasing out currently certain programs, and the more recent figures indicate to us that with the carryover money we have that all of the current CAP agencies, and those scheduled for phasing out, there will be enough money by the end of November to carry these others along. So, rather than having the full amount that the committee recommended, I say let us cut it in half, and that will carry us through May of next year.

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

(On request of Mr. PERKINS, and by unanimous consent, Mr. MICHEL was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, the gentleman is proposing to cut \$92.5 million from the CAP agencies?

Mr. MICHEL. That is correct.

Mr. PERKINS. As to the manpower programs, how much is the gentleman proposing cutting, and specifically what programs does the gentleman propose to cut?

I am referring to the training programs administered by the Department of Labor.

Mr. MICHEL. I would reply to the gentleman from Kentucky that in this item there is nothing in the Department of Labor that my amendment touches. I believe we have made ourselves clear with respect to the Office of Economic Opportunity, there is no manpower training there. But I repeat, we do not touch a thing in the Department of Labor in my amendment. We have already read through that part of the bill, and there were no amendments offered.

Mr. PERKINS. So \$92 million is what the gentleman proposes to cut from CAP agencies?

Mr. MICHEL. That is correct, and we are leaving in, as a matter of fact, the amount for legal services, of \$71,700,000; general administration, \$20 million; national summer youth sports program, \$3 million; senior opportunities and services, \$4 million; State economic opportunity offices, \$6 million, and the special impact programs, \$39.2 million; and general support. All that is left in there.

The only thing we do in the amendment is cut it by one-half so as to give a little bit of encouragement to those who are being phased out, and to give a good bit of encouragement to those communities that have already started phasing out.

If we put all of the money back in, then they will say, shucks, they are not serious, so why should we back off?

I think the gentleman from Illinois (Mr. O'BRIEN) has several of those in his district where the city council has met and they are all set to move into the program. The same thing is true in my home community. In the district

represented by the gentleman from Kansas (Mr. SHRIVER) they have phased out the program. All we do is support what is justifiable to continue what they started out to do, and we still give some money to ease this kind of problem.

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

(On request of Mr. FOUNTAIN, and by unanimous consent, Mr. MICHEL was allowed to proceed for 5 additional minutes.)

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

Mr. MICHEL. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I notice under "mental health" you have "general mental health," and then you have "training—maintain faculty support; eliminate increased student support," and then you have the figure of \$19,540,000.

Mr. MICHEL. That is correct.

Mr. FOUNTAIN. Would the gentleman explain that item?

Mr. MICHEL. Would the gentleman from North Carolina repeat his question?

Mr. FOUNTAIN. Would the gentleman explain that item?

Mr. MICHEL. The real problem here is in maintaining the faculty support so that these institutions will be able to keep up their training programs. To provide the kind of Federal subsidy, to provide the training I say is really not needed in these areas as far as continuing student support. There is no good reason why someone who is going into these fields should have any more kind of an advantage than my four kids, one of whom is just graduating, in college today, when they are not going into the field of medicine, but into some other profession. We have all experienced increases in tuition fees because of our economic conditions, but why should we provide support in these kinds of fields, psychiatry, dentistry, and all of the others with good end of the road that is facing them after they receive this training. I really do not believe that they deserve that kind of a Federal subsidy or support. The support ought to come to the institutions, subsidies for the faculty, and not for someone who winds up with a high degree, with a BOG or an EOG, because we have the student loan program, the direct loan program, students are eligible to participate in those programs. And that figure is higher this year than it has ever been before.

Mr. FOUNTAIN. I notice under "health manpower" there is listed "construction," one-half of the increase over the budget, and there is recommended in committee bill \$100 million. Your substitute knocks out \$50 million. What is that construction?

Mr. MICHEL. We have several veterinary schools in the country, and there are several others, but it would be my intention with this \$50 million restored or kept in the bill, where we have not spent a dime, frankly, in 1973 and it is just a continuation, that certainly we have an obligation here where we began those schools to follow through and not en-

gage in any kind of thing where we are going to cap them out, as has been suggested.

There is money in this bill to continue those that are under way, and certainly a little bit of a margin here to start up new ones, if they are provided.

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

Mr. MICHEL. I yield to the gentleman from Kansas.

Mr. SHRIVER. I will ask the gentleman, does this pertain to veterinary schools that are in the process of trying to complete facility rebuilding programs initiated through Federal, State matching plans to meet critical accreditation requirements. Several veterinary schools including Iowa and Kansas are in the midst of planned and promised by the Federal Government building programs. Does this pertain to those schools?

Mr. MICHEL. That is correct.

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

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

Mr. SCHERLE. I thank the gentleman for yielding.

In regard to the question posed by my colleague from Kansas, I should also like to ask my friend the status of the College of Veterinary Medicine at Ames, Iowa, in this appropriation bill?

Mr. MICHEL. This is one to which I have particular reference. Of course, that veterinary school is the one that is farthest along in the country, and with \$50 million in the bill, there is just no reason under the sun why we should not continue with the construction of that particular school.

Mr. SCHERLE. The problem is that we have completed phase 1. We are now living with a half constructed building. We have obligated ourselves to students from North Dakota, Nebraska, South Dakota, and about two or three other States. I appreciate the statement made by the gentleman that this facility will be completed so that we can finish construction and take these students on board.

Mr. MICHEL. I appreciate the gentleman's bringing up that matter, because in my own mind our administration, I think, is wrong in that regard. A school like that that has students from a number of States is a national resource, and we cannot be relying solely on the State of Iowa to support the Veterinary School of Iowa, when the whole Midwest is sending students to that particular school. The same thing would apply to the five schools of podiatry. We have one in Chicago, one in Cleveland, and on the west coast. Those States where those five happen to be ought not to have the full responsibility of supporting those schools. It is a national resource, and we have an obligation to provide the Federal money going to those.

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

Mr. MICHEL. I yield to the gentleman from Kansas.

Mr. SKUBITZ. I listened with interest to the explanation of the gentleman. If I understand your explanation correctly, you point out that your revised bill in

each instance—exceeds the amount of money that was spent during fiscal 1973.

Mr. MICHEL. Yes.

Mr. SKUBITZ. Is this correct?

Mr. MICHEL. Yes.

Mr. SKUBITZ. By operating level the gentleman does not mean the amount of money that was allowed under the continuing resolution; is that not correct?

Mr. MICHEL. We have a varying degree there, depending upon how the resolution is interpreted.

Mr. SKUBITZ. Permit me to give the gentleman an example. Under nursing support, construction grants, there was \$20 million allowed.

Mr. MICHEL. In 1972.

Mr. SKUBITZ. In 1973 under the continuing resolution.

The President spent none of the money appropriated for the construction of nursing schools. The funds appropriated were impounded.

Mr. MICHEL. Let me tell the gentleman that of that \$19.5 million we appropriated in 1972, we only obligated in 1972 \$11.8 million. We carried forward into 1973 \$10,763,000 and obligated in fiscal 1973 \$10,020,000. By my last count, that still gives us a little carryover in 1974 of \$47,000, and with the \$10 million I have got in here, we have got a grand total of \$700,000 more in 1974 than 1973.

Mr. SKUBITZ. Mr. Chairman, I beg to disagree with my colleague. I called the Department this morning.

I was advised that of the \$19.5 million that was appropriated for fiscal year 1972, all of this money was spent, the \$20 million allowed for fiscal year 1973, which was a part of the continuing resolution was impounded.

Mr. MICHEL. I think the gentleman's interpretation of the continuing resolution with respect to the construction funds is somewhat in error because they could take the lower of the figures, and there was only a lower figure carried forward rather than the higher figure the gentleman referred to.

Mr. SKUBITZ. The President would not release the money. It has not been available.

Mr. MICHEL. That has been part of the hassle.

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

(On request of Mr. SKUBITZ, and by unanimous consent, Mr. MICHEL was allowed to proceed for 2 additional minutes.)

Mr. SKUBITZ. If the gentleman will yield, the position the Department now finds itself in is that for nearly a year and a half 41 projects that have been approved and seeking money to carry out this particular program have been standing in line. The Department has refused to consider all other applications. The \$20 million that has been impounded and the \$20 million the committee placed in this bill, if allowed, will take care of all the 41 projects as approved.

I shall offer an amendment to the gentleman's amendment.

Mr. MICHEL. I thank the gentleman. He has a particular problem where one of

his hospitals decided to do away with their school and they are in a situation of currently operating in a rented old building of some kind. In that case some sort of construction allotment would be justified. I have a situation where three hospitals in a block all share a nursing facility. Of course every community is not that fortunate. That will vary throughout the country, but I tried to do my best with everybody, as I said, taking a part of the cut, and I tried to put together a package of \$631 million of reduction from this bill, cutting the increase in the budget roughly in half.

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

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

Mr. DEVINE. Mr. Chairman, the gentleman's package to which he makes reference has to do as I understand it with 26 programs.

Mr. MICHEL. Twenty-six items in the bill.

Mr. DEVINE. And that is out of how many?

Mr. MICHEL. Out of some 307.

Mr. DEVINE. It is just a small percentage of the programs. And the others are left untouched?

Mr. MICHEL. Yes.

Mr. DEVINE. And in the event we adopt the amendment offered by the gentleman from Illinois and these line items are reduced in the amount suggested, the bill then will be over a half billion dollars over the budget?

Mr. MICHEL. Yes. We will take \$631 million and subtract it from the \$1.2 billion over the budget, and what in effect we are doing is cutting the increase in the budget in half.

Mr. DEVINE. I think the gentleman's approach is logical.

I commend the gentleman.

Mr. MICHEL. I thank the gentleman from Ohio.

AMENDMENT OFFERED BY MR. CONTE TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. CONTE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE to the amendment offered by Mr. MICHEL: At the end of the first sentence, after "Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255).", strike out "\$725,311,000" and insert in lieu thereof "\$745,851,000".

Mr. CONTE. Mr. Chairman, my amendment to the main amendment would have the effect of restoring \$19.54 million for general mental health training programs and \$1 million for alcoholism training programs, leaving the appropriation for those programs at the amount recommended by the Appropriations Committee, an amount less than was spent on them in 1972, the last year for which we had an enacted appropriation.

I recognize the absolute necessity of reducing the recommended Labor-HEW appropriation to a level that will give us a bill that can be enacted into law. I am going to support reductions in the level of funding this year for several programs which I think could actually use more money than was recommended.

However, in reducing the amount of support for training programs in all fields except drug abuse, cancer, and heart disease, the main amendment does something quite different. It returns those programs to a phase-out status. True, some of the increase included in the bill remains—for transitional support to institution. But no support for new student, or trainee, stipends would be available.

The decision to phase out training programs was made by the executive branch alone, and carried forward in 1973 in the absence of an enacted appropriation bill. Not only has the Congress not concurred in this decision, it has strongly opposed it. It is a decision with which I strongly disagree.

I will later introduce a separate amendment relating to the training programs of the National Institutes of Health. This amendment, and my remaining comments, apply to the general mental health and alcoholism training programs of the National Institute of Mental Health—training for researchers and for social workers, psychiatric nurses, psychologists, psychiatrists, hospital staff, and alcoholism prevention and treatment personnel.

At appropriation hearings, the administration testified that the incidence of mental illness is increasing. Twenty million persons in this country suffer from some form of mental illness. We have made tremendous progress, particularly in moving mental patients from crowded, custodial institutions to community care. But we have a long way to go. We have only a third, or less, of the Community Mental Health Centers needed to provide nationwide service. We are far from understanding the causes of mental illness.

Alcoholism is our No. 1 drug problem. There are 9 million alcoholics or alcohol abusers in this country. Alcoholism plays a major role in half of our highway fatalities, with an even higher rate among young people. It costs our economy an estimated \$15 billion a year. The cost in human misery is incalculable. Alcoholism among young people is rising at a distressing rate. Yet, while training programs in drug abuse prevention are budgeted at \$15.182 million, and would not be reduced by the main amendment, training programs in alcoholism—the major drug problem—were budgeted at \$3.763 million. My amendment would restore the latter to the Appropriation Committee's \$4.763 million level.

We have no surplus of manpower in these fields. The latest data available to the NIMH show close to 9,000 unfilled, budgeted positions in mental health treatment institutions alone. The administration testified this year that "progress against alcoholism problems to date has been hampered by the small number of expert and knowledgeable people working in this health area."

Training programs do need a good hard congressional look to see if the goals we set for them are still valid, if training is effective, how those who have had training support are using that

training. But there is no justification at all for phasing out programs in areas while the need is so great.

We have been told it is inequitable to support training only in selected fields. This is misplaced reasoning. It is not inequitable to help train personnel needed for the general welfare. It is inequitable not to train those who will help relieve the cost and suffering of mental illness and alcoholism.

Alternative sources of support for these young people are either not available or are inadequate. Research training is at the graduate level, for which basic educational opportunity grants are not available. Total dependence on loans places a large burden on students undergoing long and expensive training and can only lead to their turning to other fields or to private practice to pay off the costs of their education.

Graduate trainees in the mental health research disciplines come from families with modest incomes—a median of \$10,000–\$12,000. Forty percent already owe money at the end of their undergraduate work. Borrowing for 3 to 6 more years of graduate work will leave them seriously in debt, while as researchers they can look forward to a median income of \$16,500, less than half that of the individual in private practice.

Social workers and nurses generally come from families of even more modest means. Fifty percent of nursing students come from families earning less than \$10,000 a year. While their training is not as long, they look forward to lower earning power too. Psychiatrists who stay in academic research, or work in salaried positions in public institutions, face a large differential from what they could earn in private practice.

Eliminating future student support can only mean a greater shortage of the professionals we need to make services available to those who need them and to continue the research that will help us improve treatment and understand the causes of mental illness and alcoholism. That is why I am proposing an amendment that would restore \$19.54 million to general mental health training programs and \$1 million to those in alcoholism.

SUBSTITUTE AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK FOR THE AMENDMENT OFFERED BY MR. MICHEL

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment. The amendment is in the nature of a substitute for the pending Michel amendment. It does not change the Michel amendment except insofar as it alters certain dollar amounts stated therein under the educational portion thereof, and insofar as it changes certain dollar amounts under the Office of Economic Opportunity portion thereof, and, finally, insofar as it addresses itself to the "hold-harmless" provision of the committee bill, referring to the allocation of title I ESEA money.

The CHAIRMAN. The Clerk will report the amendment, and then the gentleman will be recognized to explain it.

The Clerk read as follows:

Substitute amendment offered by Mr.

ROBISON of New York for the amendment offered by Mr. MICHEL: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89-793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), \$725,311,000.

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a)(7), 403(a)(1) and 433(a) of the Public Health Service Act; \$301,320,000 of which \$110,000,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Services Act for the construction or modernization of medical facilities.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, \$515,040,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, \$276,415,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, \$40,227,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, \$145,182,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, \$108,505,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, \$107,111,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, \$152,528,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, \$116,092,000.

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$33,949,000.

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, \$27,154,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, \$110,871,000: *Provided*, That none of those funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John F. Fogarty International Center for Advanced Study in the Health Sciences, \$4,319,000, of which not to exceed \$500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, \$590,984,000, of which \$2,000,000 shall be available for loan guarantees and interest

subsidies under part B of title VII and part A of title VIII, \$50,000,000 shall be for grants for construction of facilities (including \$10,000,000 for dental teaching facilities) under part B of title VII, and \$10,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I (\$1,782,000,000), title III (\$146,393,000) title V, parts A and C (\$38,000,000), and title VII of the Elementary and Secondary Education Act; title III-A (\$2,000,000) of the National Defense Education Act of 1958, and section 222(a)(2) of the Economic Opportunity Act of 1964, \$2,003,393,000: *Provided*, That the aggregate amounts made available to each State under title I-A for grants to local education agencies within that State shall not be less than 80 percent of such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89-10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out, to the extent not otherwise provided, section 102(b) (\$20,000,000), parts B and C (\$419,682,000), D, F (\$25,625,000), G (\$19,500,000), H (\$6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) (\$61,300,000), \$575,641,000 including \$16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed \$18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969, as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92-506 of October 19, 1972, \$1,806,664,000, of which amounts reallocated for work-study shall remain available through June 30, 1975, \$25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and \$440,500,000 shall be for basic opportunity grants (including not to exceed \$11,500,000 for administrative expenses), of which \$429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: \$310,000,000 for subsidies on guaranteed student loans and \$31,425,000 for annual interest grants for subsidized construction loans. For carrying out, to the extent not otherwise provided, titles I (\$38,239,000), II, and III (\$2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II (\$90,000,000) of the Elementary and Secondary Education Act; and title II (except section 231) of the Higher Education Act; \$154,310,000.

For carrying out, to the extent not otherwise provided, title VIII of the Elementary and Secondary Education Act, section 504 (\$300,000), parts B-1 (\$37,500,000), D (\$43,660,000), E (\$2,100,000), and F (\$6,900,000) of the Education Professions Development

Act, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, and the Environmental Education Act, \$135,110,000 of which \$13,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

For carrying out section 405 of the General Education Provisions Act, and for the necessary expenses of the National Institute of Education, including rental of conference rooms in the District of Columbia, \$127,671,000.

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, titles III, IV, V, VII, and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, \$280,932,000; of which \$21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a)(3) of such Act; and \$4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$241,300,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. ROBISON of New York (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the substitute amendment be dispensed with and that it be printed in the Record.

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

There was no objection.

Mr. ROBISON of New York. Mr. Chairman, I applaud what my colleague from Illinois (Mr. MICHEL) is attempting to do with his package amendment. The committee bill as it stands seems certain to provoke a veto. That veto might be overridden, but I doubt it could. We would then be left, once again, with the unsatisfactory prospect of getting through the year again with a continuing resolution—with all the uncertainty that produces.

Much better, Mr. Chairman, that we now strive to strike a reasonable bal-

ance—as Mr. MICHEL is attempting to do; to reach a compromise of our differences of such a nature as to attract enough Republican votes to survive a veto and, hopefully, in the inevitable negotiations with the administration that would follow our success here today, to avoid any such veto as well as the collateral problem of possible impoundments at the hands of a disgruntled Chief Executive.

But the trouble with package amendments, Mr. Chairman, is that the author thereof has one idea about priorities while some of us have others. I certainly claim expertise sufficient to settle such arguments but have worked hard, the past several days, in an effort to discover what changes in the Michel package would make the same more acceptable to the educational community in my State of New York. I have discussed those changes with Mr. MICHEL but found him already committed to his own package and, understandably, unwilling to now change it.

Hence, to save the time of the committee by avoiding some six separate amendments to the Michel package, I offer a package substitute therefor which does not touch the health portions thereof but does reshuffle certain parts of the educational portions thereof—changing priorities here and there—in such a way as not to violate the integrity of the overall reductions Mr. MICHEL would make in the committee bill.

In brief, my substitute would have the effect of making \$1,772,000,000 available for title I of the Elementary and Secondary Education Act, instead of the \$1,713,000,000 proposed by Mr. MICHEL. It is my judgment that the almost \$100 million reduction proposed here by Mr. MICHEL is too much and would not enable us to meet the commitment we have made to educationally disadvantaged children. My substitute would reduce the committee's recommendation here by only \$38 million.

I also propose to restore the \$5 million cut made by the Michel package in the bilingual education program—a program of especial importance to my State, as it is to many others.

To make up the difference in dollars, I propose the following reductions beyond those now offered by Mr. MICHEL.

First, reduce the funding level for NDEA, title III, equipment and minor remodeling, from \$25 million to \$2 million;

Second, eliminate the "right-to-read" and "dropout prevention" programs altogether with a resultant saving of \$16 million;

Third, reduce by \$10 million—\$53,660,000 to \$43,660,000—the elementary and secondary education development program, with the cuts coming in the area of categorical programs which might better be handled by the National Institute of Education, anyway, and

Fourth, reduce by \$15 million—from \$142,671,000 to \$127,671,000—the level of funding for the National Institute of Education.

There are no easy choices, here—in producing a total offset of \$64 million as

against my proposed \$64 million increase, in ESEA I and the bilingual program; but the "right-to-read" and "dropout" programs could, it seems, be carried out under title I—a number of categorical programs which come under the broader category of elementary and secondary education development could be funded through the National Institute of Education—and, as to the latter, NIE was unable to spend the \$118 million made available to it this year, as I am told, so the \$127,671,000 I propose for it should be sufficient.

In the field of higher education, my substitute would make these changes in the Michel package:

I would restore the \$5 million cut proposed by Mr. MICHEL for language training and area studies programs, under NDEA title VI—making funding therefor the same \$12,360,000 as set in the committee bill—and my substitute would make up the \$5 million, plus an additional \$10,000 savings, by eliminating funds for construction, under title II of the Library Services and Construction Act, plus funds for equipment under title VI of the Higher Education Act, and by reducing funds for community services under title I of the Higher Education Act by \$2,250,000.

Finally, while I support the \$92,500,000 reduction proposed by Mr. MICHEL for the Office of Economic Opportunity, I find myself in disagreement with him as to where those reductions should fall. It is my view that at least \$125 million should be available for community action programs, under section 221. To accomplish that intent, my amendment would specifically end funding for the lower priority national youth-summer sports program, under section 227, leaving it up to the administration to allocate the remaining \$27 million OEO reduction, as stated in round figures, but I wish to make it clear the intent of my substitute is to make at least \$125 million available for community action agencies.

This is, necessarily, a hurried and sketchy summary of the thrust of my substitute package for the Michel package of amendments; all other provisions of the Michel amendment would remain intact under my substitute. In substance, what I have tried to do is to preserve, as far as possible, "people" programs—as they might be called—by making reductions beyond those offered by Mr. MICHEL in "brick-and-mortar" programs.

My substitute, however, is designed to do one more important thing—the doing of which does not again change the dollar figures proposed by Mr. MICHEL.

The "hold harmless" provision for allocation of ESEA title I funds as contained in the committee bill, and unchanged in the Michel amendment, causes great disparity in the allocation of such funds when compared to the provisions of the authorizing legislation. In effect, it "locks in" the 1960 census base as to the location of eligible children for another year even though the 1970 census figures—now available—shows a marked shift in their location. Twenty-eight States will have to give

away allocated moneys to 22 States. I have a table here, showing the "give-away" States, if any of you are interested.

There is a need for some sort of phasing-in mechanism in order to reduce the impact of any abrupt reduction—but we should hold as closely as possible to the intent of the authorizing legislation. In addition, it is an inequitable situation—given the varying costs of educating children in different States—that the States receiving funds above their fiscal year 1974 authorized formula allocation would, under the committee's bill, be receiving dollars per child at a rate much higher than the States giving away money.

Thus, my substitute would also provide for an 80-percent ratable reduction, in fiscal year 1974, from the previous allocated level for those 22 States that would otherwise sustain—as would New York—a large reduction in funds. I believe this mechanism to be more equitable than the proposed hold-harmless provision, in that it would not only provide a starting point for a gradual phasing but, most importantly, would leave the final determination of the nature of the formula to the authorizing committee, in this case the Education and Labor Committee.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. ROBISON of New York. I am happy to yield.

Mr. SMITH of Iowa. Let me try to better understand your amendment. How much is the total amount of the reduction in your amendment compared to the committee bill?

Mr. ROBISON of New York. The total amount is the same as the Michel amendment plus \$10,000 more in savings.

Mr. SMITH of Iowa. Practically the same total amount?

Mr. ROBISON of New York. That is correct.

Mr. SMITH of Iowa. I did not quite get clear what you did with OEO.

Mr. ROBISON of New York. I specifically eliminate funding through OEO for the national youth summer sports program and specifically set funding for community action programs at \$125 million, whereas the gentleman from Illinois (Mr. MICHEL) does not allocate his cuts. That would leave a \$27 million cut that would have to be allocated by the administrator of OEO.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. SMITH of Iowa, Mr. ROBISON of New York was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. What is the reduction in OEO in your amendment compared to the committee bill?

Mr. ROBISON of New York. The reduction in OEO is the same as in the Michel amendment, which is \$92 million or thereabouts, but the difference is that the Michel package does not specifically state where the reductions would fall, so my substitute would state community action programs would be set at the \$125 million level, or at least at that level.

Mr. SMITH of Iowa. Then on the hold harmless clause, am I correct, as I understood it, you are going to permit some States to get 80 percent as much as they got last year?

Mr. ROBISON of New York. That is correct.

Mr. HORTON. Will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman.

Mr. HORTON. I want to indicate support for the gentleman's amendment. I wish he would give the figure he has for New York State and what it would get under his amendment as opposed to the Michel amendment.

Mr. ROBISON of New York. I do not know whether I can give the gentleman that, because I have not worked out what the 80 percent will produce, but I can tell the gentleman what the hold harmless provision will mean. It is a reduction for New York down to an 82.36 percent-age of its allotment with the 1972 floor—from \$309 million to roughly \$255 million.

Mr. HORTON. Will the gentleman give some of the other States to be affected by this, like Illinois?

Mr. ROBISON of New York. If the gentleman will permit, I will be happy to pass out to anybody who may be interested in it, this brochure, of which I have several copies, asking "Are you a give-away State?" which will give the figures for the States that lose, and 28 States do lose.

Mr. HORTON. I want to indicate my support of the gentleman's amendment.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the substitute.

I would like to commend the Appropriations Committee and especially Chairman MAHON and Chairman FLOOD for the decisive action which they have taken with regard to the Labor-HEW appropriations bill this year. They have presented us with a responsible compromise in light of our present fiscal restraints.

I would particularly like to commend the committee for its action in including a provision requiring that no State would receive less in title I funds than it received during fiscal year 1972. This provision is necessary in order to prevent disastrous cutbacks in programs in many States. If it were not included in the bill, Mississippi would lose one-half of its title I funds even though there is an overall increase in appropriations for title I of more than \$200,000,000. North Carolina would lose \$25,000,000. Iowa would lose \$4,000,000. And, Oklahoma would lose almost \$3,000,000.

We need this "hold-harmless" provision for this fiscal year in order to give the authorizing committees time to revise the outmoded title I formula which is in the present law. That formula now distributes funds to local school districts according to the number of children in each school district who are from families with incomes of less than \$2,000 a year as determined in the decennial census and who are from families with incomes in excess of \$2,000 from AFDC payments.

We did not realize the extent to which

the title I formula was outmoded until the 1970 census information became available to us in late December of last year. That information showed that drastic cutbacks would result in programs in a large number of States even though the school enrollment had remained stable in these States and even though the new Federal definition of poverty showed that there was the same number or a greater number of poor children in each one of these States.

For instance, South Carolina had the same public school enrollment in 1972 that it had in 1965 when we wrote the title I formula. The number of children counted under title I, however, showed a 65-percent increase. But, if we had been able to update the title I formula to reflect the new definition of poverty by the Bureau of the Budget for the Federal Government in 1969, South Car-

olina would show approximately the same number of poor children in 1970 as it had in 1960.

North Carolina is in the same situation. It had a stable public school enrollment from 1965 to 1972; but the new data shows a 69-percent decrease in the number of children counted under title I while showing only a 3-percent decrease in the number of poor children according to the updated Federal definition of poverty.

The same decline in children counted under title I is shown for Georgia, Tennessee, and Texas, although all of those States had actual increases in the number of poor children counted under the updated definition of poverty.

Since the same number or a greater number of poor children are in each of these States, it is only reasonable to guarantee that the same amounts of title

I funds will be available to those children for this upcoming school year.

I would like to point out to my colleagues from the larger States that holding these poorer States harmless will not negate gains for the large States. New York will gain over \$48 million. California gains \$16,500,000. Illinois gains almost \$14 million. Michigan gains \$10 million. And, New Jersey gains \$9,600,000.

I urge my colleagues to support the committee bill. It will not only allow many States to gain title I funds for this upcoming school year, but it will also give Congress time to revise the outmoded title I formula in order to treat children fairly wherever they may live.

I would like to insert at this point in the RECORD data from several representative States. That data clearly shows the need for a State "hold-harmless" provision:

	1965 enrollment	1972 enrollment	Percent increase, decrease	1960 census \$2,000	1970 census \$2,000	Percent increase, decrease	1970 Orshansky	Percent increase decrease
Georgia	962,744	962,864	+0.01	239,789	93,139	-61.15	293,871	+18.40
North Carolina ¹	1,201,139	1,197,797	-0.27	323,656	99,224	-69.28	312,545	-3.26
South Carolina ¹	656,678	649,467	-1.1	206,638	71,844	-65.23	206,985	+16
Tennessee	859,156	876,369	+1.96	220,648	81,832	-62.81	245,167	+10.24
Texas	2,405,667	2,747,110	+12.45	398,217	192,639	-51.62	636,776	+37.46
Virginia	956,766	1,109,514	+10.19	167,874	67,779	-59.62	214,357	+21.68

¹ North Carolina and South Carolina showed an increase in private school enrollment of 94 percent and 130 percent respectively between 1965 and 1972.

Mr. Chairman, I hope that the substitute offered to the amendment is defeated, because that would throw a monkey wrench into all of the funding.

AMENDMENT OFFERED BY MR. QUIE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK

Mr. QUIE. Mr. Chairman, I offered an amendment to the substitute amendment offered by the gentleman from New York (Mr. ROBISON).

The Clerk read as follows:

Amendment offered by Mr. QUIE to the substitute amendment offered by Mr. ROBISON of New York: In sentence 16, after the words "fiscal 1972," insert the following: "and (2) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus one-half the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause."

Mr. QUIE. Mr. Chairman, this amendment applies to the hold harmless provision of the Robison substitute. What the Robison substitute does, as I understand it, is that all of the States that have lost poor population would not be held at the 1972 level but at 80 percent of it, so that they would begin to lose some money because of the loss of kids.

What my amendment does is also put a lid on the top that any State that has an increase of 110 percent, of course, would receive that amount, but any amount over 110 percent they would receive half of that amount, and that comes to the very subject that the chairman of the Committee on Education and Labor spoke to.

Some States have had a dramatic increase in AFDC. When the authorizing legislation was enacted, AFDC payments above the \$2,000 level were not a great

amount. Now there are more kids who come under the AFDC category above the \$2,000 than those who are below that amount, and in some States there have been some dramatic increases.

To give an example, I mentioned a little while ago that the highest State was New Jersey, with just about 600-percent increase in AFDC in 10 years. It was really a 583-percent increase, and West Virginia had only a 9 percent increase. The average throughout the Nation was 206-percent increase.

The Committee on Education and Labor is trying to figure out a formula for ESEA title I. It is not possible that we can guarantee that States that have lost, for instance, just about 70 percent of their children from families at \$2,000 or less should continue to receive the same amount of money, but, by the same token, those States that are wealthy and have paid high amounts of AFDC, have lower eligibility requirements, or permit the father to be in the home and still get AFDC do then receive this big bonanza of increased amounts of money, and that is really what the Robison substitute would do.

It is true it takes away from the States that had a loss of poor children, but it then adds it all on top of the States that have the dramatic increase in the AFDC. It seems to me we have got to circumscribe both sides of it. For that reason I offer this amendment to the substitute so we keep this amount in control rather than let it either, on the one hand continue the full payment to those who have lost population, or to give all of the increase to those who have had the increase in the AFDC. AFDC is a poor indicator of educational disadvantaged.

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

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me say to my distinguished colleague that I have the figures here on Georgia, North Carolina, South Carolina, Tennessee, and Virginia, which shows the 1965 enrollment contrasted with the 1927 enrollment to be fairly equal, and the increase and decrease in enrollment is very small. Contrasting the 1960 census families which come under the \$2,000 low-income factor with the 1970 families which come under the \$2,000, there is a great drop.

For instance, in North Carolina we had 323,000 families in 1960 compared with 99,000 in 1970, but when we use the only poverty formula used by the U.S. Government today, which is the Orshansky formula, we have the same number of children in families under \$2,000 that we had back in 1960, as many children.

So we do not have that great decrease. The children are there today when we measure them by the poverty standard, the only poverty standard that is applied in the U.S. Government, other than the formula that is in title I. We have the children in these various States and we do not have that great shift in population which is erroneous because the formula is outmoded. The whole shift is brought about because of the AFDC payments throughout the country and does not reflect the truth under any circumstances.

Mr. FLOOD. Mr. Chairman, believe it or not, I am not sure what I am opposing, but I am opposing everything I have heard so far. I will see if I can figure it out.

I doubt if I can do it.

Well, well, well, there is nothing I like better than a family fight provided I am not in it. The gentlemen over here have

been having a ball for the last half hour. The gentleman from Illinois (Mr. MICHEL) started out, and then along came the gentleman from Massachusetts (Mr. CONTE), although he was pretty good, and then the gentleman from New York (Mr. ROBISON) came along with a New York amendment.

Then on the other hand, or the other foot, I suppose, here is the Committee on Education and Labor, as usual taking over the whole show, and the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Minnesota (Mr. QUIE) are carrying on their own battle.

If the Members will remember, the gentleman from Illinois (Mr. MICHEL) started this. The thing is this. I, of course, must oppose the amendment, the substitute, and the amendment to the substitute, et cetera, et cetera, and et cetera. Let me say at the outset that I sincerely regret the gentleman from Illinois, the ranking minority member of our committee, for 4 years or so, felt compelled to offer this amendment. I have known him so intimately, and I know the guy and I just do not feel his heart is in it. He is not dying for Rutgers on this. But the basic philosophy of his amendment is that half a loaf is better than none. All right. But it is not better than a whole loaf.

This amendment proposes to cut in half the increases over the budget recommended by the committee. In fact the total amount of the amendments is about one-half of the increase over the budget recommended by the committee.

Now all our people should be getting the best education in the world. We have the highest standard of living of any nation in the world. We certainly cannot sacrifice health and education as part of those standards. But whatever we have as far as we are concerned is still not good enough. This amendment would reduce the amount of the bill by \$632 million. Over half a billion of this would be in health and education funds; \$377 million is in health alone. We are against health? Ai-yi-yi.

He says he is still leaving half of the increase over the budget. But, increases. Increases over what? Increases over what? The increase over a budget ridiculously low to begin with.

Mr. Chairman, we in Congress have a responsibility to correct the errors made by the people who put this budget together and, believe me, the Labor-HEW budget for 1974 was a mistake. There were other mistakes in the budget which was sent up here in January. For example, we now know that the estimates of receipts in the budget were off by \$7 billion for fiscal year 1973 and \$10 billion for fiscal year 1974. I think that the budget for HEW represented a mistake of similar magnitude. It is said that to err is human, to forgive divine. We can certainly forgive those who put this budget together, but let us not compound and perpetuate their errors.

I think it is important that you understand the real effect of the amendment. If you approve this amendment, you will be agreeing to reductions below the 1973 appropriations for alcoholism, medical research and training, construction of

nursing schools and medical schools, education of disadvantaged children, bilingual education, vocational education, assistance for public library programs, and programs to help the mentally retarded. You will be agreeing to cuts below the 1972 appropriation for hospital construction, mental health training, community mental health centers, and allied health. You will be cutting aid for schools of veterinary medicine, optometry, pharmacy, and podiatry below the amounts appropriated for them for fiscal year 1972. Mr. Chairman, the Members of this House have received an avalanche of mail from their constituents urging them not to agree to the cutbacks in these programs proposed in the budget. This committee has not agreed to the proposed reductions because so many Members of the House asked us not to do so. We are acting as your agents. If you agree to this amendment, you will be agreeing to amounts which are lower than you voted for in both the 1972 and the 1973 appropriation bills. Look over this amendment carefully. Check the programs that would be reduced. I am sure that you have heard of these programs many times from the people and institutions that are directly affected by them: community mental centers, alcoholism, Hill-Burton grants, construction of facilities for schools of medicine, dentistry, nursing, and veterinary medicine, and research on arthritis, digestive diseases, stroke, child health, aging, blindness, and genetic disorders to mention only a few.

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

(By unanimous consent, Mr. FLOOD was allowed to proceed for an additional 5 minutes.)

Mr. FLOOD. Mr. Chairman, ever hear of title I of the Elementary and Secondary Education Act? It is a big program—over \$1.8 billion. It helps educate over 6 million disadvantaged kids. The amount included in the bill is the amount that the House voted for last year. The amendment would cut this back by \$97 million. If we do not provide additional funds for this program, we would be simply setting aside the effect of the 1970 census and giving the States which had population increases less money per pupil than they had before.

Now if you look at the amendment carefully, you will see that it is based on what is referred to as the "operating level." For those of you not familiar with the term, perhaps a short explanation is in order. The administration has ignored the action of the Congress on 1973 appropriations for HEW and has operated the programs at funding levels which they have decided are more desirable. The committee could not condone what amounts to impoundment of funds appropriated by the Congress. The amounts recommended in the bill are based on congressional action on 1973 appropriations and not on the administration's plan which would impound funds. If the committee were to base its recommendations on the administration's operating plan, it would create more confusion than we have already seen. Setting aside the basic question of Presidential authority to impound funds, the practical problem

created by the operating plan is its fluidity—it is subject to change from day to day and from hour to hour.

Who decides on these changes? Not the Congress. Not the Appropriations Committee. I frankly do not know who makes these decisions, but it is probably the Office of Management and Budget.

How do we find out when the operating plan changes? Usually in the newspaper and sometimes we get a telephone call or a memo from somebody downtown in HEW telling us to change a figure. Is this any way for Congress or the Appropriations Committee to conduct its business? Certainly not.

I feel that the bill before you is a response to the congressional sense of program priorities. The drastic cuts in the budget for health and education were simply too unrealistic for the committee to accept. The amendment now offered would, in effect, endorse the cuts proposed by the budget. Although the cuts would not be as severe, they would still be cuts.

Mr. Chairman, it might be possible to defend this amendment on the grounds that if it is adopted, the bill will not be vetoed. I am quite sure that the proponents of the amendment cannot give us any assurance that this is the case. If the amendment were adopted, the bill would still exceed the President's budget by either \$632 million or \$1.3 billion depending upon how you look at it. I am as anxious as anyone in this Congress to enact a Labor-HEW appropriation rather than living on a continuing resolution as we were forced to do in fiscal year 1973. But I am afraid that this amendment would not make any difference in this regard. Under the circumstances, I believe we must vote for what we believe is right and not settle for half a loaf.

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

Mr. FLOOD. Mr. Chairman, I ask unanimous consent for maybe 1½ more minutes. Let me put the curtain on, not up.

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

There was no objection.

Mr. FLOOD. Mr. Chairman, I think of the great Ben Jonson. He wrote that "Calumines are best answered in silence."

That is true in this case, because the RECORD speaks pretty well for itself. Never gild the lily, they say.

I will say this to those who would indulge in a false economy at the expense of human and humane values, to those who have a narrow vision of loyalty to certain special interests; God, country, and Yale. Well, if you are there, all right.

What about this committee? What about all the hard work that has gone into this bill?

Mr. Chairman, I am quoting; this is in the words of the great Clive, Clive of India:

I stand astonished at my own moderation!

I urge Members to be against everything they have been listening to except me.

The CHAIRMAN. At this time no further amendments are in order until some are disposed of.

Mr. PEYSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is going to be very dull—

Mr. WAGGONER. Mr. Chairman, will the gentleman yield? Does the gentleman really want to try to follow that act?

Mr. PEYSER. I am going to present a thought I believe is very important in this legislation, and I believe it is important that the Members understand it. This deals with this question of title I and the so-called "hold-harmless" provision.

In effect, "hold-harmless" keeps us operating on the 1960 census data. There have been many changes between 1960 and the current census, and yet "hold-harmless" specifically keeps us at the 1960 level.

Someone raised a question before under title I as to what States were affected. I should like to read a list of the States that in effect lose money by this "hold-harmless" provision. The States of Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Washington, and Wisconsin.

Mr. Chairman, the Committee on Education, under the leadership of Chairman PERKINS, the gentleman who has also been acting as chairman of this subcommittee, has been struggling, as we all have to reach some decisions on this formula in title I. But I want the Members to be aware of the fact that this idea of keeping the hold harmless provision does produce a major change in the larger States.

Now, I think the real issue of title I is to help underprivileged children, to help children who have educational problems.

Mr. PERKINS. Mr. Chairman, will the gentleman from New York (Mr. PEYSER) yield?

Mr. PEYSER. I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, the purpose of the bill, as the gentleman stated, is to help disadvantaged children, but it is my view that we should treat all disadvantaged children alike. The gentleman wishes to hold onto the \$2,000 low-income factor and take the 1970 census count.

If the gentleman would go up to the \$4,000 low-income factor and take the 1970 census count, that would satisfy everybody and treat every child in this country alike, but we cannot discriminate against children by holding onto this 1960 low-income factor of \$2,000 when the other children in New York State, 75 percent of them, are being counted above the \$2,000 figure because of the AFDC payments.

Mr. Chairman, that is the inequity and the injustice in this formula, and that is the injustice in the gentleman's argument that he is making in this Chamber.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for his comments.

I believe that I want to treat children equally as well, but I want to treat the children where the children are, and the great numbers of children happen now to be in the bigger States.

Mr. Chairman, I also believe that the States that are making the major effort in education should not be penalized for making that effort. They ought to be encouraged to make the effort, and this is the reason I have opposed the question of the hold harmless provision. It is a complicated matter, I do respect Chairman PERKINS' thoughts and concern.

Mr. O'HARA. Mr. Chairman, will the gentleman from New York (Mr. PEYSER) yield?

Mr. PEYSER. I will be glad to yield to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I wish to say that the gentleman from New York (Mr. PEYSER) has hit the nail right on the head. The hold harmless provision keeps us at the 1960 census figures. The population has moved, and the money has stayed where the children used to be instead of going where they are today.

Mr. Chairman, I hope that when we do get to page 18, the gentleman will offer an amendment to strike out the hold harmless provision. If he does, I will be happy to support him.

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

In closing, I would like to say that I think title I is one of the great programs we have put into the field of Federal Government involvement in the field of education. This program, as does any massive program, has some problems, but basically it has provided the means for getting the money to help young people who need the help, and I think it has been a tremendous program.

Mr. Chairman, I believe the committee should be supported, and we should provide the full amount the committee has called for in title I.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have all enjoyed listening to the gentleman from Pennsylvania (Mr. Flood) who is truly interesting and entertaining. However, I desire to mention some other fact. I just ran back fast into the library and picked up a vote record on the last debt limit vote.

On this vote earlier this month, to his credit, Mr. Flood voted to increase the debt limit.

Now, however, the gentleman is urging more spending that will greatly increase spending in the proposal before us this time. I wish he would take some time and direct a little time toward convincing some of the Members on his side of the aisle that they should begin to quit some of the excessive spending that goes on in this House, there are many, many Members who will probably vote to increase this spending program. One after another—they do it consistently, continue random spending and—on the occasion of the last record vote men-

tioned above, 152 voted "No." Two-thirds of this number came from the majority side of the aisle.

Mr. Chairman, some day somebody back home, Mr. Voter, is going to find out how you vote to spend and spend yet will not be responsible and vote to increase the debt limit which you helped to create. Just remember, you cannot have it both ways.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a couple of minutes, because it seems that the opposition or the confusion, or whatever it may be, seems to have centered only on two parts of this amendment. One is the part of title I in which the committee recommended \$1.81 billion.

The gentleman from Illinois just talked about the debt limit and claimed it is affected by too much money in this bill. I want to remind you the reason for the debt limit being so high is partially because we appropriated \$6 billion for revenue sharing with the support of those supporting the amendment to cut the bill.

Title I of ESEA is truly a revenue sharing provision. Under title I, money is given by the Federal Government back to the local communities to relieve their tax problems. It goes to those communities that need it the worst or those which have children of low-income parents.

I think Members should choose between kinds of revenue sharing without any lack of confidence that they are doing their part to keep down the national debt.

What we have here is this: Obviously the 1970 census is not a fair basis for distribution. It takes 1 year out of 10 and uses it for 10 years under this law. In addition to that, there are other things than census statistics which are not equitable or fair in the formula. So the committee reasoned that if we go to \$1.81 billion, we can give each State as much as they got the year before and increase some of the others and start to make the transition, hoping the legislative committee in the meantime will work out some kind of a more fair formula for this program.

What they are trying to do in these amendments is to do as much with less than \$1.81 billion as can be done with \$1.8 billion. It cannot be done. Mr. ROBINSON of New York is trying to do it with about \$50 million less, and Mr. MICHEL with \$97 million less. It cannot be done. We need \$1.81 billion to do this job in this transition period we are in. Hopefully, by the time this bill is here next year, the committee will rewrite the law and the guidelines and make them more equitable and we can go on from there.

The other thing mentioned frequently in the debate has been the poverty program. Mr. MICHEL recommended a reduction in the poverty program of \$92.5 million. What the committee said is that if we would take the \$333 million in the bill which is less than was appropriated this year, we could fund the program to the end of the fiscal year, then during that time the legislative committee will come in here and you will have a chance to do

battle on the floor to decide what to do about the poverty program.

I do not think it makes any sense, really, to cut it 1 month or 5 weeks or whatever it may take. Instead, let us appropriate enough money to take it to the end of the fiscal year.

Mr. FLOOD. Will the gentleman yield?

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

Mr. FLOOD. It is \$150 million less than last year.

Mr. SMITH of Iowa. Anyway, the fact of the matter is that in rural areas—and it may not be true in some of the cities, but it is in rural areas—there is simply no agency available to administer CAP-type programs. In some of the cities there is a governmental unit that can do the job, but whether it is local towns or townships or counties which must be combined, there is no other governmental unit that can take over at this point and administer these kinds of programs.

Also, a forced phaseout without a definite program for shifting some programs and functions to other agencies would cause trouble in the programs the administration wants to keep as well as others.

I think what we need to do on the poverty program is fund enough money, which we did in the bill, to fund it to the end of the fiscal year, and that coincides with the time by which the Committee on Education and Labor must have reported a bill to the floor and you will have a chance to work your will on that bill.

I hope you will vote down the Robison amendment and then vote down the Michel amendment and then vote for the committee bill.

The CHAIRMAN. The Chair will try to state the parliamentary situation.

The Conte amendment to the Michel amendment will be presented for a vote. Then, if there are no other amendments to the Michel package amendment, the Quie amendment to the Robison substitute will be presented for disposal. Then, if there are no further amendments to the Robison substitute, the question would occur on the Robison substitute. The question then occurs on the Michel package amendment providing persons do not rise for the purpose of debate. If they do rise, the Chair will recognize them.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Chairman, as I understand, we will first consider my amendment to the amendment offered by the gentleman from Illinois (Mr. MICHEL)?

The CHAIRMAN. The gentleman is correct, the first vote will be on the amendment the gentleman has offered to the amendment offered by the gentleman from Illinois (Mr. MICHEL). That will be disposed of first.

Mr. CONTE. That raises the mental health section by \$20 million.

Mr. Chairman, I then have another amendment that I would like to offer.

Will I be permitted to offer that amendment?

The CHAIRMAN. The Chair will state that after the first amendment has been disposed of the gentleman may rise and offer his other amendment.

Mr. CONTE. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE) to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 11, noes 78.

So the amendment to the amendment was rejected.

AMENDMENTS OFFERED BY MR. CONTE TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. CONTE. Mr. Chairman, I offer several amendments to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

Mr. Chairman, these are several amendments to the NIH research training programs, and I ask unanimous consent that they may be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. CONTE to the amendment offered by Mr. MICHEL: At the end of the fifth sentence, after "title IV, part C, of the Public Health Service Act," strike out "\$40,227,000" and insert in lieu thereof "\$42,356,000".

At the end of the sixth sentence, after "and digestive diseases," strike out "\$145,182,000" and insert in lieu thereof "\$147,568,000".

At the end of the seventh sentence, after "neurology and stroke," strike out "\$108,505,000" and insert in lieu thereof "\$114,066,000".

At the end of the eighth sentence, after "allergy and infectious diseases," strike out "\$107,111,000" and insert in lieu thereof "\$107,134,000".

At the end of the ninth sentence, after "chemical substances for demonstrations and research," strike out "\$152,528,000" and insert in lieu thereof "\$164,460,000".

At the end of the tenth sentence, after "child health and human development," strike out "\$116,092,000" and insert in lieu thereof "\$117,749,000".

At the end of the eleventh sentence, after "eye diseases and visual disorders," strike out "\$33,949,000" and insert in lieu thereof "\$35,480,000".

At the end of the twelfth sentence, after "environmental health sciences," strike out "\$27,154,000" and insert in lieu thereof "\$27,556,000".

In the thirteenth sentence, after "other research resources and general research support grants," strike out "\$110,871,000" and insert in lieu thereof "\$111,083,000".

In the fourteenth sentence, after "for Advanced Study in the Health Sciences," strike out "\$4,319,000" and insert in lieu thereof "\$4,767,000".

Mr. CONTE. Mr. Chairman, my amendment to the main amendment would have the effect of restoring \$26.281 million to the appropriation for NIH research training programs, leaving the appropriation for them at the amount recommended by the Appropriations Committee.

Earlier, I talked about the need to con-

tinue direct support to students in mental health and alcoholism. I have told you why I cannot go along with those parts of the main amendment that would have the effect of phasing out training programs mandated by the Congress rather than simply supporting them for next year at reduced levels. Now I want to comment specifically on the NIH training programs.

Availability and cost of health care is one of our greatest problems. This Congress has before it multimillion—even multibillion-dollar proposals for health care delivery systems and health insurance. Important as they are, these are only short-term measures. In the long run, the solution to the health care crisis lies only in our learning more about sickness and health.

We have built the world's best medical research programs by attracting to them some of our brightest young people and giving them the best training possible. Medical research is beginning, but only beginning, to give us some of the answers we need. This is not the time to cut away the very base of our medical research enterprise.

During appropriation hearings, we heard a number of arguments for the proposed phasing out of research training. Some were misplaced, others unsupported by fact.

It was argued that it is inequitable to use federal funds for training in the life sciences and not in other fields. Yet it has never been considered inequitable to train officers for the Armed Forces. Failing to train those who may help provide the answers to diabetes, muscular dystrophy, or mental retardation is grossly inequitable to those who suffer, or will suffer.

It was argued that we have a sufficient research manpower supply; that sufficiency was not documented. What is more, the quality of our research depends on a constant supply of new ideas that can come only from the young.

Finally, we were told we should rely on the "play of the market" to attract young people to medical research, and that other means of support are available for them. Let us look at those other means and how adequate they are.

NIH research training programs are for graduate work for which basic educational opportunity grants are not available. Loans can be used, but total dependence on them will have serious consequences.

NIH trainees do not come from well-to-do families—median family income is \$10,000–\$12,000, and only 5 percent of the trainees rely on their families for major support for graduate training. Many enter graduate school already in debt for their undergraduate education. Those who have been fortunate enough to have NIH support could rely on it for only about half of their expenses. At least 3 years of graduate training is required for biomedical research; some fields require much more. Costs vary widely, but NIH estimates that ending student stipends would leave students in debt an average of \$16,000 at the end of a Ph. D. and \$27,000 at the end of post-doctoral training.

In 1970, the median salary for a research scientist with a doctorate and 1 year or less of experience was \$11,000. Mind you, this is the very time in their lives at which these young people, owing between \$16,000 and \$25,000, will be starting families, or have young families. The overall median salary for research scientists, regardless of years of experience, was \$16,500 in 1970—earnings for private medical practice were well over double that amount.

If we rely on the "play of the market," we will most assuredly guarantee that many young people who manage to get through graduate school will have to go into private practice to pay their debts. Others will be discouraged from trying. Medical research will be in danger of becoming a "rich man's field." This is a gamble I am not willing to take when the stakes for all of us are health and life.

The main amendment leaves intact training funds for the cancer and heart institutes. That is commendable. I can find no reason, however, to limit support to students in those fields. The costs, in dollars and suffering, from glaucoma, multiple sclerosis, or any of the other diseases on which NIH is working, are tremendous. Moreover, diseases are not that separate for the researcher. A breakthrough in the basic medical sciences will affect whole families of illnesses. A disease-by-disease strategy is expensive and unwise.

I consider \$26.281 million a good investment if it brings some of our best young people into medical research and keeps them there.

Mr. Chairman, I have received mail from all over the country on the importance of research training programs.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 25, noes 87.

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

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the substitute amendment offered by the gentleman from New York (Mr. ROBISON) for the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 8, noes 89.

So the amendment to the substitute amendment was rejected.

Mr. LANDGREBE. Mr. Chairman, I rise in opposition to the amendment and move to strike the last word.

Mr. Chairman, I am afraid that after tonight's fun and games are over everyone will laugh except the taxpayer and the senior citizen who is hurt most by inflation which results from planned and deliberate reckless deficit spending. The Robison amendments add some \$64 million to the Michel amendments, which brings the package close to \$700 million over the administration budget. I suggest

we defeat the Robison amendment after which I will offer my substitute to the Michel amendment which I believe to be far superior to the Robison substitute or the Michel amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. ROBISON) for the amendment offered by the gentleman from Illinois (Mr. MICHEL).

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

Mr. ROBISON of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. LANDGREBE FOR THE AMENDMENT OFFERED BY MR. MICHEL

Mr. LANDGREBE. Mr. Chairman, I offer a substitute amendment.

The clerk read as follows:

Substitute amendment offered by Mr. LANDGREBE for the amendment offered by Mr. MICHEL: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et. seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89-793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), \$646,551,000.

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a)(7), 403(a)(1) and 433(a) of the Public Health Service Act; \$103,081,000. For expenses necessary to carry out title IV, part A, of the Public Health Service Act, \$500,000,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, \$235,000,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, \$38,452,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, \$133,608,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, \$101,198,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, \$98,693,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, \$138,573,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, \$106,679,000.

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$32,092,000.

To carry out, except as otherwise provided, section 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, \$25,263,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service

Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, \$88,632,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$3,586,000, of which not to exceed \$500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, \$382,180,000, of which \$2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII. *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I (\$1,585,185,000), title III and title VII of the Elementary and Secondary Education Act; and section 222(a) (2) of the Economic Opportunity Act of 1964, \$1,661,185,000: *Provided*, That the aggregate amounts made available to each State under title I-A for grants to local education agencies within that State shall not be less than such amounts as were available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89-10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out to the extent not otherwise provided, the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) \$450,827,000 including 8,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed \$9,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of Title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92-506 of October 19, 1972, \$1,803,914,000 of which amounts reallocated for work-study shall remain available through June 30, 1975, \$25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and \$440,500,000 shall be for basic opportunity grants (including not to exceed \$11,500,000 for administrative expenses), of which \$429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: \$310,000,000 for subsidies on guaranteed student loans and \$31,425,000 for annual interest grants for subsidized construction loans.

For carrying out, except as otherwise provided, sections 310 and 303 of the Public Health Service Act, parts B, C, and D of the

Developmental Disabilities Services and Facilities Construction Act, titles III, IV, VII, and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, \$264,030,000; of which \$21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a) (3) of such Act; and \$4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended \$143,800,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. LANDGREBE (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LANDGREBE. Mr. Chairman, I will be brief. I will not repeat all of the statistics I mentioned this afternoon. However, this is a very important matter since this bill carries a price tag of some \$32 billion.

I would like to point out that the President's budget proposal was perhaps not perfect. However, this is pretty much a matter of personal opinion. Most certainly this comes closer to being fiscally responsible than the Michel amendment we are discussing at this time. My substitute would, of course, bring the amounts in the Michel amendment down to the administration budget level.

The amendment of the gentleman from Illinois suggests the expenditure of some \$632 million over the budget, and this in consideration of the fact that the President's budget was some 12 percent over the funding for 1973. In fact, I would just recap quickly. In 1964, the HEW programs were costing the taxpayers \$24 billion; in 1972, 71.8 billion; in 1973, 83.6 billion; in 1974, the administration proposes 93.8 billion funding of the HEW programs. That is a nice, neat, 33-percent increase in just 3 years.

My amendment would simply restore the bill, to the administration budget

level, which I repeat is 12 percent over last year even though there are some \$6 billion a year being spread across America in revenue sharing funds, school enrollments are down, employment is up.

In addition to that, we are concerned about having our bill vetoed and going along another year on a continuing resolution. There is no indication at all that the Michel amendment is acceptable to the administration. In fact, I have information to the contrary. Therefore, I feel that the Congress must accept its fiscal responsibility.

We must assist the administration in restoring fiscal stability, fiscal sanity in this country. Therefore, I urge the adoption of my amendment which is, in effect, the budget of the administration. Members can add the figures this way and that way; there is no line item that has been changed intentionally. There has been discussion here today whether the committee bill is \$1.9 billion or \$1.2 billion over the administration's request. My amendment is within \$100 million of the administration's budget. The intention of this substitute amendment is to provide an opportunity to Members of the House to exercise fiscal responsibility and vote on the budget figures which have been proposed by the administration.

Mr. Chairman, I urge support of my substitute to the Michel amendment.

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

With no disrespect to my colleague who just offered the amendment, I really believe the temper of the House is such that his amendment will not be accepted.

Let me take this very brief opportunity, assuming that that amendment will be disposed of quickly, so that we can get to a vote on my package of amendments. If the amendment is agreed to or if it goes down, we will be at that point where we will begin to read the bill paragraph by paragraph. It would occur to me that as soon as I have concluded my remarks, unless the distinguished chairman of the subcommittee would choose to be recognized again. We could get to a vote on my amendment.

Let me say very briefly that when we adjust this bill, for the budget requests deferred, that is an amount of \$2,181,789,000. Those are things which are going to come up in supplementals.

Even with adoption of my amendment we will be \$2,539,090,000 over the 1973 spending level. So if anyone tries to indicate that with the adoption of my amendment we are not making any progress or not putting additional money into this bill, it just is not so. There will be \$2.5 billion of increased spending in 1974 with the adoption of my amendment, over the level of 1973.

My dear friend from Pennsylvania asks:

Do you want to hurt the disadvantaged?

Very dramatically, and says:

You know what the people back home are going to say.

My amendment includes \$127 million of increased funds in title I. I have cut it back \$97 million, but I give in \$127 million.

My good chairman makes the count of these zero items in the budget. I recognized in my remarks in general debate, and in the submission of amendment, that my administration was wrong, that they should not have taken that course of action.

In those 12 ongoing programs we all agreed to extend for 1 year, I funded those programs in my amendment, but not to the full extent my chairman, Mr. FLOOD, would.

So there are plenty of good things to talk about and tie oneself to in supporting my amendment, and still take credit for doing something to hold this bill within reasonable bounds and hopefully to get it signed and not vetoed, so that we will not go through this continuing resolution procedure.

On that, Mr. Chairman, I rest my case. Mr. FLOOD. Mr. Chairman, I move to strike the last word.

The big pitch here is, "Take the Michel amendment, and you will be home free. Flood is a dead pigeon."

Look at this. I am the most vetoed man in this House. There is no question about that. I have been vetoed four times, and I am still breathing.

Members just heard the gentleman from Indiana, Mr. LANDGREBE. The gentleman has got a pipeline some place. He was out in that back room. They have telephones. He says he has reasonable cause to believe that a bill containing the Michel amendment will be vetoed.

The only reason given for the Michel amendment, as against the Flood position, is that it is said, "Flood is going to be vetoed," and that the bill with the Michel amendment is going to be signed.

Mr. MICHEL does not know any more about what is going to be vetoed than anybody else. Neither do I. That is that.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Indiana (Mr. LANDGREBE) for the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The substitute amendment was rejected.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Michel amendment proposes to strike \$5 million from the appropriation for bilingual education. This cutback would be a serious blow to a program which is still in the process of struggling to get off of the ground.

Mr. Chairman, under the present level of funding—\$35 million for fiscal year 1973—the bilingual program has been able to serve only a small fraction of the schoolchildren in need of this assistance. According to Dr. Pena, Director of Bilingual Education at the Office of Education, over 5 million children are potentially eligible to participate in bilingual programs, yet only 143,000 students are expected to be enrolled in the program in the coming school year. There is clearly an overwhelming need to expand this program and reach these schoolchildren who want desperately to learn, but are needlessly obstructed by the language barriers which this program is designed to overcome.

The Appropriations Committee has recognized in measure the enormous gap

between what is now being done and what is needed. That is why the committee increase the appropriation for bilingual education by \$10 million—although even this increase would not enable the program to reach even 5 percent of the eligible students. The fact is that the bilingual program has been drastically underfunded ever since it was passed. Furthermore, since allocations for this program, made by the Office of Education, have consistently been distributed inequitably and unfairly, many cities with large Spanish-speaking populations have been starving for bilingual funds.

Mr. Chairman, in my own district in Chicago, which I have the privilege to represent, thousands of schoolchildren who come from homes where English is not the dominant language are in great need of bilingual education. Yet, under the present level of funding, their needs continue to go unmet. There are over 50,000 students in Chicago who do not speak English as their first language—fully 9 percent of the children attending Chicago public schools. And thousands of these children do not have access to a program which could immeasurably strengthen their ability to learn in a school system which they find unfamiliar in language and custom. The children from homes where English is not spoken, cannot absorb an education taught to them in a language they do not understand. As a result, Spanish-speaking children in Chicago are dropping out of high school at a rate of over 50 per day. Fewer than half of the children from Spanish-speaking homes are completing their high school education. These children are severely disadvantaged and unfairly handicapped by their unfamiliarity with English. It is time that we fully recognized their special and urgent need.

Last January, the Chicago Board of Education submitted applications for 17 individual bilingual projects. Yet these applications were not even considered by the Office of Education due to the lack of funds. This is unconscionable if our promises of equal opportunity are to mean anything at all to children from Spanish-speaking and American-Indian homes who have known the cruelty of abusive discrimination for far too long.

Mr. Chairman, I believe it is more important than ever before to affirm our commitment to equal educational opportunity. We must not retreat from the important advances we have made toward tearing down the barriers of discrimination and neglect. I strongly urge that the committee recommendation for this important program be maintained. I urge the defeat of this amendment.

AMENDMENT OFFERED BY MR. BAKER TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. BAKER. Mr. Chairman, I offer an amendment to the Michel amendment. The Clerk read as follows:

Amendment offered by Mr. BAKER to the amendment offered by Mr. MICHEL: In the last paragraph of the Michel amendment, providing for the expenses of carrying out the provisions of the Economic Opportunity Act of 1964, strike out the sum "\$241,300,000", and insert "\$141,300,000".

OXIX—1349—Part 17

Mr. BAKER. Mr. Chairman, I have a great deal of respect for our colleague, the gentleman from Illinois (Mr. MICHEL). In fact, whether or not my amendment passes, I will vote for his package. But I believe my amendment has merit.

This amendment reduces the funds available for the operation of OEO by an additional \$100 million. The remaining amount of \$14,300,000 would just about sustain the agency through September or October 1973. We basically did this same thing today in the continuing appropriation bill.

According to my information there is about \$130 million in the pipeline for projects which are ready for approval. All OEO needs to proceed other than money is a Senate confirmed Director.

There is one primary concern which bothers me deeply and I believe will bother you. I have a notice sent out on OEO stationery from 730 Peachtree Street NE., room 1165, Atlanta, Ga. It is sent to all employees purportedly from the agency employee union. This notice describes an activity of the union where a former Member of Congress has been contracted with to lobby for an OEO appropriation. This memorandum refers to the lawsuit which had been filed previously. I recognize this to be the suit to restrain the further funding of projects until a Director is confirmed by the Senate. The notice states that all paychecks received by every employee from now on are the result of the lawsuit.

The lobbyist is being paid \$27,669 if he works for the Office of Economic Opportunity, employee group for 3 months. The contract is made with the "Coalition for the War on Poverty." The coalition is composed of union members—the National Council of OEO Locals and State Associations of Community Action Agency Directors. The funds for the coalition come from employee contributions of \$3 per member per grade for the 3-month period and \$2,000 per State Directors' Association group.

Now to me this is a most dangerous activity. If an employee group can perpetuate an agency or any program purely to preserve the jobs of individuals concerned, we are in deep trouble. If it can happen one time, it can happen again and again.

This comes mighty close to the reason the Hatch Act has some merit. We are on mighty thin ice when this sort of operation is condoned, to say nothing of proving effective.

The lobbyist sent out to the Federal employees an individual evaluation of the subcommittee membership and how they might be influenced.

I do not know how the lobbying effort is being conducted, but I assume it is carried on along conventional lines.

How are these committee members supposed to be influenced? Nothing refers to the virtues of the Office of Economic Opportunity.

Members are asked to get as many favorable news items in the media as possible in order for the constituents of the various committee members to be inclined to support their efforts to influence Members of Congress.

I am not saying that all of the Office of Economic Opportunity is bad, but it has been fraught with irregularities, slipshod practices, and outright fraud.

I hope the Members will support this amendment in protest to the inordinate efforts of these Federal employees to influence this Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER) to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, yeas 288, not voting 35, as follows:

[Roll No. 290]

AYES—110

Archer	Frey	Nichols
Arends	Froehlich	Farris
Armstrong	Goldwater	Powell, Ohio
Bafalis	Goodling	Quillen
Baker	Gross	Rarick
Beard	Gubser	Rhodes
Bennett	Haley	Roberts
Bevill	Hanrahan	Robinson, Va.
Blackburn	Hinshaw	Rogers
Bray	Hogan	Rousselot
Brotzman	Hosmer	Runnels
Broyhill, Va.	Huber	Ruth
Burgener	Hudnut	Satterfield
Burke, Fla.	Hunt	Saylor
Burleson, Tex.	Hutchinson	Scherle
Cederberg	Jarman	Schneebelf
Chamberlain	Johnson, Colo.	Shuster
Clancy	Johnson, Pa.	Sikes
Clawson, Del.	Kemp	Snyder
Cochran	Ketchum	Spence
Collier	Kuykendall	Steelman
Collins, Tex.	Landgrebe	Symms
Conlan	Landrum	Talbot
Crane	Latta	Taylor, Mo.
Daniel, Dan	Lott	Towell, Nev.
Daniel, Robert	McClory	Treen
W., Jr.	McCollister	Vander Jagt
Davis, Wis.	Martin, Nebr.	Veysey
Dennis	Mathias, Calif.	Wiggins
Devine	Mathias, Ga.	Wilson, Bob
Dickinson	Mayne	Wyatt
Duncan	Milford	Wyman
Edwards, Ala.	Minshall, Ohio	Young, Alaska
Eshleman	Mizell	Young, Fla.
Flowers	Montgomery	Young, S.C.
Flynt	Moorhead,	Zion
Ford, Gerald R.	Calif.	
Forsythe	Myers	

NOES—288

Abdnor	Brown, Mich.	de la Garza
Abzug	Brown, Ohio	Delaney
Adams	Broyhill, N.C.	Dellenback
Addabbo	Buchanan	Dellums
Alexander	Burke, Calif.	Denholm
Anderson,	Burke, Mass.	Dent
Calif.	Burlison, Mo.	Diggs
Anderson, Ill.	Burton	Dingell
Andrews, N.C.	Butler	Donohue
Andrews,	Byron	Dorn
N. Dak.	Carney, Ohio	Downing
Annunzio	Carter	Drinan
Ashley	Casey, Tex.	Dulski
Aspin	Chisholm	du Pont
Barrett	Clark	Eckhardt
Bell	Clausen,	Edwards, Calif.
Bergland	Don H.	Ellberg
Biaggi	Clay	Erlenborn
Blester	Cleveland	Esch
Bingham	Cohen	Evans, Colo.
Boggs	Collins, Ill.	Fascell
Boiland	Conte	Findley
Bolling	Corman	Fish
Bowen	Cotter	Flood
Brademas	Coughlin	Foley
Breckinridge	Cronin	Ford,
Brinkley	Culver	William D.
Brooks	Daniels,	Fountain
Broomfield	Dominick V.	Frelinghuysen
Brown, Calif.	Davis, S.C.	Frenzel

Fulton
Fuqua
Gaydos
Gettys
Gialmo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Hamilton
Hammer-
schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hollifield
Holt
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden

Madigan
Mahon
Mallory
Mann
Maraziti
Martin, N.C.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvisky
Michel
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
O'Neill
Owens
Passman
Pattman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quile
Rallsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Rubin, N.Y.
Ryan

St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton
J. William
Stanton
James V.
Stark
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Sullivan
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Derlin
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Williams
Widnall
Wilson
Charles H.
Wilson
Charles, Tex.
Winn
Wolf
Wright
Wyder
Wylie
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—35

Ashbrook
Badillo
Blatnik
Brasco
Breux
Camp
Carey, N.Y.
Chappell
Conable
Conyers
Danielson
Davis, Ga.

Derwinski
Evins, Tenn.
Fisher
Fraser
Gray
Green, Oreg.
Hébert
Henderson
King
Lujan
Macdonald
Mailliard

Mills, Ark.
Morgan
Murphy, N.Y.
Price, Tex.
Randall
Rooney, N.Y.
Sebelius
Skubitz
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 213, not voting 34, as follows:

[Roll No. 291]

AYES—186

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bell
Bennett
Blackburn
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Cederberg
Chamberlain
Chappell
Clancy
Clausen
Don H.
Clawson, Del.
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert
W. Jr.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen

Frenzel
Frey
Froehlich
Gilman
Ginn
Goldwater
Goodling
Gross
Grover
Gubser
Guyer
Haley
Hammer-
schmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lent
Long, Md.
Lott
Lujan
McClary
McCollister
McDade
McEwen
Mallory
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher

Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Powell, Ohio
Pritchard
Quile
Rallsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rose
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherie
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Smith, N.Y.
Snyder
Spence
Stanton
J. William
Steelman
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—213

Abzug
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Bergland
Bevill
Blaggi
Blester
Bingham
Boggs
Boland
Bolling
Brademas
Breckinridge
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Carter
Casey, Tex.
Chisholm

Clark
Clay
Collins, Ill.
Corman
Cotter
Cronin
Culver
Daniels
Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Ellberg
Esch
Evans, Colo.
Fascell
Flood
Flowers
Flynt

Foley
Ford.
William D.
Fulton
Fuqua
Gaydos
Gettys
Gialmo
Gibbons
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hollifield
Holtzman

Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
McCloskey
McCormack
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Maraziti
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvisky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Moss
Murphy, Ill.
Natcher
Nedzi

Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Pattman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncallo, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa

Staggers
Stanton
James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Van Derlin
Vanik
Vigorito
Walde
Whalen
White
Whitten
Widnall
Wilson
Charles H.
Wilson
Charles, Tex.
Winn
Wolf
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—34

Adams
Ashbrook
Badillo
Blatnik
Brasco
Breux
Camp
Carey, N.Y.
Conable
Conyers
Danielson
Davis, Ga.

Derwinski
Evins, Tenn.
Fisher
Fraser
Gray
Green, Oreg.
Hébert
Henderson
King
Macdonald
Mailliard
Mills, Ark.

Morgan
Murphy, N.Y.
Price, Tex.
Randall
Rooney, N.Y.
Skubitz
Steiger, Ariz.
Stuckey
Teague, Tex.
Thompson, N.J.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HEALTH SERVICES PLANNING AND DEVELOPMENT

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(g), 403 (a) (1) and 433(a) of the Public Health Service Act; \$388,520,000, of which \$197,200,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities.

AMENDMENT OFFERED BY MR. HEINZ

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

The Clerk read as follows:

Amendment offered by Mr. HEINZ: On page 8, line 17, strike out "\$388,520,000" and insert in lieu thereof "\$321,320,000", and strike out "\$197,200,000" and insert in lieu thereof "130,000,000".

Mr. HEINZ. Mr. Chairman, my amendment is basically a simple amendment which, if accepted by the House, would reduce this appropriation bill by the amount of \$67.2 million. My amendment does this by leaving in the committee bill the amount of money under the medical facilities construction grant portion of the bill, known to most of us as Hill-Burton, the \$70 million in the bill for out-patient facilities, and the \$50 mil-

lion in the bill for modernization of hospitals, and it also includes of the amount in the bill \$10 million for new construction for existing hospitals or new hospitals, bringing the total of my amendment, in place of what is in the bill, to \$130 million. I believe these programs are necessary and important and deserve these appropriations.

What is in the committee bill now in the sections I have just mentioned is \$197.2 million. My amendment would reduce this amount by just over one-third without harming or jeopardizing the real health care needs of the American people.

It has been my pleasure, in this regard, to serve on the Public Health and Environment Subcommittee in the 93d Congress. We have heard a great deal of testimony that much of the money in the committee bill in the Hill-Burton section, and more specifically that money which I seek to cut, is just not needed for the kind of construction that is in that bill.

If you do not believe me, look at the \$15 million in the committee bill for an item called construction for rehabilitation purposes. If you go to the committee, as I did awhile ago, you will find in all of the testimony they took there is not any reference, there is not even any mention whatsoever, to the \$15 million for the construction of rehabilitation facilities, whatever they may be. This is simply one example of the needles and wasteful money the bill seeks to appropriate and which I seek to cut.

I intend to be brief, and urge the committee to accept my amendment.

Thank you very much.

Mr. FLOOD. Mr. Chairman, I rise for the purpose of opposing this amendment.

Mr. Chairman, in case my friend from Pennsylvania has not found it out, I am chairman of the subcommittee that conducted these hearings.

It is not necessary for me or a member of the committee to tell you what this amendment does. The need is in your hometown and any medical facility you have or anything identified with it.

Mr. HEINZ. Will the gentleman yield?

Mr. FLOOD. I will not.

But let me tell you this: He said this is a very simple amendment. Do you know those are his words and not mine. It is a simple amendment. Hospitals and public health centers would be out. Rehabilitation facilities would be cut back. In addition to that, long-term care facilities would be eliminated. Requests are coming in to HEW for long-term care facilities in order to replace old buildings.

A simple amendment? It is not only simple, it is simply outrageous.

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

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POSTSECONDARY INNOVATION

For carrying out, to the extent not otherwise provided, section 404 of the General Education Provisions Act, \$10,000,000.

AMENDMENTS OFFERED BY MR. DELLENBACK

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

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: On page 17, line 21, strike "\$10,000,000" and insert in lieu thereof "\$15,000,000".

Mr. DELLENBACK. Mr. Chairman, I would also ask unanimous consent that the three amendments which are at the desk—this one, dealing with this section, one on page 20, and one on page 21—because they are all essentially tied in together, and they have been placed at the majority desk as well as at the doors, might be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DELLENBACK: Strike line 21 on page 20 through line 16 on page 21 and insert in lieu thereof the following:

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I (\$10,000,000), III, IV, section 745 of title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended (\$5,000,000), the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92-506 of October 19, 1972, \$1,805,914,000 of which amounts reallocated for work-study shall remain available through June 30, 1975, \$20,000,000 shall be for state incentive grants under Title IV-A-3 of the Higher Education Act of 1965, as amended, to remain available until June 30, 1975, \$25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and \$420,500,000 shall be for basic opportunity grants (including not to exceed \$11,500,000 for administrative expenses), of which \$409,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: \$310,000,000 for subsidies on guaranteed student loans and \$31,425,000 for annual interest grants for subsidized construction loans.

Mr. DELLENBACK (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read and printed in the RECORD. I will explain it in detail because, like this type of amendment, it sounds much more complicated than in fact it is.

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

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 21, line 24 strike "\$12,500,000" and insert in lieu thereof "\$10,500,000" and on lines 23-24 strike "\$176,209,000" and insert in lieu thereof "\$174,209,000".

Mr. DELLENBACK. Mr. Chairman, we are not here dealing with either an increase or a decrease in spending provided for in this bill. We are dealing with off-

setting transfers. We are dealing strictly with higher education, and we are dealing with attempts to move into three critical areas funds which can have leverage and be used in effect to improve what happens in the field of higher education.

The package of these three amendments does three things. Mr. Chairman, this provides, first, that 1202 and 1203 commissions which were commissions created in the education amendments of 1972, and which are provided for planning purposes so that we can get ready for additional funds for community colleges and for occupational education—instead of having the \$3 million which are provided for in the bill, would have \$5 million. It proposes to add \$2 million to the funding for these commissions and to get those \$2 million by transferring funds from higher education, title VI, the equipment section.

This section presently is at \$12,500,000. It is proposed that there be a compensating adjustment taking that to \$10,500,000, moving this \$2 million into an area where the commissions can be adequately funded to be ready for what needs to be done in the way of comprehensive planning within each State for community college funding and occupational education. That is the first package, with \$2 million shifted across where they would have greater leverage.

The second proposed transfer is in the field of the State incentive grant programs. There are some 30 States that already have scholarship programs. In the education amendments of 1972 we of this body created a program to give incentives to States to move forward and put additional dollars into aid to students. I propose that we take \$20 million from the basic opportunity grant program and move it to commence the State incentive grant program.

I am a supporter of the basic opportunity grant program, a strong supporter, but we are not able to put enough money into it. The subcommittee could not. They put every dollar they could put into this program after taking care of the other needs of student aid, but they did not see that they could put enough in there to really make the program go all the way.

Therefore, it is not fully funded—the basic opportunity grant program. We need more money for students. By taking this \$20 million and moving it over to the State incentive grant program, we can potentially double the impact on students. We can move forward with funding a very good program, and we can end up giving twice as many dollars to the students.

The third thing this amendment proposes to do is to add \$5 million to the fund for the improvement of postsecondary education.

We last year appropriated \$10 million for this program. The budget asked for \$15 million, but when it was before the subcommittee they very logically did not raise this amount because they did not have the full data as to what the fund was doing with last year's appropriation.

The fund board was appointed late, it was in the middle of deliberations at that time, and since that time it has finished its work. It has had 1,400 applications. It was able to fund only 80 of these.

There are a host of good programs in

all our States to improve postsecondary education, and the proposal is to add \$5 million to this fund and that we get this \$5 million by taking it from community services, HEA, title I.

That is what my amendments would

do. They neither increase nor decrease the total appropriated. By shifting in these three areas they propose to put the dollars where they can have greater leverage.

I include the following:

	Fiscal year—					Bill	Dellenback amendment	
	1970	1971	1972	1973	1974 budget			
HEA I: Community services ¹	9.5	9.5	9.5	15.0	0	15.0	10.0	Mandated study just underway. Michel amendment may cut this to about 6.25, if so, you should still cut by \$2,000,000.
HEA II: U.G. Equip.	0	7.0	12.5	12.5	0	12.5	10.5	
BOG	0	0	0	122.1	959.0	440.5	420.5	
State Inc., Grants	0	0	0	0	0	0	20.0	
1203	0	0	0	0	13.0	3.0	5.0	
Fund	0	0	0	10.0	15.0	10.0	15.0	

¹ Confusing—Had in mind 1202 for use in facilities planning.

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

Mr. DELLENBACK. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I would like to say the gentleman's proposals may be sound but I do not think we should be determining these priorities on the floor. What we would be doing is basically robbing Peter to pay Paul. We should give these basic opportunity grant programs a chance to get off the ground. It is inadequately funded at the present time. Some of the States this year are going to receive less in their allocations from the Federal level than our student assistance program. I do not think at this time we should take anything from these programs where the gentleman proposes to take the money and transfer it to other places in the bill.

Mr. DELLENBACK. We are striving to make our already limited dollars go further.

Mr. Chairman, I urge support for these amendments.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, this is a most dangerous kind of thing to do with an extremely important and a very, very difficult program. Believe me, the administration's proposal on the BOG program we are considering very carefully. It has a great deal of merit, this BOG program.

I want the Members to hear this. The administration's proposal on this BOG program is being examined very carefully. We have nearly \$450 million in here for this. We are working closely with everyone concerned about this program.

As my friend, the gentleman from Kentucky (Mr. PERKINS), says, this is not the place at this hour of the night in the well of this House to try to change this kind of thing. This is a realignment of priorities brought up by a small group in one place.

We would go almost \$4.5 billion over the budget if all of the programs in the education amendments of 1972 were funded. We simply cannot do that kind of thing here or at any other time. This amendment would shift \$20 million from the BOG to this new student incentive program.

Something is said about a report coming up. We have not seen such a report. No word came to the committee about

such a report. This is something in the backyard. We do not know about this.

Let me tell the Members something further, and this was very damaging. When we examined the specialists from the Department of Education 2 months ago, and later 1 month ago, not one dime had been awarded on any one project. They said they were not prepared to award projects. They did not have sufficient information to do all they wanted to do. We took them at their word. This will be done eventually. Next year we will have extensive hearings and we want to do this, but they did not know and we did not know and therefore the Members do not know. The gentleman must have a crystal ball. He is the only one who does have it, and we cannot possibly under the circumstances permit this kind of thing at the present time to this bill on appropriations. We cannot possibly do this.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am baffled by the distinguished chairman of the subcommittee of the Appropriations Committee. Everything that is in this bill is a determination of priorities. Each of us has to make a judgment about whether or not we think a number of dollars for this program makes sense or does not make sense.

I must say, in all honesty, that the-atics in attempting to dismiss these amendments substantively cannot be defended.

What we are talking about? We are not talking in this instance about adding or subtracting money. We are talking about attempting to make some kind of rational judgment about how to take limited dollars and make them do the most good. I think the gentleman from Oregon has effectively attempted in his amendments to do just that.

What has he said? One, that there are now over 30 States which have State student aid programs. The \$20 million he proposes to add into this would make it possible for the Federal Government to match those State grant programs, and as a result expand the dollars available for higher education aid to students. There is no hanky-panky in that; not even any crystal ball needed in that. It is an ongoing program in States across the country such as mine and others

which have effectively done a job. I think we have some responsibility, in fact, to promote it. Mr. Chairman, it is a way to effectively reduce the pressure on the Federal dollar by attempting to involve ourselves in matching the States effort.

Second, what are we trying to do in the fund for the payment of higher education?

Over 1,400 applications have been received for new and innovative developments in higher education. Every expert in the field recognizes that there are serious problems in the structure and organization of higher education. This is the one effort by the Congress to try and find alternatives, try and use this limited amount of money to increase the activity of the States to make some judgments about how they should go about organizing their own institutions of higher education.

Mr. Chairman, I do not think that takes any kind of crystal ball to understand, to comprehend or to recognize the good value that we, as the Congress, get for that kind of expenditure of funds.

The 1,202 commissions were written into the education amendments of 1972 on the basis that it was important for us in the planning for funds for higher education to get some leadtime. The \$2 million that the Dellenback amendment proposes for these 1,202 commissions to use for comprehensive planning would, in the long run, not only enable the States, but in my judgment, this Government, the Federal Government, to more effectively know what to do and how to do it.

That clearly, it seems to me, is not money misspent. That is money wisely spent. I think the judgment of the committee bill in many ways are good. I think the Dellenback amendment is an improvement on those priorities.

Mr. Chairman, I urge its adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oregon (Mr. DELLENBACK).

The question was taken; and on a division (demanded by Mr. DELLENBACK) there were—ayes 83, noes 124.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I (\$1,810,000,000), title

III (\$146,393,000), title V, parts A and C (\$38,000,000), and title VII of the Elementary and Secondary Education Act; title III-A (\$25,000,000) of the National Defense Education Act of 1958; and section 222(a) (2) of the Economic Opportunity Act of 1964, \$2,105,393,000: *Provided*, That the aggregate amounts made available to each State under title I-A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89-10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 18, line 7, insert "(1)" before "shall", strike out line 9, and insert in lieu thereof the following: purpose for fiscal year 1972; but (2) shall not be more than $\frac{3}{4}$ the difference between the amounts which would be made available to such State under this Act without application of this clause and the amounts made available to such State for that purpose for fiscal year 1972, and (3) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus $\frac{1}{2}$ the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause or clause (2) of this proviso: *Provided further*, that the

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I rise to make a point of order against the amendment on the ground it is legislation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SMITH of Iowa. That is the sum and substance of it. It is legislation on an appropriation bill.

It might be said that the provision it seeks to amend is also legislation on an appropriation bill, but that point was waived in the rule.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. QUIE. Yes, Mr. Chairman, I should like to be heard.

I believe the gentleman is correct in saying that the language the amendment seeks to amend would have been subject to a point of order if the committee had not gone to the Rules Committee to get a waiver of points of order. However, under the Holman Rule there is permitted language which would retrench expenditures, and the effect of this amendment would be to retrench expenditures. For that reason I believe the amendment is in order.

Mr. O'HARA. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'HARA. Mr. Chairman, under the provisions of clause 2 of rule XXI, which forbids legislation on an appropriation bill, it is made clear that if an amendment modifies such legislation as has been left in the bill—and it is admitted that this is legislation which is

left in by reason of the resolution under which we are considering it—that amendment modifying legislation which is already in the bill will be permitted, although if it attempts to add something new it will not be permitted.

I should like to point out, Mr. Chairman, that the Quie amendment simply modifies that language. The language says:

Shall receive not less than the amount received in 1972.

The Quie amendment says:

Shall receive not less than $\frac{3}{4}$ of the amount received in 1972.

Mr. QUIE. Mr. Chairman, if the gentleman will yield, my amendment says, "Not more than," so it is truly a limitation.

Mr. O'HARA. "Not more than".

In any event, it is simply a modification of the 100-percent figure that is already in the bill.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule.

The Quie amendment does strike out words in line 9, but it also adds a considerable amount of language to that already in the bill.

The language is as follows:

(2) but shall not be more than $\frac{3}{4}$ the difference between the amounts which would be made available to such State under this Act without application of this clause and the amounts made available to such State for that purpose for fiscal year 1972, and (3) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus $\frac{1}{2}$ the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause or clause (2) of this proviso:

The amendment would add language which the Chair feels is legislation on an appropriation bill, and it is not in order as a certain retrenchment of expenditures.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 18, line 2, after "Act" and before the semicolon insert: "\$60,000,000".

Page 18, line 5, strike out "\$2,105,393,000" and insert: "\$2,120,393,000".

Mr. ROYBAL. Mr. Chairman, the amendment that I have offered would increase the appropriation for title VII of the Elementary and Secondary Education Act by \$15 million. It would also raise the spending level to a total of \$60 million for fiscal year 1974.

I believe that this increase is necessary, not only to partially cover the tremendous gap that has been created since its original funding, but to make it possible for the educational system to more fully respond to the rich cultural heritage and language of the various groups in this country.

Mr. Chairman, there are at least 5 million bilingual children in the United States who are in need of this program, and under this year's funding only 147,000 of these children will be served. This includes all groups.

I think that the Members would be interested in knowing just exactly how the money is spent this year.

This year there was a total spending level of \$32 million; \$28.1 million was spent for the Spanish-speaking community of the United States; \$2.6 million was spent for the bilingual education of the American Indian and the Eskimo; almost \$1 million of that amount was spent for those who speak French in the home.

Mr. Chairman, \$657,000 is being spent for those whose language at home is Portuguese; \$500,000 is being spent for those who speak Chinese in the home; and \$189,000 is being spent this year for the bilingual education of the people of Guam; and \$75,000 for the Trust Territories.

This does not include, of course, the moneys that other ethnic groups in the United States are seeking to acquire, which means that 4 $\frac{3}{4}$ million children who would be eligible for bilingual education under this act are not at the present time covered, and very few of them in comparison would benefit by the level of funding recommended by the committee.

Mr. BURTON. Mr. Chairman, will the gentleman from California (Mr. ROYBAL) yield?

Mr. ROYBAL. I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. BURTON. I would like to commend my colleague from California. I think this amendment is most instructive and necessary. I associate myself fully with the gentleman's remarks and conclusions.

Mr. ROYBAL. I thank the gentleman.

The argument will no doubt be made by the chairman of the committee that more than \$99 million is being made available for bilingual education, but may I point to this one fact: While this is true if you take everything into consideration, no matter how you slice the pie, less than \$35 million is being spent at the present time, for the education of bilingual children in this country. With the slight increase now recommended by the committee it will be \$45 million, but that is all that will be spent for the bilingual education of children. Of the \$99 million being spent this year, \$16 million will be spent for emergency school assistance and \$86,000 for the education of the handicapped.

Listen to this, as the chairman usually says; \$45.5 million will be spent for vocational and adult education. The truth of the matter is that unless my amendment is adopted only \$45 million will be spent for the education of children in the United States whose language at home is other than English.

If we look at the facts as they really are, we must start to realize that we have not really done a good job insofar as appropriating sufficient funds for bilingual children in the United States is concerned.

I would like to point out that under the Foreign Assistance Act, we are spend-

ing in our regular education program for the education of children all over the world \$109.9 million, and then we are also spending just to educate soldiers who come from other countries to the United States for military training \$34.6 million every year.

My amendment only asks for \$15 million above that amount recommended by the committee for the education of bilingual children in the United States. I think it is only fair that we do so.

Mr. BELL. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. BELL. I would like to associate myself with the gentleman and commend him on his amendment and say that no group of children in the United States are as greatly in need as those who need bilingual education.

Again I associate myself with his remarks.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Ms. ABZUG. I want to commend the gentleman and say this is a very important provision that is being brought to the attention of the Members and the committee.

I support the gentleman's amendment, and I would like to see it put into effect in many places in this country.

Mr. MILFORD. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. MILFORD. I would like to commend the gentleman.

As all of you know, it is very hard to get taxpayer money out of me by means of spending bills. However, knowing the plight of many Mexican-American children in Texas, I support the gentleman on his amendment.

In my district we have many Mexican-American children that are totally unable to speak English. They go to school but learn very little, because of their lack of ability to communicate with teachers and classmates. This situation places the child in a very unhealthy environment. Many are psychologically damaged for life.

A community study in Dallas has clearly shown that one of the prime reasons for Mexican-American school dropouts is because of the students' inability to speak English. This problem further aggravates the welfare situation.

I appeal to each of you to cast your vote for the Roybal amendment. A vote for this amendment is a vote to help Mexican-Americans to become equally Mexicans and Americans and allow them to compete equally in this society.

Mr. WALDIE. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. WALDIE. I commend the gentleman and wish to associate myself with his remarks.

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

Mr. Chairman, I must oppose this amendment.

I am a strong supporter, and the com-

mittee is a strong supporter, of bilingual education. I know firsthand about the educational needs of children from families who do not speak English. I spoke Spanish before many of you were born. Believe me, I know about the problem.

However, I also believe that the committee has made ample provision of funds for bilingual education programs. The bill includes \$45 million for bilingual education programs authorized by title VII of the Elementary and Secondary Education Act. That is an increase of \$10 million over the budget request and the amount that HEW is spending in fiscal year 1973. The amount recommended by the committee will take care of continuation costs for 150 existing projects and, in addition, will, provide funds for over 100 new projects.

A point that I think you should not overlook is that most of these bilingual education projects are funded for a 5-year period. The program started in 1969 so that the projects awarded in the first year of the program are now coming to an end. This will make way for other new projects to take their place. But the committee was not satisfied and felt that more schools should have bilingual projects. That is why we added \$10 million. There is a limit to how many new projects can be started in 1 year. I think that the limit has been reached by the amount provided in the bill.

But that is not all. The committee bill also earmarks \$9,958,000 specifically for bilingual education projects under the emergency school aid assistance appropriation. In addition, HEW told us that the States are spending an additional \$6.3 million from other activities within this appropriation. These amounts are in addition to the \$45 million previously mentioned.

If you look at part 2 of the committee's hearing record, I believe it will be very clear that we discussed bilingual education at great length. On page 57, there is a table that shows the total funds requested in the budget for bilingual education. The committee understands the problem, and that is why we increased the budget. This is a good program, but let us not get carried away. I believe the committee has included sufficient funds, and there is no reason to add more. I urge you to vote against the amendment.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of Mr. Roybal's amendment to increase appropriation for bilingual education under the Elementary and Secondary Education Act by \$15 million.

The U.S. Civil Rights Commission reported in 1970 that there were more than 2 million Spanish surnamed students attending public schools, 1½ million of whom live in the 5 southwestern States. Currently, bilingual education programs reach only 1.9 percent of the Spanish surnamed students in the Southwest, yet half of Mexican-American first graders are unable to speak English as well as their Anglo counterparts.

Congress has never appropriated adequate funds to deal with this problem. Mr. ROYBAL's amendment would begin

to provide vitally needed extra funds. Grants under title VII of ESEA are not currently made on the basis of student need. There has never been enough money to meet the scope of the non-English speaking problem. Instead, title VII funds are used specifically for pilot projects.

Last year the Congress originally appropriated \$45 million for bilingual education, but HEW expended only \$33.2 million of those funds. This year, the House Appropriations Committee has again recommended \$45 million in title VII funds. While this recommendation represents an increase of over \$10 million in the amount actually spent by HEW last year, it represents no increase over the fiscal year 1973 appropriations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 161, noes 244, not voting 28, as follows:

[Roll No. 292]

AYES—161

Abzug	Gonzalez	Patten
Adams	Grasso	Pepper
Addabbo	Gray	Pettis
Anderson,	Green, Pa.	Peyser
Calif.	Gubser	Pickle
Anderson, Ill.	Gude	Podell
Archer	Hanna	Price, Ill.
Ashley	Hansen, Wash.	Railsback
Aspin	Harrington	Rangel
Barrett	Harvey	Rees
Bell	Hawkins	Reld
Bergland	Hechler, W. Va.	Reuss
Biaggi	Heckler, Mass.	Rhodes
Blester	Helstoski	Riegle
Bingham	Hinshaw	Roe
Boggs	Hollifield	Roncallo, Wyo.
Boland	Holtzman	Rooney, Pa.
Bolling	Howard	Rosenthal
Brademas	Hunt	Rostenkowski
Brooks	Johnson, Calif.	Roy
Broomfield	Johnson, Colo.	Roybal
Brotzman	Jordan	Runnels
Brown, Calif.	Karth	Ryan
Burgener	Kazen	St Germain
Burke, Calif.	Kluczynski	Sarbanes
Burke, Mass.	Koch	Schroeder
Burton	Kyros	Sisk
Chisholm	Leggett	Stanton,
Clausen,	Lehman	James V.
Don H.	Lent	Stark
Clay	Long, La.	Steele
Cleveland	Lujan	Steelman
Cohen	McCloskey	Stephens
Collier	McCormack	Stokes
Collins, Ill.	McFall	Studds
Collins, Tex.	Madden	Symington
Conlan	Mahon	Talcott
Corman	Maliliard	Tierman
Cotter	Matsunaga	Udall
Cronin	Meeds	Van Deerlin
Culver	Melcher	Veysey
Daniels,	Metcalfe	Waldie
Dominick V.	Mezvisinsky	White
de la Garza	Millford	Wilson,
Dellums	Minish	Charles H.,
Diggs	Mink	Calif.
Dingell	Mitchell, Md.	Wilson,
Drinan	Moakley	Charles, Tex.
Eckhardt	Moss	Woff
Edwards, Calif.	Murphy, Ill.	Wright
Fascell	Nedzi	Yates
Foley	Nix	Young, Alaska
Ford,	O'Brien	Young, Ga.
William D.	O'Hara	Young, Tex.
Frey	O'Neill	Zablocki
Gibbons	Owens	
Goldwater	Passman	

NOES—244

Abdnor	Gillman	Poage
Alexander	Ginn	Powell, Ohio
Andrews, N.C.	Gooding	Preyer
Andrews, N. Dak.	Griffiths	Price, Tex.
Annunzio	Gross	Pritchard
Arends	Grover	Quile
Armstrong	Gunter	Quillen
Bafalis	Guyer	Rarick
Baker	Haley	Regula
Beard	Hamilton	Rinaldo
Bennett	Hammer-	Roberts
Bevill	schmidt	Robinson, Va.
B ackburn	Hanley	Robinson, N.Y.
Bowen	Hanrahan	Rogers
Bray	Hansen, Idaho	Roncallo, N.Y.
Breckinridge	Harsha	Rose
Brinkley	Hastings	Roush
Brown, Mich.	Hays	Rousselot
Brown, Ohio	Heinz	Ruppe
Broyhill, N.C.	Hicks	Ruth
Broyhill, Va.	Hillis	Sandman
Buchanan	Hogan	Sarasin
Burke, Fla.	Holt	Satterfield
Burleson, Tex.	Horton	Saylor
Burleson, Mo.	Hosmer	Scherle
Butler	Huber	Schneebell
Byron	Hudnut	Sebelius
Camp	Hungate	Seiberling
Carney, Ohio	Hutchinson	Shipley
Carter	Ichord	Shoup
Casey, Tex.	Johnson, Pa.	Shriver
Cederberg	Jones, Ala.	Shuster
Chamberlain	Jones, N.C.	Sikes
Chappell	Jones, Okla.	Skubitz
Cancy	Jones, Tenn.	Slack
Clark	Kastenmeier	Smith, Iowa
Cawson, Del.	Keating	Smith, N.Y.
Cochran	Kemp	Snyder
Conable	Ketchum	Spence
Conte	Kuykendall	S aggers
Coughlin	Landgrebe	Stanton,
Crane	Landrum	J. William
Daniel, Dan	Latta	Steed
Daniel, Robert	Litton	Steiger, Wis.
W., Jr.	Long, Md.	Srattton
Davis, S.C.	Lott	Stubblefield
Davis, Wis.	McClary	Stuckey
Delaney	McCollister	Sullivan
Dellenback	McDade	Symms
Denholm	McEwen	Taylor, Mo.
Dennis	McKay	Taylor, N.C.
Dent	McKinney	Teague, Calif.
Devine	McSpadden	Thomson, Wis.
Dickinson	Maligan	Thone
Donohue	Mallory	Thornton
Dorn	Mann	Towell, Nev.
Downing	Maraziti	Treen
Dulski	Martin, Nebr.	Ullman
Duncan	Martin, N.C.	Vander Jagt
du Pont	Mathias, Calif.	Vanik
Edwards, Ala.	Mathis, Ga.	Vigorito
Eilberg	Mayne	Waggonner
Erlenborn	Mazzoli	Walsh
Esch	Michel	Wampler
Eshleman	Miller	Ware
Evans, Colo.	Minshall, Ohio	Whalen
Findley	Mitchell, N.Y.	Whitehurst
Fish	Mizell	Whitten
Flood	Mollohan	Widnall
Flowers	Montgomery	Wiggins
Flynt	Moorhead,	Williams
Ford, Gerald R.	Calif.	Wilson, Bob
Forsythe	Moorhead, Pa.	Winn
Fountain	Mosher	Wyatt
Frelinghuysen	Myers	Wylder
Frenzel	Natcher	Wyllie
Froehlich	Nelsen	Wyman
Fulton	Nichols	Yatron
Fuqua	Obey	Young, Fla.
Gaydos	Farris	Young, Ill.
Gettys	Fatman	Young, S.C.
Gialimo	Perkins	Zion
	Pike	Zwach

NOT VOTING—28

Ashbrook	Evins, Tenn.	Morgan
Badillo	Fisher	Murphy, N.Y.
Batnik	Fraser	Randall
Brasco	Green, Oreg.	Rodino
Breaux	Hébert	Rooney, N.Y.
Carey, N.Y.	Henderson	Steiger, Ariz.
Conyers	Jarman	Teague, Tex.
Danielson	King	Thompson, N.J.
Davis, Ga.	Macdonald	
Derwinski	Mills, Ark.	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 18, line 8, insert after "than" "90 per centum of".

Mr. QUIE. Mr. Chairman, a little bit earlier I tried an amendment which was a little complicated in the way I wrote it, and it was ruled out of order.

The problem I see is that if we hold everybody harmless at the 1972 figure then the fact that children have moved someplace else will not be taken into consideration, and some way or other the States that have lost poor population have to start making adjustments, so next year they would have to make an adjustment of 10 percent. As to the other States, of course I am precluded from offering an amendment affecting them.

There are a number of States which have had a substantial loss of poor population. Some of the amendments proposed this evening have been offered in order to get more money for the members State.

Minnesota has lost 58 percent of its children from families with incomes of \$2,000 or less between the 1960 census and the 1970 census. So this is not an amendment to benefit Minnesota.

This is an amendment to get started to change a little bit the ridiculous situation we are in. We in this school year were counting the number of poor children who existed in 1960. None of those children is in school any more. The first grader of 1960 is out of school, in college, in a job or raising a family.

This would enable us to start making the adjustment in the States where they had that substantial change. We will now be using the 1970 census information the next year, but that is based on 1969 income information, and that means it is already 4 years obsolete before we start using it.

We ought to start making that shift. That is what the amendment would do. I am sorry it could not be more inclusive, but I believe we ought to at least make this step at this time, to send the money where the children are. This program is not to make schools continue to have the same amount of money. This program is to aid the educationally deprived children, to receive compensatory education. That can only be done where they are, not where a previous generation used to live.

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

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

Mr. PEYSER. I should like to compliment the gentleman on his amendment. This amendment takes a real step toward equalizing the "hold-harmless" provision in this legislation. I certainly hope Members will support the amendment.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Delaware.

Mr. DU PONT. Does the gentleman

have any idea how many States are affected by his amendment, and in which direction?

Mr. QUIE. I tried to do a kind of horseback estimate here. I find 11 States that would be affected. There may be 12 or 13.

Mr. DU PONT. Would the gentleman's amendment increase the total amount of money allocated in title I, or simply redistribute the amount?

Mr. QUIE. No, it would not increase the total. It would merely redistribute it.

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman from Minnesota (Mr. QUIE) yield?

Mr. QUIE. I yield to the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Chairman, I will ask the gentleman whether it is not true that the amendment he tried to introduce and which he really preferred and thinks would be better would affect not only the States that would be harmed the most, but also affect the other States that would gain the most, that consideration, and that he, himself, thinks this is unfair.

Mr. QUIE. Mr. Chairman, the gentleman is absolutely correct. I tried to do that but was precluded from doing it. So at least we would get a start at one end of it.

Mr. ANDREWS of North Carolina. But the gentleman is starting it at one end by penalizing the States that lose and not holding down those that gain, because it is also unfair under this provision since this does not get to that point; is that not correct?

Mr. QUIE. The gentleman is correct.

Mr. ANDREWS of North Carolina. So we are just hurting certain States without correcting the error as to other States.

Mr. QUIE. But the States affected by my amendment already have the reduction in 1973, because of the effect of AFDC. They already adjusted to some reduction. I do not see why we should bring them back up again to the 1972 level and then in 1975 bring them down to a lower level.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have already considered a similar amendment two or three times, and I think that it will only take 1 minute to explain the committee's position on this and ask the Members to stay with the committee.

What the gentleman seems to do by his amendment is to make a harmful "hold harmless" clause.

The committee approach is making sure that each State receives in the aggregate what it received before and we take an additional \$200 million plus to increase some during the transitional period. The increase would go to some who would receive more under the new census. I do not think that is an unreasonable position to take.

Mr. Chairman, these statistics are not as accurate as the gentleman indicates. They are very faulty; the criteria is very faulty. If we hold harmless so that no

State loses money and some other State gets more money during the coming year, that will give the Committee on Education and Labor an opportunity to come in with a more equitable formula before next year.

AMENDMENT OFFERED BY MR. ERLBORN TO THE AMENDMENT OFFERED BY MR. QUIE

Mr. ERLBORN. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. ERLBORN to the amendment offered by Mr. QUIE: Add after "75 per centum" "nor more than 120 per centum of".

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentlemen from Illinois (Mr. ERLBORN) yield?

Mr. ERLBORN. I yield to the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Chairman, may I ask a friendly question of the gentleman?

I believe the gentleman's amendment reads, "After 75 percent," whereas the amendment he is seeking to amend reads, "90 percent."

Is that not correct?

Mr. ERLBORN. Mr. Chairman, I thank the gentleman. That is an error in the draftsmanship.

Mr. Chairman, in order to properly reflect the language in the amendment offered by the gentleman from Minnesota (Mr. QUIE) I ask unanimous consent that the figure, "75 per centum" be changed to "90 per centum" in my amendment.

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

Mr. BURTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ERLBORN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. BURTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ERLBORN. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLBORN) to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. ERLBORN TO THE AMENDMENT OFFERED BY MR. QUIE

Mr. ERLBORN. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. ERLBORN to the amendment offered by Mr. QUIE: Add after "90 per centum" "nor more than 120 per centum of."

Mr. ERLBORN. Mr. Chairman, this amendment would add the upper limitation that the gentleman on the other side of the aisle has discussed relative to the Quie amendment.

The Quie amendment is a hold harmless amendment at 90 percent and would say that no State would get less than 90 percent of the allocation under the

1972 appropriation. This would set a maximum limitation of 120 percent.

As the gentleman suggested, if we are going to have an opportunity to change the title I formula, the only way we can do it is if we have a range within which it is reasonable to make this change.

We all know once a State gets a certain level of funding you never cut them back. So this would set an upper limitation of 120 percent. Then I think the Quie amendment as amended would make very good sense. No State would get less than 90 percent or more than 120 percent of the allocation under the fiscal year 1972 appropriation.

I would hope my amendment would be adopted and then the Quie amendment as well.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment to the amendment and the amendment.

Mr. Chairman, to carry out the hold harmless provision in the committee bill it will take approximately \$1.5 billion. We have appropriated here \$1.81 billion. The amendment offered by the gentleman from Minnesota (Mr. QUIE) would only apply to about 11 States, mostly Southern States. At the bottom it would put the lid on.

Then Mr. ERLBORN is trying to put the lid on to some degree on the other States.

This body has never enacted a 50-cent minimum wage in one section of the country, and \$2 in another section of the country.

It has been my hope that we would treat disadvantaged children alike throughout America where we have high concentrations of disadvantaged children. The Quie amendment would discriminate against those States with the lowest resources, contrary to the philosophy in this bill; 14 percent of the poverty in this Nation is in families with children with incomes under \$4,000. This \$4,000 low-income factor would be equivalent to the \$2,000 low-income factor back in 1960. Everybody would be satisfied with that, but the AFDC payments today in the richer States are taking more than 50 percent of the appropriation. In New York 75 percent of the children above the \$2,000 low-income factor are AFDC children. That is where the money is going. To go to the \$4,000, low-income factor the way the authorizing legislation is presently written would take twice the amount that is appropriated in this bill. This extra money would eliminate much of this controversy.

When you give a State an allocation it is difficult to take it away from them. The only equity and justice here is the committee hold harmless provision.

I yield to the distinguished gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I associate myself with and support the chairman of the full Committee on Education and Labor.

We are only 5 days from the beginning of the new fiscal year. Every school board in the country has set their budget. The amendment offered by the gentleman from Illinois should be defeated, the

basic amendment should be defeated, and the committee bill should be protected.

The Education and Labor Committee is working out a formula that will make sense, and the gentleman from Kentucky is advising us of the wisest course to follow unless we want to produce chaos in the educational districts throughout the country.

Mr. PERKINS. I thank the gentleman from California, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLBORN) to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. QUIE. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, yeas 218, not voting 25, as follows:

[Roll No. 233]

AYES—190

Abdnor	Fuqua	Mosher
Abzug	Gilman	Moss
Anderson, Calif.	Goldwater	Murphy, Ill.
Archer	Grasso	Myers
Armstrong	Grover	Nedzi
Ashley	Gubser	Nelsen
Bafalis	Guyer	O'Brien
Bell	Hanrahan	O'Hara
Blaggi	Hansen, Idaho	Pettis
Blaster	Harrington	Feyser
Bingham	Harsha	Pike
Boland	Harvey	Podell
Bray	Hastings	Pritchard
Broomfield	Hawkins	Quie
Brotzman	Heckler, Mass.	Rallsback
Brown, Mich.	Heinz	Rangel
Brown, Ohio	Helstoski	Rees
Broyhill, Va.	Hillis	Regula
Burgener	Hinshaw	Reid
Burke, Calif.	Hogan	Rhodes
Burke, Mass.	Holt	Riegle
Cederberg	Horton	Rinaldo
Chamberlain	Hosmer	Robison, N.Y.
Chisholm	Howard	Rodino
Clausen	Huber	Roe
Don H.	Hudnut	Roncallo, N.Y.
Clawson, Del.	Hunt	Rosenthal
Cleveland	Hutchinson	Rostenkowski
Cohen	Johnson, Colo.	Roussiot
Conable	Johnson, Pa.	Runnels
Conlan	Karth	Ruppe
Conte	Keating	Ryan
Corman	Kemp	Sandman
Coughlin	Ketchum	Sarasin
Daniels	Kluczynski	Saylor
Dominick V.	Koch	Schneebell
Davis, Wis.	Landgrebe	Schroeder
Dellenback	Lent	Sebelius
Dellums	Lujan	Seiberling
Dennis	McClary	Shuster
Diggs	McCloskey	Sikes
Donohue	McCollister	Sisk
Drinan	McDade	Smith, N.Y.
du Font	McEwen	Stanton
Edwards, Calif.	McKinney	J. William
Erlenborn	Madigan	Stark
Esch	Mailliard	Steele
Eshleman	Mallory	Steiger, Wis.
Fish	Maraziti	Stratton
Ford, Gerald R.	Martin, Nebr.	Stubblefield
Ford	Mathias, Calif.	Studds
Forsythe	Miller	Symms
Frelinghuysen	Minish	Talcott
Frenzel	Minshall, Ohio	Teague, Calif.
Frey	Mitchell, N.Y.	Thomson, Wis.
Fröhlich	Moakley	Thone
	Moorhead, Calif.	Towell, Nev.
		Udall

Van Deerlin	Whalen	Wyman
Vander Jagt	Whitehurst	Young, Alaska
Vanik	Wiggins	Young, Fla.
Veysey	Wilson, Bob	Young, Ill.
Waldie	Wolf	Zion
Walsh	Wyatt	Zwack
Wampler	Wyller	
Ware	Wylie	

NOES—218

Adams	Fulton	Obey
Addabbo	Gaydos	O'Neill
Alexander	Gettys	Owens
Anderson, Ill.	Gialmo	Parris
Andrews, N.C.	Gibbons	Passman
Andrews, N. Dak.	Ginn	Patman
Annuunzio	Gonzalez	Patten
Arends	Goodling	Pepper
Aspin	Gray	Perkins
Baker	Green, Pa.	Pickle
Barrett	Griffiths	Poage
Beard	Gross	Powell, Ohio
Bennett	Gunter	Preyer
Bergland	Haley	Price, Ill.
Bevill	Hamilton	Price, Tex.
Blackburn	Hammer-	Quillen
Boggs	schmidt	Rarick
Bolling	Hanley	Reuss
Bowen	Hanna	Roberts
Brademas	Hansen, Wash.	Robinson, Va.
Breckinridge	Hays	Roncallo, Wyo.
Brinkley	Hechler, W. Va.	Rooney, Pa.
Brooks	Hicks	Rose
Brown, Calif.	Hollifield	Roush
Broyhill, N.C.	Holtzman	Roy
Buchanan	Hungate	Roybal
Burke, Fla.	Ichord	Ruth
Burleson, Tex.	Jarman	St Germain
Burlison, Mo.	Johnson, Calif.	Sarbanes
Burton	Jones, Ala.	Satterfield
Butler	Jones, N.C.	Scherle
Byron	Jones, Okla.	Shibley
Camp	Jones, Tenn.	Shoup
Carney, Ohio	Jordan	Shriver
Carter	Kastenmeier	Skubitz
Casey, Tex.	Kazen	Slack
Chappell	Kuykendall	Smith, Iowa
Clancy	Kyros	Snyder
Clark	Landrum	Spence
Clay	Latta	Staggers
Cochran	Leggett	Stanton,
Collier	Lehman	James V.
Collins, Ill.	Litton	Steed
Collins, Tex.	Long, La.	Steelman
Cotter	Long, Md.	Stephens
Crane	Lott	Stokes
Cronin	McCormack	Stuckey
Culver	McFall	Sullivan
Daniel, Dan	McKay	Symington
Daniel, Robert	McSpadden	Taylor, Mo.
W. Jr.	Madden	Taylor, N.C.
Davis, S.C.	Mahon	Thornton
de la Garza	Mann	Tiernan
Delaney	Martin, N.C.	Treen
Denholm	Mathis, Ga.	Ullman
Dent	Matsunaga	Vigorito
Devine	Mayne	Waggonner
Dickinson	Mazzoli	White
Dingell	Meeds	Whitten
Dorn	Melcher	Widnall
Downing	Metcalfe	Williams
Dulski	Mezvinsky	Wilson,
Duncan	Michel	Charles H.,
Eckhardt	Millford	Calif.
Edwards, Ala.	Mink	Wilson,
Ellberg	Mitchell, Md.	Charles, Tex.
Evans, Colo.	Mizell	Winn
Fascell	Mollohan	Wright
Findley	Montgomery	Yates
Flood	Moorhead, Pa.	Yatron
Flowers	Morgan	Young, Ga.
Flynt	Natcher	Young, S.C.
Foley	Nichols	Young, Tex.
Fountain	Nix	Zablocki

NOT VOTING—25

Ashbrook	Derwinski	Mills, Ark.
Badillo	Evins, Tenn.	Murphy, N.Y.
Blatnik	Fisher	Randall
Brasco	Fraser	Rooney, N.Y.
Breaux	Green, Ore.	Steiger, Ariz.
Carey, N.Y.	Hébert	Teague, Tex.
Conyers	Henderson	Thompson, N.J.
Danielson	King	
Davis, Ga.	Macdonald	

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FLOOD. 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 Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. LEHMAN

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

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

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), \$610,000,000, of which \$591,000,000, including \$41,500,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and \$19,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 68 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained therein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools: *Provided further*, That none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b); *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 65 per centum may be used to fund section 5 of said Act.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN: Page 19, line 19, after "Act" insert the following: "*Provided further*, That none of the funds contained herein shall be available to make any payment to a local educational agency under the Act of September 30, 1950, which is attributable to children described in section 3(b) of title I whose parents are employed on Federal property outside the school district of such agency".

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill.

First, Mr. Chairman, this amendment would change the existing law in that it would distinguish between children whose parents work in a key school district and children whose parents work outside the school district. The present law which we have makes absolutely no such distinction.

The second point, Mr. Chairman, is that this would obviously impose additional duties upon whatever Federal of-

ficials there are in the entire program and would require them to establish procedures with all sorts of redtape to determine where the place of work is, whether they work there or not, whether the parents were in the school district or not.

Such procedures do not exist in the law because they are not required under present law.

The CHAIRMAN. Does the gentleman from Florida desire to be heard?

Mr. LEHMAN. Yes, Mr. Chairman.

Mr. Chairman, the language in this amendment is clearly a limitation on the use of funds contained in this bill. The language is germane, and it is couched in negative language on the funds in the bill. Nor does my amendment impose new duties.

I would direct the attention of the Chair to the words of Chairman Nelson Dingley of Maine, which are quoted in Cannon's procedure in the House of Representatives:

The House in the committee of the whole has the right to refuse to appropriate for any object, either in whole or in part, even though that object may be authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

Mr. Chairman, my amendment is simply an exercise of the right outlined above, that is, to refuse to appropriate for any object, in whole or in part, even though that object may be authorized by law.

Mr. Chairman, in supporting the overruling of this point of order, I rely particularly on the ruling of the Chair on April 7, 1971, found on page 10097 of the CONGRESSIONAL RECORD, which was likewise on a limitation of the use of impact aid funds.

I would also call the attention of the Chair to the ruling made on June 15, 1972, on page 21105 of the RECORD, where the Chair held that an amendment also placing a restriction on the use of funds, and also prefaced with the words "that none of the funds contained herein," was also in order.

Mrs. MINK. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentlewoman.

Mrs. MINK. Mr. Chairman, I rise in support of the point of order made by the chairman of the subcommittee of the Appropriations Committee against the amendment offered by the gentleman from Florida (Mr. LEHMAN). Mr. Chairman, the point of order I wish to concur in is that the language of the amendment is legislation in an appropriation bill. It requires a different method of allocating funds to eligible school districts than that provided in the authorizing legislation, Public Law 81-874.

Mr. Chairman, I realize that the gentleman from Florida has carefully phrased his amendment in an attempt to avoid this prohibition in clause 2 of rule XXI. But in this attempt, the gentleman has failed. The exception to the rule dealing with a retrenchment of appropriations is subject to the qualification that it must not impose additional adminis-

trative burdens and ministerial duties on the administration in carrying out the basic law for which the appropriation is made. In this regard, Mr. Chairman, I call attention to the annotations to rule XXI, clause 2, appearing on page 472 of the House Rules and Manual for the 93d Congress, in which it is noted:

But such limitations must not give affirmative directions (IV, 3854-3859, 3975; VII, 1637), and must not impose new duties upon an executive officer (VII, 1676; July 31, 1969, p. 21631-33; June 11, 1968, p. 16712), and must not be coupled with legislation not directly instrumental in affecting a reduction (VII, 1555, 1557).

I have checked to determine whether or not any additional ministerial duties will be required in carrying out the amendment offered by the gentleman from Florida and I am advised that this will require administrators of the program to make an additional extraction from survey data gathered from parents to determine whether or not the place of work of the parent is located within or without the school district.

Mr. Chairman, this is not a simple task. In many school systems, these survey forms run into many thousands and nationwide, this would multiply this ministerial task by each of the several thousand school districts participating in Public Law 91-874.

The ruling which I seek is consistent with the rulings of the Chair February 19, 1970 and April 14, 1970, found on pages 4015 and 11677 of the CONGRESSIONAL RECORD for those respective dates. I urge that the Chair sustain the point of order.

Mr. YATES. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. YATES. I suggest, Mr. Chairman, this is an appropriate retrenchment under the Holman Rule and that the legislation is appropriate under that rule.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule.

The Chair has listened very carefully to the arguments on the point of order, and notes there has been a good deal of research done by several of those who have spoken on the subject matter.

The Chair has also examined the law to which this amendment relates.

The Chair feels that while the amendment is in the form of a limitation it also would require additional determinations not now required by law. Since it would require additional duties, the amendment is legislation on the appropriation bill and not in order.

The Chair sustains the point of order.

Mr. FLOOD. 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. HOLIFIELD, 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. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending

June 30, 1974, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. FLOOD. 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.

MOTION TO RECOMMEND OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill, H.R. 8877, to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendments: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et. seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89-793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), \$725,311,000.

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a) (7), 403(a) (1) and 433(a) of the Public Health Service Act; \$301,320,000 of which \$110,000,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, \$515,040,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, \$276,415,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, \$40,227,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, \$145,182,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, \$108,505,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, \$107,111,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, \$152,528,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, \$116,092,000.

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$33,949,000.

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, \$27,154,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, \$110,871,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$4,319,000, of which not to exceed \$500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, \$590,984,000, of which \$2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, \$50,000,000 shall be for grants for construction of facilities (including \$10,000,000 for dental teaching facilities) under part B of title VII, and \$10,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I (\$1,713,000,000), title III (\$146,393,000), title V, parts A and C (\$38,000,000), and title VII of the Elementary and Secondary Education Act; title III-A (\$25,000,000) of the National Defense Education Act of 1958; and section 222(a) (2) of the Economic Opportunity Act of 1964, \$2,003,393,000: *Provided*, That the aggregate amounts made available to each State under title I-A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89-10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out, to the extent not otherwise provided, section 102(b) (\$20,000,000), parts B and C (\$419,682,000), D, F (\$25,625,000), G (\$19,500,000), H (\$6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) (\$61,300,000), \$575,641,000 including \$16,000,000 for exemplary programs under part D of said Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed \$18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of Title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92-506 of October 18, 1972, \$1,803,914,000, of which amounts reallocated for work-study shall re-

main available through June 30, 1975, \$25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and \$440,500,000 shall be for basic opportunity grants (including not to exceed \$11,500,000 for administrative expenses), of which \$429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: \$310,000,000 for subsidies on guaranteed student loans and \$31,425,000 for annual interest grants for subsidized construction loans.

For carrying out, to the extent not otherwise provided, titles I (\$38,239,000), II, and III (\$2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II (\$90,000,000) of the Elementary and Secondary Education Act; and title II (except section 231) and title VI (\$6,250,000) of the Higher Education Act; \$156,969,000 of which \$5,250,000 to remain available through June 30, 1975, shall be for grants for public library construction under title II of the Library Services and Construction Act.

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, titles III, IV, V, VII and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, \$280,932,000; of which \$21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a)(3) of such Act; and \$4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$241,300,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

On page 8, strike out lines 13 through 20.
On page 11, strike out lines 8 through 11.
On page 11, strike out lines 12 through 15.
On page 11, strike out lines 16 through 19.
On page 11, strike out lines 20 through 25.
On page 12, strike out lines 1 through 6.
On page 12, strike out lines 7 through 11.
On page 12, strike out lines 12 through 17.
On page 12, strike out lines 18 through 23.
On page 13, strike out lines 1 through 4.
On page 13, strike out lines 5 through 9.
On page 13, strike out lines 10 through 18.
On page 13 strike line 19 and all that follows through line 2 on page 14.

On page 14 strike line 4 and all that follows through line 15.

On page 17 strike line 23 and all that follows through line 14 on page 18.

On page 20 strike line 6 and all that follows through line 20.

On page 20 strike line 21 and all that follows through line 16 on page 21.

On page 26 strike line 4 and all that follows through line 24.

On page 39 strike line 14 and all that follows through line 6 on page 40.

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit which I have offered be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. Does the gentleman from Illinois (Mr. MICHEL) wish to be heard on his motion to recommit?

Mr. MICHEL. Mr. Speaker, my motion to recommit is simply the package of amendments which I offered earlier in the day.

Mr. Speaker, I will not say anything further except this, since it is 20 minutes after 11 p.m.

I wish to commend the Members for the fine fashion in which this House has conducted itself today. Attention has been given to every Member who offered amendments, and I think they are all deserving of an accolade. It makes me proud to be a Member of this deliberative body, and finally, Mr. Speaker, I believe that the Chairman of the Committee of the Whole House on the State of the Union (Mr. HOLIFIELD) is deserving of a resounding vote of thanks.

Finally, Mr. Speaker, I hope that the Members will support my motion to recommit.

Mr. FLOOD. Mr. Speaker, insofar as that part of the remarks made by my friend, the gentleman from Illinois (Mr. MICHEL) are concerned which deal with high praise and compliments to the Speaker, the Committee, and other Members, I will say that I could not have done better myself. And that is praise from Caesar.

Mr. Speaker, as for the rest of it, of course, the Members have heard me express for about 6 hours my position vis-a-vis these problems.

Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. MICHEL. Mr. Speaker I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 219, not voting 28, as follows:

[Roll No. 294]

AYES—186

Abdnor	Bafalls	Brinkley
Anderson, Ill.	Baker	Broomfield
Andrews	Beard	Brotzman
N. Dak.	Bell	Brown, Mich.
Archer	Bennett	Brown, Ohio
Arends	Blackburn	Broyhill, N.C.
Armstrong	Bray	Broyhill, Va.

Buchanan	Hansen, Idaho	Quile
Burgener	Harsha	Quillen
Burke, Fla.	Heinz	Railsback
Burleson, Tex.	Hillis	Rarick
Butler	Hinshaw	Regula
Camp	Hogan	Rhodes
Cederberg	Holt	Robinson, Va.
Chamberlain	Hosmer	Robinson, N.Y.
Chappell	Huber	Roncallo, N.Y.
Clancy	Hudnut	Rousselot
Clausen	Hunt	Ruppe
Don H.	Hutchinson	Ruth
Clawson, Del.	Ichord	Sandman
Cleveland	Jarman	Satterfield
Cochran	Johnson, Colo.	Saylor
Cohen	Johnson, Pa.	Scherie
Collier	Jones, N.C.	Schneebeli
Collins, Tex.	Keating	Sebelius
Conable	Kemp	Shoup
Conlan	Ketchum	Shriver
Conte	Kuykendall	Shuster
Coughlin	Landgrebe	Sikes
Crane	Landrum	Skubitz
Daniel, Dan	Latta	Smith, N.Y.
Daniel, Robert	Lent	Snyder
W., Jr.	Long, Md.	Spence
Davis, Wis.	Lott	Stanton
Dellenback	Lujan	J. William
Dennis	McClary	Steelman
Devine	McCollister	Symms
Dickinson	McDade	Talcott
Dorn	McEwen	Taylor, Mo.
Downing	Madigan	Taylor, N.C.
Duncan	Mailliard	Teague, Calif.
Edwards, Ala.	Mallary	Thone
Erlenborn	Mann	Towell, Nev.
Eshleman	Martin, Nebr.	Treen
Findley	Martin, N.C.	Vander Jagt
Fish	Mathias, Calif.	Veysey
Flynt	Mathis, Ga.	Waggoner
Ford, Gerald R.	Mayne	Walsh
Forsythe	Michel	Wampler
Fountain	Miller	Ware
Frelinghuysen	Mitchell, N.Y.	Whitehurst
Frenzel	Mizell	Wiggins
Frey	Montgomery	Williams
Fröhlich	Moorhead,	Wilson, Bob
Gettys	Calif.	Wyatt
Gilman	Mosher	Wyder
Goldwater	Myers	Wyman
Gooding	Nelsen	Young, Fla.
Gross	O'Brien	Young, Ill.
Grover	Farris	Young, S.C.
Gubser	Passman	Zion
Guyer	Pettis	Zwach
Haley	Powell, Ohio	
Hammer-	Price, Tex.	
schmidt	Pritchard	

NOES—219

Abzug	Delaney	Heckler, Mass.
Adams	Dellums	Helstoski
Addabbo	Denholm	Hicks
Alexander	Dent	Holifield
Anderson,	Diggs	Holtzman
Calif.	Dingell	Horton
Andrews, N.C.	Donohue	Hungate
Annuizio	Drinan	Johnson, Calif.
Ashley	Dulski	Jones, Ala.
Aspin	du Pont	Jones, Okla.
Barrett	Eckhardt	Jones, Tenn.
Bergland	Edwards, Calif.	Jordan
Bevill	Ellberg	Karth
Blagel	Esch	Kastenmeier
Blester	Evans, Colo.	Kazen
Bingham	Fascell	Kluczynski
Boggs	Flood	Koch
Boiland	Flowers	Kyros
Bolling	Foley	Leggett
Bowen	Ford	Lehman
Brademas	William D.	Litton
Breckinridge	Fulton	Long, La.
Brooks	Fuqua	McCloskey
Brown, Calif.	Gaydos	McCormack
Burke, Calif.	Gialmo	McFall
Burke, Mass.	Gibbons	McKay
Burlison, Mo.	Ginn	McKinney
Burton	Gonzalez	McSpadden
Byron	Grasso	Madden
Carney, Ohio	Gray	Mahon
Carter	Green, Pa.	Maraziti
Casey, Tex.	Griffiths	Matsunaga
Chisholm	Gude	Mazzoli
Clark	Gunter	Meeds
Clay	Hamilton	Melcher
Collins, Ill.	Hanley	Metcalfe
Corman	Hanna	Mezvisinsky
Cotter	Hanrahan	Milford
Cronin	Hansen, Wash.	Minish
Culver	Harrington	Mink
Daniels,	Hastings	Mitchell, Md.
Dominick V.	Hawkins	Moakley
Davis, S.C.	Hays	Mollohan
de la Garza	Hechler, W. Va.	Moorhead, Pa.

Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers

Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Sack
Smith, Iowa
Staggers
Stanton
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stevens
Stokes
Stratton
Stubblefield
Stuckey
Studds

Sullivan
Symington
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson
Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolf
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—28

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Carey, N.Y.
Conyers
Danielson
Davis, Ga.
Derwinski

Evins, Tenn.
Fisher
Fraser
Green, Ore.
Harvey
Hébert
Henderson
Howard
King
Macdonald

Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Randall
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Derwinski for, with Mr. Thompson of New Jersey against.
Mr. Hébert for, with Mr. Rooney of New York against.
Mr. King for, with Mr. Brasco against.
Mr. Ashbrook for, with Mr. Carey of New York against.
Mr. Steiger of Arizona for, with Mr. Murphy of New York against.

Until further notice:

Mr. Henderson with Mr. Macdonald.
Mr. Evins of Tennessee with Mr. Breaux.
Mr. Teague of Texas with Mr. Davis of Georgia.
Mr. Blatnik with Mr. Harvey.
Mrs. Green of Oregon with Mr. Minshall of Ohio.
Mr. Randall with Mr. Fraser.
Mr. Danielson with Mr. Mills of Arkansas.
Mr. Howard with Mr. Fisher.
Mr. Badillo with Mr. Conyers.

The result of the vote was announced as above recorded.

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

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

The yeas and nays were ordered.

The question was taken and there were—yeas 347, nays 58, not voting 28, as follows:

[Roll No. 295]

YEAS—347

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.

Annunzio
Ashley
Aspin
Bafalis
Barrett
Beard
Bell
Bergland
Bevill
Biaggi
Blester

Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield

Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels
Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Ellberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford
William D.
Forsythe
Fountain
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gialmo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammer-schmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington

Harsha
Hastings
Hawkins
Hays
Heckler, W. Va.
Heckler, Mass.
Heinz
Hicks
Hillis
Hinshaw
Hogan
Hollifield
Holt
Holtzman
Horton
Howard
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClary
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallory
Mann
Maraziti
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinisky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis

Feyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quile
Quillen
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncalio, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Sebellus
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton
J. William
Stanton
James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stevens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wilson, Bob
Wilson
Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolf
Wright

Wyatt
Wydler
Wylie
Wyman
Yates

Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.

Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—58

Archer
Arends
Armstrong
Baker
Bennett
Blackburn
Brown, Ohio
Camp
Cederberg
Clancy
Clawson, Del.
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Davis, Wis.
Dennis
Devine
Dickinson

Edwards, Ala.
Eshleman
Ford, Gerald R.
Frelinghuysen
Goldwater
Goodling
Gross
Hosmer
Huber
Hudnut
Hutchinson
Kemp
Ketchum
Kuykendall
Landgrebe
McEwen
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Michel

Powell, Ohio
Price, Tex.
Rarick
Rhodes
Robinson, Va.
Rousslet
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Shuster
Smith, N.Y.
Symms
Treen
Ware
Wiggins
Williams

NOT VOTING—28

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Carey, N.Y.
Conyers
Danielson
Davis, Ga.
Derwinski

Evins, Tenn.
Fisher
Fraser
Green, Ore.
Harvey
Hébert
Helstoski
Henderson
King
Macdonald

Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Randall
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr.

Badillo.

Mr. Rooney of New York with Mr. Mills of Arkansas.

Mr. Hébert with Mr. Teague of Texas.

Mr. Brasco with Mr. Davis of Georgia.

Mr. Blatnik with Mr. Helstoski.

Mr. Carey of New York with Mr. Harvey.

Mr. Breaux with Mr. Minshall of Ohio.

Mr. Murphy of New York with Mr. Derwinski.

Mr. Fisher with Mr. Steiger of Arizona.

Mrs. Green of Oregon with Mr. King.

Mr. Randall with Mr. Ashbrook.

Mr. Danielson with Mr. Conyers.

Mr. Fraser with Mr. Henderson.

Mr. Macdonald with Mr. Evins of Tennessee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill (H.R. 8877) just passed.

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

There was no objection.

WARMING POWERS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES

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

Mr. REGULA. Mr. Speaker, I am informed that my colleague, Mr. DENNIS of Indiana, will be offering an amendment to House Joint Resolution 542 tomorrow. I want to associate myself with

my distinguished colleague in strong support of his amendment.

On May 21, 1973, I introduced legislation designed to delineate and clarify once and for all, the warmaking powers of the executive and legislative branches of our Government.

That legislation is identical to my colleague, Mr. DENNIS' bill in all respects, save for a section that sets forth the procedures whereby action by both Houses of the Congress, either in approval or disapproval of presidential warmaking action can be moved through the Congress in an expeditious fashion.

In my opinion, such procedures are essential and I shall, therefore, at the proper time, offer an amendment to the substitute amendment offered by Mr. DENNIS, the effect of which will be to incorporate these procedures into the substitute amendment.

The approach taken by House Joint Resolution 542 is a negative one. The substitute amendment will correct that. House Joint Resolution 542 would, pursuant to section 4 force the President to act as a result of congressional inaction.

There is no argument that the power to declare war—requiring an affirmative act—rests with the Congress and only with the Congress. Section 4 would, however, deprive the President of rightfully exercising the power he constitutionally shares with the Congress, that is the power to make war, whenever the 535 Members of the Congress failed to act or simply refrained from acting.

The necessity for a war powers bill has been the growth of powers claimed as inherent in the Executive under article II, section 2 of the Constitution, Congress, by its inaction can take a good share of the blame for that.

Are we to now sanction congressional inaction by changing the rules and calling that which we failed to do implied censure?

I do not believe that we can by inaction do that which the framers of our Constitution said we must affirmatively do.

Article I, section 9 of the Constitution gives Congress the power to declare war as well as such related functions as raising and supporting armies and providing and maintaining navies. Each enumerated authority requires an affirmative act. While we are finally, by this legislation, clarifying the gray area between the explicit grant of war powers to the President under article, II section 2—which makes the President the Commander in Chief of our Armed Forces—and article I, section 9, let us not muddy the waters by saying that whenever the Congress does not act, the negative shall be implied.

The substitute amendment offered by Mr. DENNIS does require the Congress to act either in approval or disapproval of the President's action. There is no room for an inference to be drawn. Either we approve or we do not and we say so.

The text of my procedural amendment is as follows:

Insert at the end of section 5 a new section as follows and renumber the remaining sections:

SEC. 6. (a) Any bill or resolution introduced pursuant to and under the provisions

of section 3 or section 4 of this Act, either approving or disapproving the action of the President shall, if cosponsored by one-third or more of the total number of Members of the House of Congress in which such bill or resolution originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported pursuant to subsection (a) shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

ADDITION TO LEGISLATIVE PROGRAM

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

Mr. O'NEILL. Mr. Speaker, I take this time to advise Members that tomorrow or sometime during the balance of the week the Speaker may recognize for a motion to suspend the rules and agree to the Senate amendment to H.R. 8537, to make permanent certain provisions of the Armed Forces Dependents Assistance Act.

AMENDMENT TO HOUSE JOINT RESOLUTION 542 OFFERED BY MR. WHALEN

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

Mr. WHALEN. Mr. Speaker, I am inserting at this point in the RECORD the amendment which I will offer tomorrow to section 4(b) of House Joint Resolution 542, the War Powers Resolution of 1973. I am doing so to call to the attention of my colleagues certain perfecting changes which I have made in the amendment.

AMENDMENT TO HOUSE JOINT RESOLUTION 542, AS REPORTED OFFERED BY MR. WALLEN

Page 3, strike out line 24 and all that follows down through line 5 on page 4 and insert in lieu thereof the following:

(b) Within one hundred and twenty calendar days after a report is submitted or is required to be submitted (whichever is earlier) pursuant to section 3, the Congress, by a declaration of war or by the passage of a resolution appropriate to the purpose, shall either approve, ratify, confirm, and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove such action in which case the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted.

EDWARD J. PATTEN, DEMOCRAT, OF NEW JERSEY, ON THE MBFR NEGOTIATIONS

THE SPEAKER pro tempore (Mr. McFALL). Under a previous order of the

House, the gentleman from New Jersey (Mr. PATTEN) is recognized for 60 minutes.

Mr. PATTEN. Mr. Speaker, one of the most complex and portentous issues of East-West security, the level of armed forces on both sides of the Iron Curtain, are being negotiated now at the preliminary MBFR Conference in Vienna. The outcome of the talks is still uncertain but, if successful, they could help achieve the threefold aim of NATO in proposing them 5 years ago; reduction of tensions by diluting the tremendous concentration of the military power of the two alliances in central Europe and reduction of the likelihood of war by verification measures and halting the arms race by arms control agreements.

These negotiations are beset with many problems. There are those in our Congress who believe that we should reduce our stationed forces in Europe, if necessary even unilaterally, as their constant pressure inhibits the bargaining power of our Government representatives in Vienna to get Soviet and east central European agreement to mutual and balanced reduction of forces on both sides.

The Soviet Union also causes considerable difficulty regarding the countries to be involved and the nature of balanced withdrawals. While MBFR really involves a two-phase problem—reduction of stationed forces—mostly United States and Soviet—and, later, a comprehensive arms control agreement for Europe, including cuts or constraints on local and stationed military forces alike—we are at the outset faced with Soviet attempts to improve their strategic and geopolitical position vis-a-vis NATO by means of the MBFR talks.

While such efforts could have been expected, the temporary acceptance of three Soviet demands at the beginning of the conference does not augur well for a successful conclusion and has already caused some fears on the part of our allies and disappointment on the part of our citizenry of Hungarian and other East Central European descent.

The first concession was tangential—the convocation of the talks in Vienna instead of Geneva. The second one was opening the conference to flank countries of both alliances as "observers" but with no right to vote. The third one, however, was consequential—the agreement worked out between Jonathan Dean, our chief negotiator in Vienna, and his Soviet counterpart to the effect that Hungary, in accordance with Soviet wishes, be eliminated from the talks as a full-fledged participant and reduced to observer status. Press reports indicate that our Government strongly urged acceptance of the Soviet demand upon our NATO allies.

The only consolation is that acceptance was made without prejudice to the status of Hungary at the main conference, according to Dutch ambassador van Ufford who spoke for NATO at the first meeting of the conference. However, given Soviet veto rights against the admission of new members to the conference and the fact that the United States was not among the NATO nations agreeing to raise the issue in the fall undercut our hopes.

It is in this context that I am asking

for unanimous consent to insert into the RECORD the speech of General Lyman L. Lemnitzer, USA, retired, former Chairman of the Joint Chiefs of Staff and former NATO Supreme Commander on MBFR and its Hungarian tangent. The speech was given at a luncheon of the American Institute on Problems of European Unity, Inc. at the Rotunda Restaurant on June 14, 1973. The president of the Institute is Mr. John Chamberlain, King Features Syndicated columnist and Dean, School of Journalism, Troy State University. Its executive director is my good friend, Dr. Z. Michael Szaz. My long-time friend, Bishop Dr. Zoltan Beky, who gave the invocation at this luncheon, serves with me on the board of trustees.

I believe that excluding Hungary from the locale of MBFR would grant the Soviet Union a sanctuary in Europe across the border of Yugoslavia where the post-Tito situation remains in doubt and give the U.S.S.R. an undeserved advantage in Central Europe over the Western Alliance, should MBFR talks succeed. I trust and hope that the administration will not succumb to Soviet pressures to conclude agreements for agreements' sake and will take a determined stand during the present visit of Party Secretary Brezhnev to see that Hungary is restored as a full participant in the talks in October.

GEN. LYMAN L. LEMNITZER, USA (RET.),
SPEECH BEFORE THE AMERICAN INSTITUTE ON
PROBLEMS OF EUROPEAN UNITY, INC.

In the introductory part of his speech, General Lemnitzer reminded the audience that during the past 28 years the United States undertook many efforts to secure the peace. He referred particularly to the efforts to create a United Nations peacekeeping force to which the United States would have contributed significant forces and the Baruch Plan in which the United States proposed to share its nuclear know how and technology with other states in exchange for verification rights that nuclear energy would not be used for destructive purposes. Both of these efforts, probably the greatest disarmament efforts of our times, failed because of repeated Soviet vetoes, leading, after the coup in Prague in February 1948, to the creation of NATO which had succeeded since 1949 to defend non-Communist states in Europe and to ensure the peace in that part of the world.

General Lemnitzer then continued:

Last five years NATO increased its efforts to attain a detente with the East. We are witnesses to an unique situation as there are negotiations on security between the two blocs both to the limitation of forces and weaponry. We are in the era of negotiations. The President's visits to Peking and Moscow, the Vietnam negotiations span a wide variety of issues, for Mr. Le Duc Tho also receives his real instructions in Moscow as to how to proceed in the talks. . . . We also have the SALT talks proceeding. The first agreement unfortunately did not achieve what we would have liked to accomplish, as a matter of fact it has awarded numerical superiority, but not qualitative superiority, to the Soviets. We are hopeful that the second phase will achieve our objective, to get some limitation on the production and number of strategic nuclear weapons.

The era of negotiations also includes the already ratified German-Soviet, German-Polish treaties and the Four Power Agreement on Berlin. They made official the division of Germany, the division of the city of Berlin. The result remains a one-way flow

of traffic. This Easter when the wall was opened a little, the flow was all from West to East, West Berliners visiting their relatives in the East, but few East Berliners were allowed to visit their relatives in the West. The Soviet Union has also been promised in return increased Western trade, technology and credits.

There is also the Conference on Cooperation and Security in Europe (CSCE) meeting in Helsinki. The present part of the conference is now adjourned, but the Foreign Ministers of the participating countries are to meet on July 3. Whether the meeting will really take place is not known at the present.

We are also engaged at Vienna together with an indeterminate number of other nations on mutual balanced force reductions (MBFR). MBFR was proposed by NATO in 1968 at the Reykjavik meeting of the NATO Council.

The question is asked by people in the Congress, pressed also by simple people the country why is it then necessary for the United States to maintain strong military forces? So many of the world's political and military problems have been solved, or are in the process of being solved soon. There is an inclination among Americans and Western Europeans as well to believe that we sit down to a conference to discuss problems, it means that the problem has already been solved. This is simply not the case in many instances.

In 1969, after the inauguration of the Nixon Administration, the Defense Department established a blue ribbon panel on American defense policies. After being exposed to intelligence data around the world, including intelligence from behind the Iron Curtain, seven of its members issued the following supplementary statement:

The road to peace has never been through appeasement, unilateral disarmament, or negotiations from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations of the world only the strong survive.

This statement sums up my opinion and that of most experts dealing with the Soviet Union. It states crux of the issue for the United States and its allies in this era of negotiations.

MBFR NEGOTIATIONS

Mutual balanced force reduction was originally proposed by NATO at Reykjavik in 1968. The proposal had three objectives:

- (1) To reduce tensions by sitting down and discussing MBFR on both sides of the Iron Curtain. The massive military power east of the Iron Curtain creates tensions as people are not sure whether this power would or would not be employed against them.
- (2) To reduce the likelihood of war.
- (3) To stop the arms race in Europe.

This proposal was totally ignored by the Soviet Union until 1971. At that time, there was intensive discussion in the United States about ending the war in Viet Nam by a withdrawal of American forces, about discontinuing the draft. Simultaneously, Senator Mansfield was pressing for his resolution of withdrawing fifty percent of the United States forces from Europe. Suddenly, Mr. Brezhnev indicated at that time that he strongly favors this proposal of mutual balanced force reduction, acting as if he had never heard of it before. This speech was one of the most successful propaganda efforts on the part of any nation. Not only the man on the street but even students and professors at our universities, who should know better, believe that it was Leonid Brezhnev who had originally proposed MBFR. After Mr. Brezhnev endorsed the proposal, NATO entrusted its former Secretary-General, Mr. Brosio with chairing a task force with the objective of getting the talks started with Moscow. Ambassador Brosio and his small staff was waiting in the wings for a long time for an

invitation from Moscow that never arrived. It was indicated that the Russian military forces were not interested in MBFR. Even a month ago, I met a Soviet military official visiting this country at the Atlantic Council on the board of directors I have the pleasure of serving, and he again objected to the term "balanced". The Soviet Union is objecting to the word and will not support balanced withdrawals. Of course, the term means all things to all different people, but in the NATO terminology, the word was included in order to ensure that the cuts on the two sides of the Iron Curtain do not increase the superiority of the Warsaw Pact forces which is already about three to one.

Now as a result of NATO pressure, the MBFR talks have begun. Before they started, the Soviet Union countered with her demand for a European security conference. This is a proposal peddled by the Soviet Union ever since the death of Stalin. The objectives of the Soviet Union in asking for the conference are to accelerate American withdrawal from Europe; to help Soviet expansion designs; to legitimize the status quo and the postwar conquest of East Central Europe by the U.S.S.R.; and to hamper Western European political unity and give voice to the Soviet Union in Western European affairs. By accepting the demand, the NATO nations handed Moscow a diplomatic victory. The CSCE is attended not only by NATO and Warsaw Pact nations, but by all the neutrals, and by tiny states like the Vatican, Lichtenstein and San Marino. Most experts state that the Soviet Union is anxious to get a consensus and/or a resolution legitimizing the status quo. Since agreeing to the MBFR talks, however, the Soviet Union is trying to render the talks meaningless by imposing conditions which, if accepted by NATO, would be a prescription for failure.

As to MBFR, the NATO powers wanted to meet in Geneva. The Soviet Union wanted to meet in Vienna, NATO yielded. NATO wanted to narrow the talks to Central Europe where the main problems lie, instead of expanding them from Norway to Eastern Turkey. The Soviet Union wanted to let any state desirous to participate to be admitted. A compromise was struck.

MBFR AND HUNGARY

In February 1973 the Soviet Union insisted that Hungary be limited to observer status and that the area of Hungary be excluded from the area of the projected troops cuts. This was a tremendous proposal on the part of the Soviet Union indicating her lack of sincerity. An impasse ensued for fourteen weeks, almost three months. In order that the talks may be started the West again yielded on this issue, reserving the right to raise the issue at a later date. In my opinion and in the opinion of most experts dealing with the Soviet Union on a regular daily basis, this reservation about Hungary where 40,000 crack Soviet troops are stationed, is meaningless. The Soviet Union will not yield on this issue later.

To exclude Hungary with 40,000 elite Soviet troops, land forces and tactical air force is from the military point of view very difficult to understand. It is the opinion of many military people with whom I am associated, that if accepted permanently, Hungary's exclusion would gravely affect the situation in Central Europe. It certainly does not spell any hope for the satellite countries to achieve a greater degree of sovereignty, and particularly it would not spell hope for Hungary. It gives the Red Army and Red tactical air forces a beachhead, or as I would put it, a sanctuary right at the crossroads of Europe where they can move forces and equipment into, and still be excluded from the area of a MBFR agreement.

Now the Soviet Union can sit back and await new moves in the U.S. Congress to force a unilateral withdrawal of United States forces from Europe while she maintains in-

tact her forces which are far greater than those needed for defensive purposes.

As to the chances of an agreement, I, and many NATO military and political leaders believe that unless NATO receives positive, reliable and cheatproof verification guarantees on the other side of the Iron Curtain, any agreement would not be worth the paper it is written upon, and we could not put any great confidence in the same. Unless there is such a cheatproof verification, any further reduction on the part of the United States and its allies of forces in Europe would be the wrong action at the wrong time.

Finally, may I add that we are dealing with very complex problems. SALT I dealt with strategic nuclear weapons, although it concentrated, because of Soviet demands, mostly on defensive nuclear weapons. Even in this case the negotiations lasted three years. MBFR involves even more complex issues of weapon systems and also of geographic realities. How do you equate the withdrawal of one American division across the Atlantic with the withdrawal of one Russian division a few hundred miles east? Not only land forces, but tactical air forces, naval forces, missile forces are included. The talks will be time consuming and very long.

MBFR AND THE SOVIET UNION'S DOUBLE SHIFT IN STRATEGY

(By James Frederick Sattler)

It is tempting to portray Soviet objectives in MBFR in terms of constraints on the communist system. Many people have reasoned that the Soviet Union is so pre-occupied with its China problem in the East, and so over-extended in Europe in the West, that the Russian bear is held captive. It behaves like a performing animal, the prisoner of its global over-extension. Thus, the Soviet Union's foreign policy posture is like that of the United States, and "Gulliver's troubles" are Brezhnev's troubles too. U.S. and Soviet political objectives in MBFR stem from the security problems located in each one's backyard. Strategy in the 1970's need not be concerned with a duel between two adversary superpowers but rather with their mutual impotence. The common predicaments of Russia and America have made the world safe for multipolarity.

To be sure, domestic economic difficulties, ideological malaise and political factionalism have inhibited, retarded and even reversed the growth of the communist system and the exercise of Soviet statecraft. As a social system, communism is still not attuned to the challenges of modern advanced industrial society. The occasional adjustments it does make, for example in the field of pollution, are responses to Western innovations. Hardly anyone considers the "Socialist Commonwealth" able to lead advanced industrial societies as a model for the future. Furthermore, although the communist apparatus has traditionally sought to expand the Soviet sphere of influence internationally, since the Second World War there have been effective external constraints on Soviet ambitions. The mobilization of the United States strategic potential in NATO and Western Europe's economic recovery in the Common Market neutralized the Soviet Union in Europe.

However, it is worth considering that there may be a catch in this tempting analysis of constraints on the communist system. This approach could turn out to be like the aeronautical engineer's report on the bumblebee. According to the best available information, the wing surface of the bumblebee is too small to support its weight. Scientifically, it is impossible for it to fly. However, the story goes, the bumblebee doesn't know this, and flies anyway. In a word: our rationality tells us one thing about the flight of the bumblebee, but the bumblebee lives in a completely

alien world and flies according to his own, bumbling, logic.

Let us, therefore, attempt to enter into that alien world and entertain the possibility that the Soviet Union, in spite of its security predicament, may have obtainable MBFR objectives.

Having donned our entomological cloaks, we notice almost immediately that this will not be a simple undertaking. There are still too few concrete statements by Soviet analysts for us to gather much honey, although the few available drops give us a general idea about the flavor. Most Soviet commentaries on MBFR, like those on the proposed system of Asian collective security, have tended to be rather vague. Nevertheless, there is one important exception at least, an article written last year by Y. Kostko which appeared in *Mirovaya Ekonomika i Mezhdunarodnye Otnosheniya*.¹

In this essay, Kostko examines and then rejects a number of quite rational Western approaches to MBFR. For example, he dismisses the idea that geometric asymmetry is a problem in Europe, i.e. that while Soviet forces are already stationed on the Continent, American forces have to be deployed from across the Atlantic. Kostko argues that the distance between Lake Baikal and Central Europe is greater than between New York or London and Central Europe. QED—geometric asymmetry is not a valid principle on which to base MBFR negotiations.

The next point, Kostko argues (ironically using IISS figures as his data reference) is that there already is numerical equality of forces in Europe. Thus, there not only is a geometric balance but a numerical balance in Europe as well. Whatever reductions occur in MBFR, therefore, need not be made in order to compensate for an existing imbalance.

Since he denies the existence of an imbalance between East and West, it comes as no surprise when Kostko concludes that "parity" is the only realistic principle on which to base European force reductions.

Still, apart from the numerical aspect of the balance of forces, Kostko admits that a complex balance of armaments is very hard to calculate. "It must be admitted that at the present time, it is extremely difficult to make an appraisal of the overall correlation of all types of armament mainly because there are still no objective coefficients for comparing various types of armament. Such coefficients ought probably to be worked out in the course of suitable negotiations, for which special organs created by an all-European conference might be especially appropriate."²

Kostko provides us with some important clues for solving the mystery of Soviet MBFR objectives.

a) His analysis deliberately bypasses two of the main theoretical foundations of Western MBFR strategy. First, it belittles any notion of imbalance in East-West forces. It cleverly sidesteps all those skeptics who might want to raise the possibility of certain Soviet advantages. The Soviet position is not a subject for discussion. Second, Kostko's analysis minimizes Western efforts to arrive at objective computations of an armament balance. However, Kostko's criticism is not only aimed at refuting theoretical approaches to MBFR.

b) If the computation of armament balances is better placed in the hands of "all-European organs," what role, if any, would be left for the Department of Defense? For NATO? It is difficult to foresee any remaining function at all.

Naturally, Kostko does not explain why the coefficients developed by an "all-European organ" would be more credible than those of ISA or NATO, but this ambi-

guity is surely no accident. [Is the credibility of Soviet assurances about their "parity" also supposed to be self-evident?—JFS] Kostko not only seeks to discredit the theoretical basis of Western MBFR strategy—and thus its theoretical credibility—but to set the stage for the actual displacement of Western organizations charged with defence and arm-control policy in MBFR. Is this a strategic predicament for the Soviets?

Kostko shows us that the Russians spell "detente" with a bee. In fact, Soviet MBFR objectives are part of what is, in their real political strategic calculus, a double shift in the confrontation with the West.

Before examining the characteristics of this double shift, it is useful to stop and ask whether the unfashionable term "confrontation" is really appropriate. After all, there are many people who believe that it no longer is a valid concept in international politics and that the world is headed toward some kind of reconciliation. "Confrontation" sounds like the incantation of someone trying to evoke the vanquished spirit of the cold war.

The communists occasionally like to encourage Westerners not to be so square. For example, in contrast to Khrushchev, the current Soviet Ambassador to the Federal Republic of Germany, Valentin Falin, only wants to bury our ghosts. Speaking before a West German audience last fall, he remarked that European security negotiations must "draw the line, or make it more secure, between the Europe of yesterday, whose characteristic political philosophy was 'confrontation' and the Europe of tomorrow which is able to develop under the sign of peaceful coexistence."³

The Ambassador's astrological bent aside, it is not easy to accept this Soviet put-down of confrontation at face value. As Kostko's essay reveals, the Soviets believe that diplomacy is political warfare; it is used to circumvent and undermine the West and to increase the political influence and credibility of the Soviet state.

To corroborate this fairly elementary fact, one need only turn to a series of lectures given by Professor Arbatov, the director of Moscow's prestigious Institute for the Study of the USA. Addressing a Japanese meeting, Arbatov spelled out the Soviet standpoint in unmistakably clear terms.

"Today the question is: What will be the forms in which the historically inevitable class struggle between the two systems will develop in the world arena? In the form of military collisions, a race of arms, acute and dangerous political crises? Or in the form of peaceful coexistence in which ideological dispute between the two systems and their competition in the different fields will be combined with multifaceted cooperation in which inevitable differences will be solved through negotiation and unbridled race of arms will be replaced by limitation of arms and by disarmament?"⁴

Is Arbatov concerned with abolishing confrontation? With genuine peaceful coexistence? Apparently not. His only stated concern seems to be what form confrontation should take. What matters to Arbatov is that there be a shift in the international class struggle to peaceful coexistence. Political warfare against the West is still the legitimate operational basis of Soviet foreign policy. In 1973, the USSR intends to enter the arena of detente negotiations in order to improve its position and to weaken the position of its opponents. This is old-fashioned power politics as Marxists-Leninists like it.

In order to play this game, the USSR continues to build up its military power. The Central European Front is only one aspect of this game. In the field of naval strategy, "The Russians themselves have not been reluctant to discuss their Mediterranean deployments in public. While admitting a

Footnotes at end of article.

strategic defensive mission for these forces, they put equal or greater stress on another, essentially political mission: neutralizing Western interventionary capabilities, particularly as represented by the US Sixth Fleet, and directed against their Arab clients."⁵

Another observer of Soviet naval practices thinks that the USSR has developed its own version of a flexible response strategy. This plan has as its goal "not only the countering of NATO naval power and the challenging of its control of the sea in NATO waters, but also the capability to interdict NATO sea lines of communication world wide. A concomitant goal is/ the ability to project national power in a global sense, as enunciated by Admiral Alfred Thayer Mahan."⁶

The changing political mission of the Soviet military establishment not only is aimed at neutralizing Western interventionary capability in the Mediterranean and at countering NATO's naval power, but at decoupling America's strategic potential from the defense of Western Europe. Naturally, the Soviet Union has other political objectives: the elimination of the German problem, the undercutting of Western European integration and the reduction of American dominance.⁷

In contrast to a Europe characterized by twenty years of military stalemate and diplomatic rigidity, the 1970's are unfolding as a decade of accelerating movement. West Germany's Eastern policy now seems to be only the initial phase in a longer process of trans-European interaction. This is a fertile field for the Soviets to buzz around in, and the recent Pompidou-Brezhnev talks illustrate their desire to combine MBFR objectives with trans-European diplomatic maneuvers.

The double shift in Soviet strategy means that their objectives in MBFR are not only part of their diplomatic warfare but part of a grand design. Arbatov describes this second aspect of the double shift in Soviet strategy as the shift from regionalism to globalism.

"If I were to refer to geometry to define the Soviet policy of peaceful coexistence, I would have to use the term 'sphericity.' The reason for this is that this is a global policy aimed at strengthening the peace and establishing the principles of peaceful coexistence all over the world."⁸

Arbatov uses what Western political scientists call a "building block" approach to international relations; Soviet detente diplomacy in CSCE/MBFR is the forerunner of the proposed Asian collective security system.

The double shift in Soviet strategy—to offensive diplomacy globally—is aimed at replacing the United States as an effective global strategic power. It doesn't take long to realize that this ambitious plan is being set forth at a time when American globalism is under attack and when a politically "multipolar" world appears to vitiate the principle of containment.

Nevertheless, in spite of multipolarity, Soviet MBFR objectives are intended to assist in the rise of Soviet globalism (or in the decline of American globalism) and in the further development of Soviet political/military instrumentality (or in the further decoupling of Western political/military instrumentality). Most importantly: these objectives go beyond gaining a simple Western recognition of Soviet and Eastern European status-quo.

In a recent article, Walter Laqueur writes that, "There has been no decline in Soviet foreign influence and prestige, and no liberalization in Eastern Europe; the Soviet Union has so far not become a status-quo power and the Communist 'pluralist universe' is largely a myth."⁹ Indeed, Soviet disclaimers notwithstanding, there is every indication that the whole idea of "modernization" for the Bloc apparatus does not mean movement toward liberalization but rather toward a second generation of control, a more sophisticated, more efficient authoritarian system, and toward a persistently antagonistic foreign policy toward the West. Anyone who has

heard communist references to the beautification of the Berlin Wall, that it is becoming a "modern" state frontier, will agree that "modernization" need not mean liberalization.

The Soviets want a European security system to be based not on a status-quo, but on the acceptance of the "Socialist Commonwealth's" active role.

Since the mid-1960's, the communists have maintained that the Soviet Union's advances in military technology and its ability to consolidate the Bloc politically have created a new situation in Europe. They conclude that the system of European security which has existed since the formation of NATO, a bipolar stalemate, is obsolete. Instead, it is up to the USSR to act as the central initiator of European security policy.

At about the time of the Karlovy Vary meeting of European communist parties, the USSR decided that its presence, not dynamic American engagement in Europe, had become the dominant factor in the European security equation. If anyone doubted the validity of this calculation, the 1968 invasion of Czechoslovakia was intended to be simple arithmetic lesson, a convincing demonstration of a "modern" European security system.

The time had finally come for the Soviet Union to be recognized as the author and guarantor of European security. Although they had made this claim many times before, the Soviets evidently believed that the trick was worth trying again. This time it might really work. To help usher in this new era, they turned to the "European Security Conference," whose theme of collective security would serve to organize a united front of 34 states. In November, 1972, preparatory meetings for this conference began in Helsinki; the conference itself will take place later this year.

At the Soviet Union moves to enter MBFR negotiations with the West, it will do so not as an ideological power but as a great power. It will do so in the expectation that the West will not only recognize the old status-quo but also accept its new roles as Europe's only real superpower. First, it expects that the West will come to consider it "only natural" that the USSR, as a superpower, will use military force as a political instrument, whether to intervene in the Mediterranean or to make NATO irrelevant in MBFR.

Second, it expects that the West will welcome with relief its role as arbitrator in European affairs as a sign that the USSR has chosen to use its power with political "maturity."

An entomologist would conclude that as the Soviet Union looks westward in MBFR, it may well ask: "With enemies like these, who needs friends?"

FOOTNOTES

¹ "Mutual Force Reductions in Europe," reprinted in *Survival*, September/October 1972, pp. 236-238.

² *Ibid.*, p. 238.

³ Valentine M. Falin, "Auf dem Wege zur gesamteuropäischen Konferenz," *Europa Archiv*, November 10, 1972, p. 727.

⁴ "Soviet-American Relations and Japan," a speech given at a meeting of the Asian Affairs Research Council at the Imperial Hotel in Tokyo, November 1, 1972, as reported in *FBIS*, 3-7 November, 1972.

⁵ Robert G. Weinland, "The Changing Mission Structure of the Soviet Navy," Center for Naval Analyses Professional Paper No. 80, reprinted in *Survival*, May/June 1972, pp. 130-131.

⁶ Adm. R. G. Colbert, "The Shifting Balance of Power at Sea," *The Atlantic Community Quarterly*, Winter 1972-1973, Vol. 10, No. 4, p. 470.

⁷ For a subtle and perceptive analysis of Soviet decoupling strategy, see Uwe Nerlich, "Zur Struktur und Dynamik europäischer

Sicherheitspolitik," *Europa Archiv*, July 25, 1971, pp. 481-494.

⁸ Arbatov, *op. cit.*

⁹ "From Globalism to Isolationism," *Atlantic Community Quarterly*, Winter 1972-1973, Vol. 10, No. 4, p. 431.

Mr. CONTE. Mr. Speaker, today we are discussing the ongoing preparatory talks on a mutual balanced force reduction in Central Europe between the involved NATO and Warsaw Pact countries.

The talks are still in the beginning stages, and the many complex problems will probably necessitate a long bargaining period.

We welcome, however, the willingness of the Soviet Union and her allies to try to extend the existing detente to security matters, as shown by the visit of Soviet Party Secretary Brezhnev to Washington.

It is therefore, with great disappointment that we have noted the stubborn Soviet opposition to the inclusion of Hungary in the talks in Vienna. This stance resulted in a 14-week impasse and finally in our acceptance of a compromise closely paralleling the Soviet position, at least for the duration of the preliminary talks. Hungary is now excluded from the list of 11 full participants at Vienna and is reduced to the status of special observer together with NATO flank countries, Romania and Bulgaria.

As the compromise calls for a reevaluation of the status of Hungary at the time of the opening of the mutual balanced force reduction conference this fall, I am joining my colleagues in urging our administration to use every diplomatic means at its disposal to secure the inclusion of Hungary in the area of mutual balanced force reduction and the participation of Hungary in the talks leading thereto.

Mr. BROYHILL of Virginia. Mr. Speaker, the ongoing MBFR negotiations are of pivotal importance to the future peace and security in Europe and also they will have an immediate impact upon our national security.

We hope that we will be able to accomplish the aims set by the NATO Council at its May 1968 meeting at Reykjavik, that is, to reduce tensions in Europe by effecting mutual and balanced force reductions on both sides of the Iron Curtain while maintaining the equilibrium of forces, which is already precarious in view of Soviet numerical superiority. The second aim is to reduce the likelihood of war by providing for an exchange of observers and verification measures on unusual troop movements. Finally, the last aim is to halt the arms race in Europe.

While it is too early to tell about the outcome of the preliminary talks in Vienna, one disturbing compromise was made about the status of Hungary. It is true, however, that the NATO powers accepted this compromise only temporarily and they retained the right to raise the issue of Hungary's participation before the fall conference opens. As Hungary is both a Central European Country, and is occupied by four Soviet divisions and tactical air forces, I hope that our administration will use all its diplomatic influence to restore Hungary to a full participant to the conference. Otherwise

unchecked Soviet presence in Hungary after a partial MBFR agreement would grant the Soviet Union a sanctuary for staging area of military forces, and also for possible intervention of Yugoslavia.

Mr. CRANE. Mr. Speaker, it is with great disappointment that we all learned of the consequential concession of NATO—according to press reports at the suggestion of our administration—to exclude Hungary as a full participant from the MBFR negotiations in Vienna.

The exclusion of Hungary in the light of the stubborn and unexpected Soviet request of January 31, 1973, from the preliminary talks grants the U.S.S.R. with a sanctuary even if the MBFR talks should be successful. It would enable the Soviet Union, even after a partial MBFR agreement, to assemble forces in Hungary for any aggressive purposes, including intervention into Yugoslavia. The concessions also demonstrates that until now it is the Soviet Union, and not the West, which is gaining most leverage from the talks. It raises doubts in the minds of many of our allies whether we will ultimately make agreements for agreement's sake and whether we will continue to insist upon our positions and NATO interests.

One hopeful sign remains. The May 14, 1973, compromise was tempered by a declaration of the Ambassador of the Netherlands on the part of NATO that the status of Hungary would be raised again at the outset of the main conference in the fall of 1973.

If we are not to be taken advantage of, the administration should resolutely insist at its current talks with the Soviet Union to restore the Hungarian question to the agenda of the main MBFR conference and make sure that any MBFR agreement will become balanced and not result in the further tilting of the precarious military balance in Europe in favor of the Soviet Union. In this regard, I want to commend the American Hungarian Federation for its memorandum on the problem which they also submitted to the President and the Secretary of State and hope that the MBFR talks will be utilized to achieve greater self-determination to the people of Hungary and other East Central European nations.

Mr. GOLDWATER. Mr. Speaker, I think we all owe our colleague, the gentleman from New Jersey (Mr. PATTEN), a great debt of gratitude for requesting this important and timely special order. More than ever, the strength of NATO forces in Europe, in relation to the massive Soviet and other satellite armed forces east of the Iron Curtain, must be a matter of vital concern to our security and to the survival of NATO.

We have been told by some of our colleagues in the other body of this Congress that it would be in the best interests of peace to withdraw a substantial part of our forces in Europe.

But, Mr. Speaker, dire consequences of such a unilateral withdrawal, in view of the 235:1 numerical and armor superiority of the Warsaw Pact forces, are obvious and cannot be explained away so easily.

I feel that some withdrawals would be-

come feasible if we could get the Soviet Union to effect an equivalent troop withdrawal from the other side of the Iron Curtain; provided, of course, that we can achieve a cheatproof, verified and policed agreement. Also, the reduction of forces must be balanced in the light of the existing military equilibrium, taking geographic realities into consideration.

Frankly, in my judgment, the preliminary talks in Vienna on MBFR do not promise any early success. In fact, according to the recent Senate testimony of the Secretary-Designate of the Department of Defense, it would take at least 1 or 2 years to reach agreement on the reduction of forces with the Soviet Union.

In this early stage of the MBFR talks, I see a very disturbing development taking place. This is the May 1973 compromise reached on excluding Hungary from the list of what is described as "potential participants in an agreement relating to MBFR in Central Europe." This means that even in case of an MBFR agreement, the Soviet Union would be granted a sanctuary at the crossroads of Europe both for assembling troops and air forces for potential intervention in Yugoslavia and for a potential attack on U.S. forces in Southern Germany and Northern Italy.

However, I still see a promising sign. The compromise states that it does not prejudice the right of the NATO countries to raise the question of the status of Hungary at the fall MBFR general conference and the NATO members retain the right to raise the issue at the outset of the fall conference.

Thus, I strongly urge the administration to use all its diplomatic influence with the Soviet Union, including the aftermath of the summit meeting, to gain Soviet agreement to the restoration of Hungary to full participant status. Otherwise, we will find ourselves on the road of one-sided concessions which would be especially dangerous in negotiations touching upon our national security.

Mr. MINSHALL of Ohio. Mr. Speaker, the cause of peace and security in Europe forms a major part of our national security. It is for this reason, therefore, that we all are following with great interest and concern our administration's efforts in this "Year of Europe" and we wish them undivided success. The visit of Soviet Party Secretary Brezhnev has focused attention upon the ongoing East-West negotiations in Europe, particularly the preliminary MBFR talks in Vienna which touch the heart of NATO security.

We should not forget that, despite the precarious balance of military strength, it was NATO that initiated the demands for mutual and balanced force reduction as early as May 1968 at the Reykjavik meetings of the Council.

According to the IISS expert, Christopher Bertram, there are two major approaches to MBFR. One is the military approach which stipulates balanced mutual withdrawal of Forces from Central Europe where the majority of the forces of the two alliances are stationed. It wants to make sure that the withdrawals do not upset the already precarious mili-

tary balance, but enables both alliances to maintain their positions and interests at a lower force and cost level.

The second approach is basically a political one. In arranging for MBFR it wants to promote détente by extending its range to security matters and by devising arms control agreements for both alliances which would include a number of confidence-building steps, such as observers at military exercises, cheatproof verification procedures, constraints on unannounced troop movements, et cetera. The political implication would be both a certain reduction of force levels and a halt in the arms race as suggested in the 1968 Reykjavik proposal of NATO, and greater political leeway and a gradual regaining of self-determination over policies for the nations of East Central Europe. The political "fall-out" would also help to reweave the ties between the two separated parts of Europe.

Until now, the Vienna talks produced little progress on either grounds. It must be admitted, however, that no quick successes were expected and as Secretary-Designate of Defense James Schlesinger told the Senate committee on June 18, any agreement is probably a year or two away. The temporary compromise on the status of Hungary at the conference last month, however, raises serious questions about the chances of an equitable agreement or for any successful conclusion of the MBFR talks.

The compromise omitted Hungary from full participation and reduced it to observer status, excluding its territory from the projected troop cuts, with the proviso, however, that the decision would be reviewed at the outset of the main conference in the fall of 1973. The compromise, if upheld in October, would be damaging to NATO interests for the following reasons:

First. Geographically, Hungary is part and parcel of the central front in Europe. In case of hostilities, any possible Soviet action against southern Germany and northern Italy would be launched from western Hungary, probably through the Austrian corridor.

Two. Hungary's exclusion would grant the Soviet Union a sanctuary under the MBFR agreement into which the U.S.S.R. could introduce forces withdrawn from other parts of the central front and avoid any verification controls on their size and equipment.

Three. The Soviet Union could, without any constraints under any MBFR agreement, assemble a striking force for the purposes of intervention into Yugoslavia in case of an internal crisis there after the death of President Tito.

Under these circumstances, Hungary's retention in the MBFR talks in Central Europe remains an important requirement for the balanced character of troop withdrawals.

The exclusion of Hungary would also be politically disadvantageous. Hungary is not adjacent to any NATO country and the political functions of the four Soviet divisions well outweigh their momentary military significance. Their reduction, coupled with the institution of arms control and verification measures under later MBFR agreements, and their ulti-

mate removal even if only after a number of years, would promote a slow return to the pursuance of Hungarian national interests by the Budapest Government and slowly reduce Soviet hegemony over that country. In addition, it would facilitate Hungary's participation in a more and more reintegrated Europe. This chance for a freer political and economic development would be blocked for Hungary, if excluded from the MBFR area.

I am heartened by the fact that the compromise accepted by the administration and the other NATO nations was accompanied by a common caveat that the status of Hungary would be raised again before the opening of the main conference in the fall of 1973.

I trust that the President will have utilized the meetings with Party Secretary Brezhnev from the Soviet Union and other diplomatic channels to gain Soviet acquiescence to the participation of Hungary at the fall conference as a full partner in negotiations.

I now insert into the Record the fine memorandum submitted to the President and the Secretary of State and to various governmental agencies and Members of Congress by the American Hungarian Federation, a 67-year-old national organization of American churches, fraternal associations, organizations and societies in the United States. I congratulate them on their fine contribution to the understanding of this complex issue:

MEMORANDUM

Referring to the April 23, 1973 speech by Presidential Advisor, Dr. Henry Kissinger, a speech which stated as the new major characteristics of the "New Era" the state of reduced tensions in which "new assertions of national identity and national rivalry emerge, the American Hungarian Federation would like to recall certain events of recent history of the Hungarian people and after that to take a position toward certain major issues of European and East-West relations.

The American Hungarian Federation deeply deplores that in 1919 the lofty ideals of national self-determination and democracy of President Wilson were exploited by certain nations and statesmen in Europe in order to secure unjustifiable territorial and political demands, creating an unjust and inadequate solution to the many nationality and political problems of the defunct Austro-Hungarian Empire. This resulted in creating two camps within the successor states to the Empire, and enabled Hitler to use the conflicts for his imperialistic aims.

During World War II, the suggestions of the British Prime Minister, made with an eye for preventing Soviet hegemony at the Balkans and in Central Europe, were ignored as far as the Allied invasion of the area was concerned. The result was the Soviet military occupation of Hungary and of East Central Europe in general, a fact leading to the emergence of Communist regimes against the will of the nations of the region, particularly in Hungary where free elections produced only 17 percent of Communist vote. Hungarian national self-determination was again subordinated to the security demands of the Soviet Union and the neighboring nations of the region.

The clearly unmistakable intentions of the Hungarian nation to live in democracy and neutrality, were blatantly disregarded by the Soviet Union, without any counteraction on the part of the Western Powers, except for United Nations General Assembly Resolutions between 1956 and 1962. The Nagy Government in 1956 was militarily removed

by several hundred thousand Soviet troops invading Hungary, and the Soviet army continues to be stationed on Hungarian soil sixteen years after the revolt under a treaty signed in 1957 by a Government which was completely dependent on Soviet presence in May 1957 as it failed to receive popular sanction.

Over three and a half million Hungarians live in the adjacent countries, a steady reminder of the farce of national self-determination in the region. Especially the almost two million Hungarians in Transylvania (Rumania) suffer under a twofold repression, one by Communist ideology, and two, by emerging Rumanian nationalism.

Needless to say that we realize that many of the facets of the situation cannot be changed soon. But they should not be forgotten, lest they disappear from the diplomatic agenda during the euphoria of the present détente.

The American Hungarian Federation has communicated with the President and the Secretary of State on issues inherent in this framework, and takes this opportunity to summarize its views before the June 18 meeting of our President with Soviet CPSU Secretary, Leonid Brezhnev.

1. Détente and Self-Determination.

We welcome American economic, diplomatic and security efforts to overcome the division of Europe and its support of European unity. We are in favor of the Administration's pledge not to withdraw its forces unilaterally from Europe.

We believe, however, that free political and economic development of all European nations, rather than of Western Europe and neutral states alone, should continue to serve as the main objective of American foreign policy. In this regard, we refer to our November 4, 1972 resolution stating that the principles signed in 1972 in Moscow, or any future principles to be agreed upon by the CSCE i.e., "non-interference with domestic affairs, sovereign equality, independence, abstention from the use of the threat of force" have not been observed in the past and, therefore, they can only be applied in the future in a manner not prejudicial to free political evolution in East Central Europe.

We believe that the neutralization of East Central Europe, or at least of its Danubian component, would constitute an important long-term project of American and Western diplomacy, although we are under no illusions about the prospects of its immediate realization.

We ask that no treaty commitments at the CSCE be undertaken which would cement the present political and economic status quo in East Central Europe. Any formulation of general principles should explicitly keep open the option of political and economic evolution and change.

2. Mutual Balanced Reduction of Forces and Soviet Troops in Hungary.

We welcome the readiness of the Administration to enter into mutual balanced reduction of forces talks. We believe that these negotiations may offer a chance to effect the withdrawal of Soviet occupation forces from Hungary and perhaps also from other East Central European nations as well. We trusted that the Administration will succeed to maintain a common NATO posture on these complex issues and we welcomed its position on the participation of Hungary as a full-fledged participant in these talks as evidenced in January and February 1973.

We have been gravely disappointed to learn that the Administration in the last few weeks has abandoned its insistence upon Hungary's role as a full-fledged participant at the Vienna preparatory talks on MBFR. While published reports state that this position was taken without prejudice to the status of Hungary at the coming conference in the fall of 1973, we urge the Administration to continue its former stand at that time

and to try to get Soviet agreement to the same during the coming Summit talks with Party Secretary Brezhnev.

As MBFR talks concern only ground forces, we would be in favor of Hungary's full participation in the fall of 1973, even if in return, the NATO powers would have to agree to the inclusion of Italian ground forces in the reduction talks, excluding, however, the Sixth Fleet whose strategic and operational functions do not concern the European central front.

We stress that, as implicitly admitted by the Soviet Union according to published reports, Soviet troops in Hungary serve to control internal developments, as Hungary is not adjacent to any NATO state.

Since there is no strategic requirement for Soviet presence in Hungary, we hope that the Administration will find the appropriate means to effect, through diplomacy at the MBFR conferences, the withdrawal of Soviet forces from Hungary. We warn that the unchecked presence of Soviet troops in Hungary after a partial MBFR agreement would increase tensions in Europe by providing the Soviet Union with direct access for intervention in Yugoslavia in case of internal crises.

4. Human Rights and National Minorities.

It is well known to the Administration that basic human and civic rights may only be exercised by the peoples of East Central Europe only with grave difficulty and in a limited manner. A particular problem is also present in the presence of national minorities in the region.

We believe that it would be serving an important purpose, if the Administration and other Western Governments were to strive for the establishment of protection clauses for individuals and minorities—which already exist in Western Europe since 1950—at any agreement reached at the coming CSCE. A particular case in point is the situation of the close to two million Hungarians in Transylvania (Rumania) whose situation remains precarious.

CONCLUSIONS

We urge the Administration to continue its work for the reestablishment of the rights of self-determination, peaceful political and economic change and development in East Central Europe by gradually overcoming the barriers separating the two parts of Europe.

We also urge the Administration to encourage actively efforts of the peoples of East Central Europe to reweave their ties with Western Europe and the United States in order to develop more freely despite the influence of the Soviet Union which remains a decisive constraint on their policies.

Mr. FISH. Mr. Speaker, the question of Soviet troops in East Central Europe and the general troop levels on both sides of the Iron Curtain remain of vital importance to the United States and NATO security.

I welcomed, therefore, the preliminary talks of a mutual balanced reduction of forces—MBFR—in Vienna which opened on January 31, 1973. The possibility of extending the spirit and meaning of the détente to security issues raised the prospect of securing the three objectives set up at the Reykjavik Conference of the NATO Council in May 1968: First, to reduce tensions in Europe; second, to reduce the likelihood of war and third, to halt the arms race.

We are also hopeful that the MBFR talks will result in the equivalent security for us and our NATO allies at a lesser level of troops and cost, and that a successful application of MBFR will also give more freedom to the countries of East Central Europe and help reforge the ties between the two halves of Europe.

As a result, I am greatly concerned about the May 1973 compromise achieved by NATO and Warsaw Pact participants in the Vienna Conference on the status of Hungary. Hungary is now given only observer status at the preliminary talks and her territory is both strategically and geographically a Central European region. There are four Soviet divisions and additional tactical air force units stationed there. I strongly urge the Administration to utilize the NATO reservation, which is part of the compromise, to raise the question of Hungary's full participation status before the opening of the main conference and to have her government and her territory restored to the coming MBFR agreement.

Mr. DOMINICK V. DANIELS. Mr. Speaker, the CSCE conference which formally opens on the Foreign Minister level on July 3, 1973 in Helsinki after 6 months of preliminary discussions may have an extremely important effect upon security and political-economic matters between East and West.

The American Hungarian Federation has submitted a memorandum to our administration emphasizing the need for the free exchange of ideas, persons and goods between the NATO countries and the members of the Warsaw Pact. This memorandum also calls for full reciprocity of newspaper, artistic and academic exchanges. The above conditions do not exist generally at this time. Similar suggestions were made on behalf of NATO by the Danish Government on January 15, 1973 in Helsinki, and have also been made privately by the President of the French Senate, Gustave Monnerville, and former Finance Minister Antoine Pinay.

I reiterate my support for these proposals and urge the administration not to abandon its quest to expand cultural freedom and exchanges of persons and ideas at the Conference.

A dangerous situation has arisen during May at the MBFR talks in Vienna concerning the security of Central Europe. At the request of the Soviet Union, Hungary has been excluded from the preliminary stages of the Conference and restricted to observer status. Considering Hungary's geographic and strategic position, such exclusion, if final, would grant the Soviet Union an unchecked staging and assembly area in Central Europe thus threatening the permanency of any agreement reached in MBFR. The compromise did however include a reservation by which the NATO powers can reopen the question of the status of Hungary at the fall Conference, before its opening.

I strongly urge the administration to use its diplomatic leverage with the Soviet Union to get Hungary reinstated as a full participant at the fall conference on MBFR.

Mr. DULSKI. Mr. Speaker, today I am joining my colleagues in bringing to the attention of the House the compromise about the status of Hungary made in May at the MBFR talks in Vienna.

NATO members, at the suggestion of the administration, agreed to this compromise in order to start the preliminary talks after a deadlock of more than 14

weeks. The compromise excludes the Hungarian Government from full participation and the territory of Hungary from the region of troop reductions in the preliminary phase of the talks. The compromise however, has a reservation clause enabling the NATO members to raise the question of the status of Hungary prior to the opening of the fall conference, tentatively set for October 30.

Hungary is a geographic part of Central Europe, and Soviet troops in Hungary are part of the European central front. Under present circumstances, the West would accept a Soviet troop sanctuary in Hungary for staging, assembly, and depot area even in the case of a partial MBFR agreement. Therefore, I urge the administration to utilize the reservation clause to request Hungary's restoration to full participation at the major conference. The problem of the four Soviet divisions in Hungary, just as that of the Soviet divisions in Poland, should be dealt with at the conference.

Mr. HELSTOSKI. Mr. Speaker, on July 3, Foreign Ministers will attend the opening of the Conference on Security and Cooperation in Europe—CSCE—in Helsinki, Finland, after several months of painstaking preparations on the part of the Ambassadors of the various European countries on both sides of the Iron Curtain.

The aims of the Conference are to do away with the barriers between the two separated halves of Europe, and to lay down rules and procedures for better cooperation in all of Europe and the North American continent.

The Danish Government, supported by the administration, made important proposals in January which have since been discussed in Subcommittee 3 of the preliminary conference without final decisions.

It is believed that the whole conference will be a failure unless it really brings about a freer exchange of persons, ideas, and goods in Europe, dismantling what is still known as the Iron Curtain.

It is, therefore, a welcome sign that the American Hungarian Federation, a 67-year-old national umbrella organization of American Hungarian churches, fraternal associations, and organizations, has submitted to the State Department a well-defined and constructive memorandum of the practical steps it proposes to implement the Danish proposal at the Helsinki Conference. Their memorandum generally follows the lines set by several European memorandums, including a French memorandum signed by the French President of the Senate, Gustave Monnerville, and by former Finance Minister, Antoine Pinay.

I welcome their devotion to individual freedom and to a better communication between the peoples of Europe, particularly by full reciprocity of newspapers, student and professional-academic exchanges and artistic events, and for a free movement of people without visa requirements.

At the conclusion of my remarks, I shall place in the Record the memorandum of the American Hungarian Federation on the CSCE conference.

Also, I would like to mention that a

potentially dangerous compromise was concluded at the Vienna mutual balanced force reduction—MBFR—talks in May 1973, in order to get the preliminary negotiations started. Hungary, definitely a part of central Europe, and her territory, has been excluded from the area of projected troop cuts in the preliminary phase. However, the compromise accepted by NATO members has the operative reservation that Hungary's status may be reopened before the commencement of the major talks, which are now set for the fall, probably for October 30.

I join my colleague in urging the administration to avail itself of the reservation and to use its diplomatic influence to restore Hungary's territory to the region of projected troop cuts so that the question of reduction and ultimate withdrawal of the four Soviet divisions in Hungary may be discussed and resolved.

The memorandum follows:

MEMORANDUM

The Board of Directors of the American Hungarian Federation in implementation of its November 1972 convention resolution:

With reference to the proposals submitted to the Helsinki Conference on Security and Cooperation in Europe by the Government of Denmark, and

With reference to the Memorandum of prominent French leaders, including former Minister of Finance Antoine Pinay and President of the Senate Gustave Monnerville calling for European friendship without frontier reservations (*amitié Européenne sans frontières*).

Resolves to ask the United States and other participating Governments to support at the Conference on Security and Cooperation in Europe (CSCE) the following principles in regard to freer movement of people and ideas

(A) Freer movement and contacts among citizens of all states represented at the CSCE, particularly

- (i) Mutual abolition of visa requirements;
- (ii) Free frontier crossing among states of the CSCE for their citizens possessing valid identity cards;
- (iii) Freedom to associate with other citizens of CSCE countries, including receiving them in their private homes;
- (iv) Freedom to settle in the country of their choice provided this right is not abused to escape punishment for common crimes;
- (v) Expansion of youth and student exchanges;
- (vi) Expansion of professional and vocational meetings among the CSCE countries and freedom for all professionals and workers to attend the same in other CSCE countries;
- (vii) Expansion of academic exchange without political selection of exchanges and discrimination against former citizens of the host country.

(B) Freer movement of ideas and reciprocity in cultural exchange among all CSCE countries, particularly

- (i) Free distribution of each other's newspapers, magazines, journals and other periodicals without political censorship;
- (ii) Full reciprocity in cultural and academic exchanges;
- (iii) Full distribution and facilitation of the translation and publication of academic, literary and professional works by authors in other CSCE countries without political censorship and without discrimination against former citizens of the host country.

(3) In regard to the preliminary discussion on Mutual and Balanced Reduction of Forces in Vienna, the American Hungarian Federation is chagrined to hear that the Budapest Government attempts to remove the question of Soviet troops in Hungary from the main agenda by claiming only lim-

ited instead of full participant status at the Vienna talks.

We would ask the United States Government not to agree to such a procedure, as the Soviet troops in Hungary and the Hungarian armed forces form part of the Central European forces of the Warsaw Pact organization, and to do everything in its power to bring about, within the context of the talks, the total withdrawal of Soviet forces from Hungary.

(4) The American Hungarian Federation refers finally to its November 1972 convention Memorandum and again expresses its opinion that in order to bring about a just settlement and a permanent and lasting peace in Europe, the free political development of the countries of East Central Europe must be guaranteed by practical steps, and considers the de facto or de jure neutralization and non-alignment of these countries as the best procedure to ensure their free political development.

Mr. LANDGREBE. Mr. Speaker, I would like to join my colleagues in urging the administration to take all necessary steps to assure that Hungary may participate fully in the upcoming mutual balanced force reduction negotiations in Vienna. I deplore the American and NATO acquiescence to Russian demands that Hungary be relegated to an observer's role in the preliminary negotiations, and I urge the administration to insist on full-participant status for Hungary when the main conference begins this October.

There is no question that the political situation in Europe is in a crucial stage. The concessions made by the West German Government to the U.S.S.R. and her satellites constitutes one of the major danger signs.

Mr. Speaker, it is doubly important that the military situation of NATO not be allowed to deteriorate. The MBFR talks are primarily of a military nature, and in the words of Gen. Lyman L. Lemnitzer, U.S. Army, retired, former Supreme Commander of NATO and former Chairman of the Joint Chiefs of Staff:

It is very difficult to understand from a military point of view the exclusion of Hungary (from the MBFR talks).

Hungary is located in Central Europe, four Soviet divisions are maintained on her soil, and the East had originally accepted the inclusion of Hungary until the start of the Vienna talks. Exclusion of Hungarian territory would grant the U.S.S.R. a "reservation," an unchecked assembly and staging area even after the conclusion of an MBFR agreement.

Politically, the consequences of excluding Hungary from the talks are even more deleterious. The Hungarian nation which in 1956 showed, at the price of almost 40,000 dead and about the same number deported, its devotion to democracy and freedom and its hatred of Soviet occupation, would be sentenced indefinitely to live under that occupation, while the other occupied countries would at least enjoy a reduction of Soviet forces on their soils. The occupied countries could at least benefit from any arms control agreements that come out of the talks with controls over the Russian troops stationed in their territories and could hope for ultimate Soviet withdrawal.

However, Mr. Speaker, in the case of

Hungary, the ongoing struggle of the Hungarian people to achieve more self-determination despite the presence of crushing Soviet strength would be seriously harmed by the failure to allow full Hungarian participation in the Vienna talks. We in the United States who truly support their struggle should not countenance such a development. I realize that the current puppet government of Hungary is controlled by the Russians and that it does not truly represent the Hungarian people; but I feel that it is of overriding importance that the Hungarian Government be accorded the status of full participant in the MBFR talks so that the United States and the representatives of the other free countries may raise a full discussion of the Soviet armed forces in Hungary.

Mr. Speaker, I strongly urge the administration not to let the Hungarian people down and to use its diplomatic leverage to restore Hungary to the status of full participant to the MBFR conference this fall.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

QUOTA ON FRESH ORANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TEAGUE) is recognized for 60 minutes.

Mr. TEAGUE of California. Mr. Speaker, this occasion is taken to report to my colleagues on the recent visit I received from two Japanese officials. They were Mr. Eichi Nakao, parliamentary vice minister of agriculture, and Mr. Akira Arimatsu, vice-director general of agriculture. The visit and subsequent conversation can best be described as amazing.

As you know well, Japan currently maintains import quotas against fresh oranges from the United States. In other words, Japan will not permit fresh oranges grown in the United States to be marketed in Japan with an exception of an inconsequential amount which equals approximately 12,500 tons. The United States produces the best oranges in the world. Citrus from the United States is marketed in both Eastern and Western Europe, the Soviet Union, Canada, and many Asian countries.

Oranges from California and Arizona even find their way into China.

We all know that Japan sells its products here in the United States without regard for our domestic industries. When Japan is exporting its products, it believes in free and open trade. This is true even with regard to oranges. The United States is Japan's largest market for canned Japanese Mikan oranges.

Nearly 5 million cases of these oranges are sold in the United States which represents approximately 40 percent of

Japan's production of this product. Additionally, Japan markets fresh Mikan oranges in Oregon, Washington, Idaho, Montana, Alaska and Hawaii. Japan favors this business and works diligently to increase it.

However, when the United States talks to Japan about selling U.S. oranges in Japan, then the Japanese throw up their hands and indicate that that is an entirely different matter. The Japanese have invented with their normal ingenuity more reasons to prevent U.S. oranges from entering Japan than there are Datsuns and Toyotas in the United States. It is incredible and amazing to listen to Japanese negotiators declare in the same breath that U.S. oranges must be kept out of Japan, but that Japanese oranges must enter the United States.

This reminded me of the Japanese policy prior to World War II. As you will recall, in the 1930's Japan established the Southeast Asia Co-Prosperity Sphere. In reality, this meant that the Japanese got the prosperity and the rest of the countries of Southeast Asia got very little. From this policy and others, the war in the Pacific resulted.

It appears to me now that the Japanese Government may be taking a page out of its history book and is establishing a trade policy I will call the Northern Pacific Co-Prosperity Sphere. Through this policy, Japan is reaping all of the prosperity and the United States, in this instance, is getting very little.

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

Mr. TEAGUE of California. I yield to the gentleman from California.

Mr. SISK. I thank the gentleman for yielding.

The same two Japanese officials to which the gentleman referred also came to my office. It seems to me that describing the position of the Japanese Government as "amazing" is being much too diplomatic. The Japanese are currently enjoying a huge trade surplus with the United States. I do not believe that anyone seriously considers the Japanese propaganda being currently exported to the effect that Japan's trade balance with the United States is changing and that Japan may even suffer a deficit. That is merely another indication of Japan's unrealistic attitude toward the United States.

Just think for a moment about the poor Japanese consumer. The Government of Japan's position on the orange quota actually punishes Japanese consumers and inflicts a heavy penalty upon them indicating that the Government of Japan not only disregards the U.S. interests, but also disregards its own domestic interests. For example, an orange from California which is sold to Japanese importers at a price of about 6 cents apiece is then passed through the distribution chain and sold to the consumer at the retail outlet for approximately 60 to 70 cents per orange. This is a tremendous markup and penalizes the consumer. By removing the quota and increasing the volume of oranges that can be sold in Japan, the effect would be the immediate reduction of the price of oranges in the retail markets.

Proof of this is the fact that the same orange, just described, in the Japanese market sold in Okinawa before the island reverted to Japan for approximately 10 to 15 cents. Now that Okinawa belongs to the Japanese and the Japanese have placed a quota on imports, prices of oranges in Okinawa have risen rapidly.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman from California yield?

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

Mr. TEAGUE of California. Many additional points were discussed, but the one that struck me as emphasizing the weakness of the Japanese position was the fact that it was explained that Japanese orange producers are not competitive. Great care was taken in explaining that many Japanese orange farmers live on farms of 1 or 2 acres. Such a small production could not possibly be competitive and probably is not very productive. What this boils down to is the fact that the Japanese are saying they are afraid to compete with American oranges. In other words, the Japanese only want to have liberal trade where the Japanese have the definite advantage. Where the advantage favors a country other than Japan, the Government of Japan takes the position that there should be no trade or imports.

I wonder what would happen if the United States took the same position with relation to imports from Japan. Perhaps the Japanese could make a calculation to determine what would happen to their sales to the United States if all products where Japan has the competitive edge are placed under quota. If this would result in an unpleasant situation for the Japanese, then Japan may wish to consider removing its quota now. I am advised that Japan would be an excellent orange market. This is especially true during the summertime when Japan has no real orange production of its own. The bulk of the Japanese orange crop is sold by March or April. From that point until the following fall, there are no significant quantities of domestic oranges in Japan. If the U.S. oranges were permitted to enter Japan during this period, Japanese orange producers may benefit through keeping oranges on the Japanese market 12 months out of the year.

Mr. SISK. Mr. Speaker, will the gentleman from California yield?

Mr. TEAGUE of California. I will yield to the gentleman from California.

Mr. SISK. The gentleman makes an excellent point. It is foolish for noncompetitive orange producers to prevent the general population of Japan from eating wholesome fresh oranges.

Mr. TEAGUE of California. Will the gentleman from California yield?

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

Mr. TEAGUE of California. Elaborating on the last point made by the gentleman from California, it has been the experience of U.S. orange marketers that if oranges are on the domestic market 12 months out of the year, consumption is higher than if oranges are only available seasonally. Therefore, the gentleman is correct in stating that allowing U.S.

oranges to enter Japan during the summertime would, in all probability, benefit Japanese orange producers.

Mr. SISK. Will the gentleman from California yield?

Mr. TEAGUE of California. I yield to the gentleman from California.

Mr. SISK. There is another point to be considered in connection with the discussion of the Japanese orange quota. The quota maintained by Japan is illegal under the rules of the General Agreement on Tariffs and Trade. While Japan initiated its quotas legally, because of Japan's balance of payments situation, that situation is no longer the case. Under the rules of GATT, Japan is not permitted to maintain its quotas. If the GATT is to be a meaningful organization and international agreement, Japan must live up to its obligation and remove its illegal quotas.

As everyone knows, there is under discussion right now in a congressional committee the future trade legislation of the United States, the "Trade Reform Act of 1973." This is an extremely liberal proposal particularly in contrast to some other bills which have been introduced to control international trade. But we may find, when this liberal legislation comes to the floor for a vote, that the benefits derived by Japan from its protectionist position may warrant more consideration on our part to see what benefits the United States might derive from a similarly protectionist attitude.

Mr. RHODES. Will the gentleman from California yield?

Mr. SISK. I yield to the gentleman from Arizona.

Mr. RHODES. Continuing the point made by the gentleman from California, I would like to point out that there is a very serious balance-of-payments problem existing between the United States and Japan. The trade surplus running in favor of Japan is quite serious. Japan has indicated that it wants to help the United States end its balance-of-payments problem. If this is true, Japan can prove this fact by taking definitive action such as the removal of the quota on U.S. oranges. Japan has recently contended that United States-Japan trade may become balanced. However, this is based on an unrealistic view using figures taken as the result of a one-time uranium and airplane purchase. Even Japan admits that it is apt to have a \$2.8 billion surplus this year. U.S. figures indicate the surplus is more likely to be in the neighborhood of approximately \$3.3 billion. In any event, both sets of figures prove there is a balance-of-payments problem from the U.S. point of view and that Japan if it really wants to help, can do so by removing the quota on fresh oranges.

RULES OF EVIDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HUNGATE) is recognized for 30 minutes.

Mr. HUNGATE. Mr. Speaker, on February 5 of this year, the Chief Justice of the United States sent to the Congress proposed rules of evidence for use in the

Federal courts. These rules were scheduled to become operative automatically on July 1, 1973.

Because of the complexity of the proposed rules and the need for them to be studied in depth, the Congress enacted Public Law 93-12 to provide that the rules "shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by act of Congress."

The Subcommittee on Criminal Justice—previously known as the Special Subcommittee on Reform of Federal Criminal Laws—of the Committee on the Judiciary held 6 days of hearings, receiving the views of about 50 witnesses, and developing a printed record of almost 600 pages.

In 17 markup sessions, the subcommittee closely considered the 77 proposed rules and their many subdivisions, along with the advisory committee's notes and information independently acquired by the subcommittee.

On May 22, we announced a subcommittee target date of July 1, 1973, for the subcommittee draft to be available for comment. It is now ready. Under leave to extend my remarks, I ask that it be printed immediately following this statement. A committee print will also be circulated. Comment thereon must be in the hands of the subcommittee by July 31, 1973. The committee print will be sent to the Judicial Conference of the United States, the American Bar Association, the State Bar Association in each of the 50 States, the District of Columbia Bar Association, and individuals and organizations of whose interest the subcommittee is aware. Information copies will be submitted to the Supreme Court.

One of the most frequent criticisms heard by the subcommittee in the course of its hearings, with or without justification, was that the Judicial Conference drafts had not been adequately circulated for comment. The subcommittee's tentative draft of the proposed rules is being printed in the CONGRESSIONAL RECORD in an effort to reach as wide a segment of the Nation as possible, and every citizen's Congressman in particular, and to afford all who are interested an opportunity to comment. It is essential that the subcommittee receive these comments not later than July 31, 1973.

Members of Congress are urged to call these important rules to the attention of their constituents. Additional copies may be obtained from the Subcommittee on Criminal Justice, Committee on the Judiciary, House of Representatives, Washington, D.C. 20515 (202-225-3926).

I want publicly to thank the members of the subcommittee—Representatives KASTENMEIER, EDWARDS of California, MANN, HOLTZMAN, SMITH of New York, DENNIS, MAYNE, and HOGAN—for their many hours of diligent work on this important project. Serving as chairman of this dedicated group in its careful consideration of legislation of vital importance to all of our citizens has been one of the most rewarding experiences I have had in Congress.

In closing, may I emphasize again, it is

essential that all those offering comments have such comments in the subcommittee's hands on or before July 31, 1973.

[COMMITTEE PRINT]

June 27, 1973

H.R. 5463

93d Cong., 1st sess., as amended by the Subcommittee on Criminal Justice, House Committee on the Judiciary

Note: Changes proposed by the Subcommittee to the Rules of Evidence as transmitted to the Congress from the Supreme Court are shown as follows: The rules as transmitted are printed in roman; brackets indicate material deleted by the Subcommittee; and italics indicate material added by the Subcommittee.

A BILL To establish [rules of evidence for certain courts and proceedings] the *Federal Rules of Evidence*, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the following rules, which may be cited as the "Federal Rules of Evidence", shall be [] effective six months after the date of the enactment of this Act. [The rules of evidence, to the extent set forth in such rules, in the United States courts of appeals, the United States district courts, the District Court for the District of the Canal Zone, and the District Courts of Guam and the Virgin Islands, and before United States magistrates:]

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RULES OF EVIDENCE FOR UNITED STATES COURTS AND MAGISTRATES

ARTICLE I. GENERAL PROVISIONS

Rule 101. Scope

These rules govern proceedings in the courts of the United States and before United States magistrates, to the extent and with the exceptions stated in rule 1101.

Rule 102. Purpose and Construction

These rules shall be construed to secure fairness in administration, elimination of unjustifiable expense and delay, and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined.

Rule 103. Rulings on Evidence

(a) Effect of erroneous ruling.—Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected, and

(1) Objection.—In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or

(2) Offer of proof.—In case the ruling is one excluding evidence, the substance of the evidence was made known to the judge by offer or was apparent from the context within which questions were asked.

(b) Record of offer and ruling.—The judge may add any other or further statement which shows the character of the evidence, the form in which it was offered, the objection made, and the ruling thereon. He may direct the making of an offer in question and answer form.

(c) Hearing or jury.—In jury cases, proceedings shall be conducted, to the extent practicable, so as to prevent inadmissible evidence from being suggested to the jury by any means, such as making statements or offers of proof or asking questions in the hearing of the jury.

(d) Plain error.—Nothing in this rule precludes taking notice of plain errors affecting substantial rights although they were not brought to the attention of the judge.

Rule 104. Preliminary Questions

(a) Questions of admissibility generally.—Preliminary questions concerning the qualification of a person to be a witness, the existence of a privilege, or the admissibility of evidence shall be determined by the judge, subject to the provisions of subdivision (b). In making his determination he is not bound by the rules of evidence except those with respect to privileges.

(b) Relevancy conditioned on fact.—When the relevancy of evidence depends upon the fulfillment of a condition of fact, the judge shall admit it upon, or subject to, the introduction of evidence sufficient to support a finding of the fulfillment of the condition.

(c) Hearing of jury.—Hearings on the admissibility of confessions shall in all cases be conducted out of the hearing of the jury. Hearings on other preliminary matters shall be so conducted when the interests of justice require or, when an accused is a witness, if he so requests.

(d) Testimony by accused.—The accused does not, by testifying upon a preliminary matter, subject himself to cross-examination as to other issues in the case.

(e) Weight and credibility.—This rule does not limit the right of a party to introduce before the jury evidence relevant to weight or credibility.

Rule 105. Summing Up and Comment by Judge

[After the close of the evidence and arguments of counsel, the judge may fairly and impartially sum up the evidence and comment to the jury upon the weight of the evidence and the credibility of the witnesses,

if he also instructs the jury that they are to determine for themselves the weight of the evidence and the credibility of the witnesses and that they are not bound by the judge's summation or comment.]

Rule 106. Limited Admissibility

When evidence which is admissible as to one party or for one purpose but not admissible as to another party or for another purpose is admitted, the judge, upon request, shall restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 107. 6. Remainder of or Related Writings or Recorded Statements

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require him at that time to introduce any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.

ARTICLE II. JUDICIAL NOTICE

Rule 201. Judicial Notice [of Adjudicative Facts]

[(a) Scope of rule.—This rule governs only judicial notice of adjudicative facts.]

[(b)] (a) Kinds of facts.—A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

[(c)] (b) When discretionary.—A judge or court may take judicial notice, whether requested or not.

[(d)] (c) When mandatory.—A judge or court shall take judicial notice if requested by a party and supplied with the necessary information.

[(e)] (d) Opportunity to be heard.—A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

[(f)] (e) Time of taking notice.—Judicial notice may be taken at any stage of the proceeding.

[(g) Instructing jury.—The judge shall instruct the jury to accept as established any facts judicially noticed.]

ARTICLE III. PRESUMPTIONS In Civil Actions

Rule 301. Presumptions in General in Civil Actions

In all civil [cases] actions not otherwise provided for by Act of Congress or by these rules a presumption imposes on the party against whom it is directed the burden of proving that the nonexistence of the presumed fact is more probable than its existence.

Rule 302. Applicability of State Law in Civil [Cases] Actions

In civil actions, the effect of a presumption respecting a fact which is an element of a claim or defense as to which State law supplies the rule of decision is determined in accordance with State law.

Rule 303. Presumptions in Criminal Cases

[(a) Scope.—Except as otherwise provided by Act of Congress, in criminal cases, presumptions against an accused, recognized at common law or created by statute, including statutory provisions that certain facts are prima facie evidence of other facts or of guilt, are governed by this rule.

[(b) Submission to jury.—The judge is not authorized to direct the jury to find a presumed fact against the accused. When the presumed fact establishes guilt or is an element of the offense or negatives a defense, the judge may submit the question of guilt or of the existence of the presumed fact to the jury, if, but only if, a reasonable juror

on the evidence as a whole, including the evidence of the basic facts, could find guilt or the presumed fact beyond a reasonable doubt. When the presumed fact has a lesser effect, its existence may be submitted to the jury if the basic facts are supported by substantial evidence, or are otherwise established, unless the evidence as a whole negates the existence of the presumed fact.

[(c) Instructing the jury.—Whenever the existence of a presumed fact against the accused is submitted to the jury, the judge shall give an instruction that the law declares that the jury may regard the basic facts as sufficient evidence of the presumed fact but does not require it to do so. In addition, if the presumed fact establishes guilt or is an element of the offense or negatives a defense, the judge shall instruct the jury that its existence must, on all the evidence, be proved beyond a reasonable doubt.]

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of "Relevant Evidence"

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, by Act of Congress, by these rules, or by other rules [adopted] prescribed by the Supreme Court pursuant to statutory authority. Evidence which is not relevant is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible To Prove Conduct; Exceptions; Other Crimes

(a) Character evidence generally.—Evidence of a person's character or a trait of his character is not admissible for the purpose of proving that he acted in conformity therewith on a particular occasion, except:

(1) Character of accused.—Evidence of a pertinent trait of his character offered by an accused, or by the prosecution to rebut the same;

(2) Character of victim.—Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;

(3) Character of witness.—Evidence of the character of a witness, as provided in rules 607, 608, and 609.

(b) Other crimes, wrongs, or acts.—Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. [This subdivision does not exclude the evidence when offered]. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) Reputation or opinion.—In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion.

On cross-examination, inquiry is allowable into relevant specific instances of conduct.

(b) Specific instances of conduct.—In cases in which character or a trait of character of a person is an essential element of a charge, claim or defense, proof may also be made of specific instances of his conduct.

Rule 406. Habit; Routine Practice

(a) Admissibility.—Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

(b) Method of proof.—Habit or routine practice may be proved by testimony in the form of an opinion or by specific instances of conduct sufficient in number to warrant a finding that the habit existed or that the practice was routine.

Rule 407. Subsequent Remedial Measures

When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 408. Compromise and Offers To Compromise

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Payment of Medical and Similar Expenses

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Rule 410. Offer To Plead Guilty; Nolo Contendere; Withdrawn Plea of Guilty

Evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer.

Rule 411. Liability Insurance

Evidence that a person was or was not insured against liability is not admissible upon the issue whether he acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

ARTICLE V. PRIVILEGES

Rule 501. [Privileges Recognized Only as Provided] General Rule

[Except as otherwise required by the Constitution of the United States or provided by Act of Congress, and except as provided in these rules or in other rules adopted by the Supreme Court, no person has a privilege to:

(1) Refuse to be a witness; or

(2) Refuse to disclose any matter; or
(3) Refuse to produce any object or writing; or

(4) Prevent another from being a witness or disclosing any matter or producing any object or writing.]

Except as otherwise required by the Constitution of the United States or provided by Act of Congress or in rules prescribed by the Supreme Court pursuant to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in light of reason and experience: Provided, That in civil actions, with respect to a claim or defense as to which State law supplies the rule of decision the privilege of a witness, person, government, State, or political subdivision thereof shall be determined in accordance with State law.

[Rule 502. Required Reports Privileged by Statute]

[A person, corporation, association, or other organization or entity, either public or private, making a return or report required by law to be made has a privilege to refuse to disclose and to prevent any other person from disclosing the return or report, if the law requiring it to be made so provides. A public officer or agency to whom a return or report is required by law to be made has a privilege to refuse to disclose the return or report if the law requiring it to be made so provides. No privilege exists under this rule in actions involving perjury, false statements, fraud in the return or report, or other failure to comply with the law in question.]

[Rule 503. Lawyer-Client Privilege]

[(a) Definitions.—As used in this rule:

[(1) A "client" is a person, public officer, or corporation, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from him.]

[(2) A "lawyer" is a person authorized, or reasonably believed by the client to be authorized, to practice law in any State or nation.]

[(3) A "representative of the lawyer" is one employed to assist the lawyer in the rendition of professional legal services.]

[(4) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.]

[(b) General rule of privilege.—A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client, (1) between himself or his representative and his lawyer or his lawyer's representative, or (2) between his lawyer and the lawyer's representative, or (3) by him or his lawyer to a lawyer representing another in a matter of common interest, or (4) between representatives of the client or between the client and a representative of the client, or (5) between lawyers representing the client.]

[(c) Who may claim the privilege.—The privilege may be claimed by the client, his guardian or conservator, the personal representative of a deceased client, or the successor, trustee, or similar representative of a corporation, association, or other organization, whether or not in existence. The person who was the lawyer at the time of the communication may claim the privilege but only on behalf of the client. His authority to do so is presumed in the absence of evidence to the contrary.]

[(d) Exceptions.—There is no privilege under this rule:

[(1) Furtherance of crime or fraud.—If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud; or

[(2) Claimants through same deceased client.—As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction; or

[(3) Breach of duty by lawyer or client.—As to a communication relevant to an issue of breach of duty by the lawyer to his client or by the client to his lawyer; or

[(4) Document attested by lawyer.—As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness; or

[(5) Joint clients.—As to a communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between any of the clients.

[Rule 504. Psychotherapist-Patient Privilege

[(a) Definitions.—

[(1) A "patient" is a person who consults or is examined or interviewed by a psychotherapist.

[(2) A "psychotherapist" is (A) a person authorized to practice medicine in any State or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including drug addiction, or (B) a person licensed or certified as a psychologist under the laws of any State or nation, while similarly engaged.

[(3) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the psychotherapist, including members of the patient's family.

[(b) General rule of privilege.—A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications, made for the purposes of diagnosis or treatment of his mental or emotional condition, including drug addiction, among himself, his psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family.

[(c) Who may claim the privilege.—The privilege may be claimed by the patient, by his guardian or conservator, or by the personal representative of a deceased patient. The person who was the psychotherapist may claim the privilege but only on behalf of the patient. His authority so to do is presumed in the absence of evidence to the contrary.

[(d) Exceptions.—

[(1) Proceedings for hospitalization.—There is no privilege under this rule for communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the psychotherapist in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

[(2) Examination by order of judge.—If the judge orders an examination of the mental or emotional condition of the patient, communications made in the course thereof are not privileged under this rule with respect to the particular purpose for which the

examination is ordered unless the judge orders otherwise.

[(3) Condition an element of claim or defense.—There is no privilege under this rule as to communications relevant to an issue of the mental or emotional condition of the patient in any proceeding in which he relies upon the condition as an element of his claim or defense, or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his claim or defense.

[Rule 505. Husband-Wife Privilege

[(a) General rule of privilege.—An accused in a criminal proceeding has a privilege to prevent his spouse from testifying against him.

[(b) Who may claim the privilege.—The privilege may be claimed by the accused or by the spouse on his behalf. The authority of the spouse to do so is presumed in the absence of evidence to the contrary.

[(c) Exceptions.—There is no privilege under this rule (1) in proceedings in which one spouse is charged with a crime against the person or property of the other or of a child of either, or with a crime against the person or property of a third person committed in the course of committing a crime against the other, or (2) as to matters occurring prior to the marriage, or (3) in proceedings in which a spouse is charged with importing an alien for prostitution or other immoral purpose in violation of section 1328 of title 8, United States Code, with transporting a female in interstate commerce for immoral purposes or other offense in violation of sections 2421-2424 of title 18, United States Code, or with violation of other similar statutes.

[Rule 506. Communications to Clergymen

[(a) Definitions.—As used in this rule—

[(1) A "clergyman" is a minister, priest, rabbi, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him.

[(2) A communication is confidential if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

[(b) General rule of privilege.—A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergyman in his professional character as spiritual adviser.

[(c) Who may claim the privilege.—The privilege may be claimed by the person, by his guardian or conservator, or by his personal representative if he is deceased. The clergyman may claim the privilege on behalf of the person. His authority so to do is presumed in the absence of evidence to the contrary.

[Rule 507. Political Vote

Every person has a privilege to refuse to disclose the tenor of his vote at a political election conducted by secret ballot unless the vote was cast illegally.

[Rule 508. Trade Secrets

A person has a privilege, which may be claimed by him or his agent or employee, to refuse to disclose and to prevent other persons from disclosing a trade secret owned by him, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice. When disclosure is directed, the judge shall take such protective measure as the interests of the holder of the privilege and of the parties and the furtherance of justice may require.

[Rule 509. Secrets of State and Other Official Information

[(1) Definitions.—

[(1) Secret of state.—A "secret of state"

is a governmental secret relating to the national defense or the international relations of the United States.

[(2) Official information.—"Official information" is information within the custody or control of a department or agency of the Government the disclosure of which is shown to be contrary to the public interest and which consists of (A) intragovernmental opinions or recommendations submitted for consideration in the performance of decisional or policymaking functions, or (B) subject to the provisions of section 3500 of title 18, United States Code, investigatory files compiled for law enforcement purposes and not otherwise available, or (C) information within the custody or control of a governmental department or agency whether initiated within the department or agency or acquired by it in its exercise of its official responsibilities and not otherwise available to the public pursuant to section 552 of title 5, United States Code.

[(b) General rule of privilege.—The Government has a privilege to refuse to give evidence and to prevent any person from giving evidence upon a showing of reasonable likelihood of danger that the evidence will disclose a secret of state or official information, as defined in this rule.

[(c) Procedures.—The privilege for secrets of state may be claimed only by the chief officer of the Government agency or department administering the subject matter which the secret information sought concerns, but the privilege for official information may be asserted by any attorney representing the Government. The required showing may be made in whole or in part in the form of a written statement. The judge may hear the matter in chambers, but all counsel are entitled to inspect the claim and showing and to be heard thereon, except that, in the case of secrets of state, the judge, upon motion of the Government, may permit the Government to make the required showing in the above form in camera. If the judge sustains the privilege upon a showing in camera, the entire text of the Government's statements shall be sealed and preserved in the court's records in the event of appeal. In the case of privilege claimed for official information the court may require examination in camera of the information itself. The judge may take any protective measure which the interests of the Government and the furtherance of justice may require.

[(d) Notice to Government.—If the circumstances of the case indicate a substantial possibility that a claim of privilege would be appropriate but has not been made because of oversight or lack of knowledge, the judge shall give or cause notice to be given to the officer entitled to claim the privilege and shall stay further proceedings a reasonable time to afford opportunity to assert a claim of privilege.

[(e) Effect of sustaining claim.—If a claim of privilege is sustained in a proceeding to which the Government is a party and it appears that another party is thereby deprived of material evidence, the judge shall make any further orders which the interests of justice require, including striking the testimony of a witness, declaring a mistrial, finding against the Government upon an issue as to which the evidence is relevant, or dismissing the action.

[Rule 510. Identity of Informer

[(a) Rule of privilege.—The Government or a State or subdivision thereof has a privilege to refuse to disclose the identity of a person who has furnished information relating to or assisting in an investigation of a possible violation of law to a law enforcement officer or member of a legislative committee or its staff conducting an investigation.

[(b) Who may claim.—The privilege may

be claimed by an appropriate representative of the Government, regardless of whether the information was furnished to an officer of the Government or of a State or subdivision thereof. The privilege may be claimed by an appropriate representative of a State or subdivision if the information was furnished to an officer thereof, except that in criminal cases the privilege shall not be allowed if the Government objects.

[(c) Exceptions.—

[(1) Voluntary disclosure; informer a witness.—No privilege exists under this rule if the identity of the informer or his interest in the subject matter of his communication has been disclosed to those who would have cause to resent the communication by a holder of the privilege or by the informer's own action, or if the informer appears as a witness for the Government.

[(2) Testimony on merits.—If it appears from the evidence in the case or from other showing by a party that an informer may be able to give testimony necessary to a fair determination of the issue of guilt or innocence in a criminal case or of a material issue on the merits in a civil case to which the Government is a party, and the Government invokes the privilege, the judge shall give the Government an opportunity to show in camera facts relevant to determining whether the informer can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the judge may direct that testimony be taken if he finds that the matter cannot be resolved satisfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer can give the testimony, and the Government elects not to disclose his identity, the judge on motion of the defendant in a criminal case shall dismiss the charges to which the testimony would relate, and the judge may do so on his own motion. In civil cases, he may make any order that justice requires. Evidence submitted to the judge shall be sealed and preserved to be made available to the appellate court in the event of an appeal, and the contents shall not otherwise be revealed without consent of the Government. All counsel and parties shall be permitted to be present at every stage of proceedings under this subdivision except a showing in camera, at which no counsel or party shall be permitted to be present.

[(3) Legality of obtaining evidence.—If information from an informer is relied upon to establish the legality of the means by which evidence was obtained and the judge is not satisfied that the information was received from an informer reasonably believed to be reliable or credible, he may require the identity of the informer to be disclosed. The judge shall, on request of the Government, direct that the disclosure be made in camera. All counsel and parties concerned with the issue of legality shall be permitted to be present at every stage of proceedings under this subdivision except a disclosure in camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity of the informer is made in camera, the record thereof shall be sealed and preserved to be made available to the appellate court in the event of an appeal, and the contents shall not otherwise be revealed without consent of the Government.

[Rule 511. Waiver of Privilege by Voluntary Disclosure

[A person upon whom these rules confer a privilege against disclosure of the confidential matters or communication waives the privilege if he or his predecessor while holder of the privilege voluntarily discloses or consents to disclosure of any significant part of the matter or communication. This rule does not apply if the disclosure is itself a privileged communication.

[Rule 512. Privileged Matter Disclosed Under Compulsion or Without Opportunity To Claim Privilege

[Evidence of a statement or other disclosure of privileged matter is not admissible against the holder of the privilege if the disclosure was (a) compelled erroneously or (b) made without opportunity to claim the privilege.

[Rule 513. Comment Upon or Inference From Claim of Privilege; Instruction

[(a) Comment or inference not permitted.—The claim of a privilege, whether in the present proceeding or upon a prior occasion, is not a proper subject of comment by judge or counsel. No inference may be drawn therefrom.

[(b) Claiming privilege without knowledge of jury.—In jury cases, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of claims of privilege without the knowledge of the jury.

[(c) Jury instruction.—Upon request, any party against whom the jury might draw an adverse inference from a claim of privilege is entitled to an instruction that no inference may be drawn therefrom.]

ARTICLE VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness except as otherwise provided in these rules. However, in civil actions, with respect to a claim or defense as to which State law supplies the rule of decision, the competency of a witness shall be determined in accordance with State law.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that he has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the testimony of the witness himself. This rule is subject to the provisions of rule 703, relating to opinion testimony by expert witnesses.

Rule 603. Oath or Affirmation

Before testifying, every witness shall be required to declare that he will testify truthfully, by oath or affirmation administered in a form calculated to awaken his conscience and impress his mind with his duty to do so.

Rule 604. Interpreters

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that he will make a true translation.

Rule 605. Competency of Judge as Witness

The judge presiding at the trial may not testify in that trial as a witness. No objection need be made in order to preserve the point.

Rule 606. Competency of Juror as Witness

(a) At the trial.—A member of the jury may not testify as a witness before that jury in the trial of the case in which he is sitting as a juror. If he is called so to testify, the opposing party shall be afforded an opportunity to object out of the presence of the jury.

(b) Inquiry into validity of verdict or indictment.—Upon an inquiry into the validity of a verdict or indictment, a juror may not testify [as to any matter or statement occurring during the course of the jury's deliberations or to] concerning the effect of anything upon his or any other juror's mind or emotions as influencing him to assent to or dissent from the verdict or indictment or concerning his mental processes in connection therewith [except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror]. Nor may his affidavit or evidence

of any statement by him [concerning a matter about which he would be precluded from testifying] indicating an effect of this kind be received for these purposes.

Rule 607. Who May Impeach

The credibility of a witness may be attacked by any party, including the party calling him.

Rule 608. Evidence of Character and Conduct of Witness

(a) Opinion and reputation evidence of character.—The credibility of a witness may be attacked or supported by evidence in the form of reputation or opinion, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

(b) Specific instances of conduct.—Specific instances of the conduct of a witness, for the purpose of attacking or supporting his credibility, other than conviction of crime as provided in rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the court, if probative of truthfulness or untruthfulness [and not remote in time], be inquired into on cross-examination of the witness [himself or on cross-examination of a witness who testifies to his character for truthfulness or untruthfulness] (1) concerning his character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross examined has testified.

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of his privilege against self-incrimination when examined with respect to matters which relate only to credibility.

Rule 609. Impeachment by Evidence of Conviction of Crime

(a) General rule.—For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime is admissible if, but only if [the crime (1) was punishable by death or imprisonment in excess of one year under the law which he was convicted under of (2)] (1) the crime involved dishonesty or false statement [regardless of the punishment], or (2) the crime was punishable by death or imprisonment in excess of one year under the law under which he was convicted, unless the judge determines that the danger of unfair prejudice outweighs the probative value of the evidence of the conviction.

(b) Time limit.—Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of conviction or of the release of the witness from confinement [imposed for his most recent conviction, or the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction], whichever is the later date.

(c) Effect of pardon, annulment, or certificate of rehabilitation.—Evidence of a conviction is not admissible under this rule if (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a substantial showing of rehabilitation and the witness has not been convicted of a subsequent crime, or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on innocence.

(d) Juvenile adjudications.—Evidence of juvenile adjudications is generally not admissible under this rule. The judge may, however, in a criminal case, allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility

of an adult and the judge is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

(e) Pendency of appeal.—The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the pendency of an appeal is admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature his credibility is impaired or enhanced.

Rule 611. Mode of Order of Interrogation and Presentation

(a) Control by judge.—The judge shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

(b) Scope of cross-examination.—[A witness may be cross-examined on any matter relevant to any issue in the case, including credibility. In the interests of justice, the judge may limit cross-examination with respect to matters not testified to on direct examination.] *Cross examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The judge may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.*

(c) Leading questions.—Leading questions should not be used on the direct examination of a witness except as may be necessary to develop his testimony. Ordinarily leading questions should be permitted on cross-examination. In civil [cases] actions, a party is entitled to call an adverse party or witness identified with [him] such adverse party and interrogate by leading questions.

Rule 612. Writing Used To Refresh Memory
Except as otherwise provided in criminal proceedings by section 3500 of title 18, United States Code, if a witness uses a writing to refresh his memory for the purpose of testifying, [either before or while testifying] either—

(1) while testifying, or

(2) before testifying, if the court in its discretion determines it is necessary in the interests of justice,

an adverse party is entitled to have [it] the writing produced at the hearing, to inspect it, to cross-examine the witness thereon, and to introduce in evidence those portions which relate to the testimony of the witness. If it is claimed that the writing contains matters not related to the subject matter of the testimony, the judge shall examine the writing in camera, excise any portions not so related, and order delivery of the remainder to the party entitled thereto. Any portion withheld over objections shall be preserved and made available to the appellate court in the event of an appeal. If a writing is not produced or delivered pursuant to order under this rule, the judge shall make any order justice requires, except that in criminal cases when the prosecution elects not to comply, the order shall be one striking the testimony or, if the judge in his discretion determines that the interests of justice so require, declaring a mistrial.

Rule 613. Prior Statements of Witnesses

(a) Examining witness concerning prior statement.—In examining a witness concerning a prior statement made by him, whether written or not, the statement need not be shown nor its contents disclosed to him at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) Extrinsic evidence of prior inconsistent statement of witness.—Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate him thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801 (d) (2).

Rule 614. Calling and Interrogation of Witnesses by Judge

(a) Calling by judge.—The judge may, on his own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

(b) Interrogation by judge.—The judge may interrogate witnesses, whether called by himself or by a party.

(c) Objections.—Objections to the calling of witnesses by the judge or to interrogation by him may be made at the time or the next available opportunity when the jury is not present.

Rule 615. Exclusion of Witnesses

At the request of a party the judge shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and he may make the order of his own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be essential to the presentation of his cause.

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witnesses

If the witness is not testifying as an expert, his testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of his testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to him at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

RULE 704. OPINION ON ULTIMATE ISSUE

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

RULE 705. DISCLOSURE OF FACTS OR DATA UNDERLYING EXPERT OPINION

The expert may testify in terms of opinion or inference and give his reasons therefor without prior disclosure of the underlying facts or data, unless the judge requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

RULE 706. COURT APPOINTED EXPERTS

(a) Appointment.—The judge may on his own motion or on the motion of any party enter an order to show cause why expert witnesses should not be appointed, and may

request the parties to submit nominations. The judge may appoint any expert witnesses agreed upon by the parties, and may appoint witnesses of his own selection. An expert witness shall not be appointed by the judge unless he consents to act. A witness so appointed shall be informed of his duties by the judge in writing, a copy of which shall be filed with the clerk, or at a conference in which the parties shall have opportunity to participate. A witness so appointed shall advise the parties of his findings, if any; his deposition may be taken by any party; and he may be called to testify by the judge or any party. He shall be subject to cross-examination by each party, including a party calling him as a witness.

(b) Compensation.—Expert witnesses so appointed are entitled to reasonable compensation in whatever sum the judge may allow. The compensation thus fixed is payable from funds which may be provided by law in criminal cases and cases involving just compensation under the fifth amendment. In other civil cases the compensation shall be paid by the parties in such proportion and at such time as the judge directs, and thereafter charged in like manner as other costs.

(c) Disclosure of appointment.—In the exercise of his discretion, the judge may authorize disclosure to the jury of the fact that the court appointed the expert witness.

(d) Parties' experts of own selection.—Nothing in this rule limits the parties in calling expert witnesses of their own selection.

ARTICLE VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this article:

(a) Statement.—A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by him as an assertion.

(b) Declarant.—A "declarant" is a person who makes a statement.

(c) Hearsay.—"Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) Statements which are not hearsay.—A statement is not hearsay if—

(1) Prior statement by witness.—The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with his testimony, or (B) consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving him: *Provided, That a prior inconsistent statement under clause (A) shall not be admissible as proof of the facts stated unless it was given under oath and subject to the penalty of perjury at a trial or hearing or in a deposition or before a grand jury; or*

(2) Admission by party-opponent.—The statement is offered against a party and is (A) his own statement, in either his individual or a representative capacity, or (B) a statement of which he has manifested his adoption or belief in its truth, or (C) a statement by a person authorized by him to make a statement concerning the subject, or (D) a statement by his agent or servant concerning a matter within the scope of his agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these rules or by other rules [adopted] prescribed by the Supreme Court pursuant to statutory authority or by Act of Congress.

Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

(1) Present sense impression.—A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

(2) Excited utterance.—A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

(3) Then existing mental, emotional, or physical condition.—A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

(4) Statements for purposes of medical diagnosis or treatment.—Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

(5) Recorded recollection.—A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable him to testify fully and accurately, shown to have been made when the matter was fresh in his memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party.

(6) Records of regularly conducted business or professional activity.—A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, [all in the course of a regularly conducted activity, as shown by the testimony of the custodian or other qualified witness, unless the sources of information or other circumstances indicate lack of trustworthiness.] *if kept in the course of a regularly conducted business or professional activity, and if it was the regular practice of such business or professional activity to make such memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.*

(7) Absence of entry in records [of regularly conducted activity] kept in accordance with the provisions of paragraph (6).—Evidence that a matter is not included in the memoranda, reports, records, or data compilations, in any form, [of a regularly conducted activity] kept in accordance with the provisions of paragraph (6), to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a memorandum, report, record, or data compilation was regularly made and preserved, unless the sources of information or other circumstances indicate lack of trustworthiness.

(8) Public records and reports.—Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law, or (C) in civil [cases] actions and against the Government in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of infor-

mation or other circumstances indicate lack of trustworthiness.

(9) Records of vital statistics. Records or data compilations, in any form, of births, fetal deaths, deaths, or marriages, if the report thereof was made to a public office pursuant to requirements of law.

(10) Absence of public record or entry.—To prove the absence of a record, report, statement, or data compilation, in any form, or the nonoccurrence or nonexistence of a matter of which a record, report, statement, or data compilation, in any form, was regularly made and preserved by a public office or agency, evidence in the form of a certification in accordance with rule 902, or testimony, that diligent search failed to disclose the record, report, statement, or data compilation, or entry.

(11) Records of religious organizations.—Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) Marriage, baptismal, and similar certificates.—Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a clergyman, public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

(13) Family records.—Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.

(14) Records of documents affecting an interest in property.—The record of a document purporting to establish or affect an interest in property, as proof of the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the record is a record of a public office and an applicable statute authorized the recording of documents of that kind in that office.

(15) Statements in documents affecting an interest in property.—A statement contained in a document purporting to establish or affect an interest in property if the matter stated was relevant to the purpose of the document, unless dealings with the property since the document was made have been inconsistent with the truth of the statement or the purport of the document.

(16) Statements in ancient documents.—Statements in a document in existence twenty years or more [whose authenticity] *the authenticity of which is established.*

(17) Market reports, commercial publications.—Market quotations, tabulations, lists, directories, or other published compilations, generally used and relied upon by the public or by persons in particular occupations.

(18) Learned treatises.—To the extent called to the attention of an expert witness upon cross-examination or relied upon by him in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

(19) Reputation concerning personal or family history.—Reputation among members of his family by blood, adoption, or marriage, or among his associates, or in the community, concerning a person's birth, adoption, marriage, divorce, death, legitimacy, relationship by blood adoption, or

marriage, ancestry, or other similar fact of his personal or family history.

(20) Reputation concerning boundaries or general history.—Reputation in a community, arising before the controversy, as to boundaries or customs affecting lands in the community, and reputation as to events of general history important to the community or State or nation in which located.

(21) Reputation as to character.—Reputation of a person's character among his associates or in the community.

(22) Judgment of previous conviction.—Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused. The pendency of an appeal may be shown but does not affect admissibility.

(23) Judgment as to personal, family or general history, or boundaries.—Judgments as proof of matters of personal, family or general history, or boundaries, essential to the judgment, if the same would be provable by evidence of reputation.

(24) Other exceptions.—A statement not specifically covered by any of the foregoing exceptions but having comparable circumstantial guarantees of trustworthiness.]

Rule 804. Hearsay Exceptions: Declarant Unavailable

(a) Definition of unavailability.—"Unavailability as a witness" includes situations in which the declarant—

(1) is exempted by ruling of the judge on the ground of privilege from testifying concerning the subject matter of his statement; or

(2) persists in refusing to testify concerning the subject matter of his statement despite an order of the judge to do so; or

(3) testifies to a lack of memory of the subject matter of his statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of his statement has been unable to procure his attendance or testimony by process or other reasonable means.

A declarant is not unavailable as a witness if his exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

(b) Hearsay exceptions.—The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former testimony.—Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of another proceeding, [at the instance of or against a party with an opportunity to develop the testimony by direct, cross, or redirect examination, with motive and interest, similar to those of the party against whom now offered.] *if the party against whom the testimony is now offered, or a predecessor in interest, had an opportunity to develop the testimony by direct, cross, or redirect examination.*

(2) Statement of recent perception.—A statement, not in response to the investigation of a person engaged in investigating, litigating, or settling a claim, which narrates, describes, or explains an event or condition recently perceived by the declarant, made in good faith, not in contemplation of pending or anticipated litigation in which he was interested, and while his recollection was clear.]

[(3)](2) Statement under belief of impending death.—[A] In a prosecution for homicide or in a civil case, a statement made by a declarant while believing that his death was imminent, concerning the cause or circumstances of what he believed to be his impending death.

[(4)](3) Statement against interest.—A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject him to [civil or] criminal liability [or to render invalid a claim by him against another or to make him an object of hatred, ridicule, or disgrace,] that a reasonable man in his position would not have made the statement unless he believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless [corroborated.] corroborating circumstances clearly indicate the trustworthiness of the statement. A statement or confession offered against the accused in a criminal case, made by a codefendant or other person implicating both himself and the accused, is not admissible.

[(5)](4) Statement of personal or family history.—(A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

[(6) Other exceptions.—A statement not specifically covered by any of the foregoing exceptions but having comparable circumstantial guarantees of trustworthiness.]

RULE 805. HEARSAY WITHIN HEARSAY

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

RULE 806. ATTACKING AND SUPPORTING CREDIBILITY OF Declarant

When a hearsay statement has been admitted in evidence, the credibility of the declarant may be attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with his hearsay statement, is not subject to any requirement that he may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine him on the statement as if under cross-examination.

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

RULE 901. Requirement of Authentication or Identification

(a) General provision.—The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

(b) Illustrations.—By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:

(1) Testimony of witness with knowledge.—Testimony that a matter is what it is claimed to be.

(2) Nonexpert opinion on handwriting.—Nonexpert opinion as to the genuineness of

handwriting, based upon familiarity not acquired for purposes of the litigation.

(3) Comparison by trier or expert witness.—Comparison by the trier of fact or by expert witnesses with specimens which have been authenticated.

(4) Distinctive characteristics and the like.—Appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances.

(5) Voice identification.—Identification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

(6) Telephone conversations.—Telephone conversations, by evidence that a call was made to the number assigned at the time by the telephone company to a particular person or business, if (A) in the case of a person, circumstances, including self-identification, show the person answering to be the one called, or (B) in the case of a business, the call was made to a place of business and the conversation related to business reasonably transacted over the telephone.

(7) Public records or reports.—Evidence that a writing authorized by law to be recorded or filed and in fact recorded or filed in a public office, or a purported public record, report, statement, or data compilation, in any form, is from the public office where items of this nature are kept.

(8) Ancient documents or data compilations.—Evidence that a document or data compilation, in any form, (A) is in such condition as to create no suspicion concerning its authenticity, (B) was in a place where it, if authentic, would likely be, and (C) has been in existence 20 years or more at the time it is offered.

(9) Process or system.—Evidence describing a process or system used to produce a result and showing that the process or system produces an accurate result.

(10) Methods provided by statute or rule.—Any method of authentication or identification provided by Act of Congress or by other rules [adopted] prescribed by the Supreme Court pursuant to statutory authority.

RULE 902. Self-authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(1) Domestic public documents under seal.—A document bearing a seal purporting to be that of the United States, or of any State, district, Commonwealth, territory, or insular possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands, or of a political subdivision, department, officer, or agency thereof, and a signature purporting to be an attestation or execution.

(2) Domestic public documents not under seal.—A document purporting to bear the signature in his official capacity of an officer or employee of any entity included in paragraph (1) hereof, having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer has the official capacity and that the signature is genuine.

(3) Foreign public documents.—A document purporting to be executed or attested in his official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position (A) of the executing or attesting person, or (B) of any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution or attestation. A final certification

may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of official documents, the judge may, for good cause shown, order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification.

(4) Certified copies of public records.—A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by rule or complying with any Act of Congress the custodian or other person authorized to make the certification, by certificate complying with paragraph (1), (2), or (3) of this rule or complying with any act of Congress or rule [adopted] prescribed by the Supreme Court pursuant to statutory authority.

(5) Official publications.—Books, pamphlets, or other publications purporting to be issued by public authority.

(6) Newspapers and periodicals.—Printed materials purporting to be newspapers or periodicals.

(7) Trade inscriptions and the like.—Inscriptions, signs, tags, or labels purporting to have been affixed in the course of business and indicating ownership, control, or origin.

(8) Acknowledged documents.—Documents.—Documents accompanied by a certificate of acknowledgment [under the hand and seal of] executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

(9) Commercial paper and related documents.—Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law.

(10) Presumptions under Acts of Congress.—Any signature, document, or other matter declared by Act of Congress to be presumptively or prima facie genuine or authentic.

RULE 903. Subscribing Witness' Testimony Unnecessary

The testimony of a subscribing witness is not necessary to authenticate a writing unless required by the laws of the jurisdiction whose laws govern the validity of the writing.

ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

RULE 1001. Definitions

For purposes of this article the following definitions are applicable.

(1) Writings and recordings.—"Writings" and "recordings" consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

(2) Photographs.—"Photographs" include still photographs, X-ray films, video tapes, and motion pictures.

(3) Original.—An "original" of a writing or recording is the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the negative or any print therefrom. If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original."

(4) Duplicate.—A "duplicate" is a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical repro-

duction, or by other equivalent technique which accurately reproduces the original.

Rule 1002. Requirement of Original

To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules or by Act of Congress.

Rule 1003. Admissibility of Duplicates

A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

Rule 1004. Admissibility of Other Evidence of Contents

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if—

(1) Originals lost or destroyed.—All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

(2) Original not obtainable.—No original can be obtained by any available judicial process or procedure; or

(3) Original in possession of opponent.—At a time when an original was under the control of the party against whom offered, he was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and he does not produce the original at the hearing; or

(4) Collateral matters.—The writing, recording, or photograph is not closely related to a controlling issue.

Rule 1005. Public Records

The contents of an official record, or of a document authorized to be recorded or filed and actually recorded or filed, including data compilations in any form, if otherwise admissible, may be proved by copy, certified as correct in accordance with rule 902 or testified to be correct by a witness who has compared it with the original. If a copy which complies with the foregoing cannot be obtained by the exercise of reasonable diligence, then other evidence of the contents may be given.

Rule 1006. Summaries

The contents of voluminous writings, recordings, or photographs which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation. The originals, or duplicates, shall be made available for examination or copying, or both, by other parties at a reasonable time and place. The judge may order that they be produced in court.

Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or deposition of the party against whom offered or by his written admission, without accounting for the nonproduction of the original.

Rule 1008. Functions of Judge and Jury

When the admissibility of other evidence of contents of writings, recordings, or photographs under these rules depends upon the fulfillment of a condition of fact, the question whether the condition has been fulfilled is ordinarily for the judge to determine. However, when an issue is raised (a) whether the asserted writing ever existed, or (b) whether another writing, recording, or photograph produced at the trial is the original, or (c) whether other evidence of contents correctly reflects the contents, the issue is for the trier of fact to determine as in the case of other issues of fact.

ARTICLE XI. MISCELLANEOUS RULES

Rule 1101. Applicability of Rules

(a) Courts and magistrates.—These rules apply to the United States District Courts,

the District Court of Guam, the District Court of the Virgin Islands, the District Court for the District of the Canal Zone, the United States Courts of Appeals, and to United States magistrates, in the proceedings and to the extent hereinafter set forth. The word "judge" in these rules includes United States magistrates and referees in bankruptcy.

(b) Proceedings generally.—These rules apply generally to civil actions, including admiralty and maritime cases, to criminal proceedings, to contempt proceedings except those in which the judge may act summarily, and to proceedings and cases under the Bankruptcy Act.

(c) Rules of privilege.—The [rules] rule with respect to privileges [apply] applies at all stages of all actions, cases, and proceedings.

(d) Rules inapplicable.—The rules (other than [those] with respect to privileges) do not apply in the following situations:

(1) Preliminary questions of fact.—The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the judge under rule 104(a).

(2) Grand jury.—Proceedings before grand juries.

(3) Miscellaneous proceedings.—Proceedings for extradition or rendition; preliminary examinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise.

(e) Rules applicable in part.—In the following proceedings these rules apply to the extent that matters of evidence are not provided for in the statutes which govern procedure therein or in other rules [adopted] prescribed by the Supreme Court under statutory authority: the trial of minor and petty offenses by United States magistrates; review of agency actions when the facts are subject to trial *de novo* under section 706(2) (F) of title 5, United States Code; review of orders of Secretary of Agriculture under sections 292, 499f and 499g(c) of title 7, United States Code; naturalization and revocation of naturalization under sections 1421-1429 of title 8, United States Code; prize proceedings in admiralty under sections 7651-7681 of title 10, United States Code; review of orders of Secretary of the Interior under section 522 of title 15, United States Code; review of orders of petroleum control boards under section 715d of title 15, United States Code; actions for fines, penalties, or forfeitures under the Tariff Act of 1930 (19 U.S.C., c. 4, part V), or under the Anti-Smuggling Act (19 U.S.C., c. 5); criminal libel for condemnation, exclusion of imports, or other proceedings under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., c. 9); disputes between seamen under sections 256-258 of title 22, United States Code; habeas corpus under sections 2241-2254 of title 28, United States Code; motions to vacate, set aside, or correct sentence under section 2255 of title 28, United States Code; actions for penalties for refusal to transport destitute seamen under section 679 of title 46, United States Code; actions against the United States for damages caused by or for towage or salvage services rendered to public vessels under chapter 22 of title 46, United States Code, as implemented by section 7730 of title 10, United States Code; review of orders of the Secretary of Agriculture under section 2 of the Act entitled "An Act to authorize associations of producers of agricultural products" approved February 18, 1922 (7 U.S.C. 292), and under sections 6 and 7(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f, 499g(c)); naturalization and revocation of naturalization under sections 310-318 of the Immigration and Nationality Act (8 U.S.C. 1421-1429); prize proceedings in admiralty under sections 7651-

7681 of title 10, United States Code; review of orders of the Secretary of the Interior under section 2 of the Act entitled "An Act authorizing associations of producers of aquatic products" approved June 25, 1934 (15 U.S.C. 522); review of orders of petroleum control boards under section 5 of the Act entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law; and for other purposes", approved February 22, 1935 (15 U.S.C. 715d); actions for fines, penalties, or forfeitures under part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581-1624), or under the Anti-Smuggling Act (19 U.S.C. 1701-1711); criminal libel for condemnation, exclusion of imports, or other proceedings under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301-392); disputes between seamen under sections 4079, 4080, and 4081 of the Revised Statutes (22 U.S.C. 256-258); habeas corpus under sections 2241-2254 of title 28, United States Code; motions to vacate, set aside, or correct sentence under section 2255 of title 28, United States Code; actions for penalties for refusal to transport destitute seamen under section 4578 of the Revised Statutes (46 U.S.C. 679); actions against the United States under the Act entitled "An Act authorizing suits against the United States in admiralty for damage caused by and salvage service rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U.S.C. 781-790); as implemented by section 7730 of title 10, United States Code.

Rule 1102. Title

These rules may be known and cited as the Federal Rules of Evidence.

Sec. 2. Title 28 of the United States Code is amended—

(1) by inserting immediately after section 1656 the following new section:

"§ 1657. Rules of Evidence

"The Supreme Court of the United States shall have the power to prescribe amendments to the Federal Rules of Evidence. Such amendments shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session of Congress but not later than the first day of May, and until the expiration of one hundred and eighty days after they have been so reported; but if either House of Congress within that time shall by resolution disapprove any amendment so reported it shall not take effect. Any provision of law in force at the expiration of such time and in conflict with any such amendment not disapproved shall be of no further force or effect after such amendment has taken effect."; and

(2) by adding at the end of the table of sections of chapter 111 the following new item:

"1657. Rules of Evidence."

SEC. [213]. The Congress expressly approves the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure, which are embraced by the orders entered by the Supreme Court of the United States on November 20, 1972, and December 18, 1972, and such amendments shall take effect six months after the date of the enactment of this Act.

THE FEDERAL EXCESS PROPERTY PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, since 1969, the General Services Administration has made millions of dollars worth of

equipment and supplies available to vocational-technical education programs throughout the United States, under the Federal excess property program. This has been an invaluable assistance to numerous schools, colleges, and community organizations engaged in training the handicapped, veterans, the disadvantaged, and others toward the development of marketable skills.

In the State of Texas alone during the first 6 months of 1972, the vocational, technical, and adult education programs administered by the Texas Education Agency received excess property valued at \$8 million. There is no doubt that these training programs would suffer immeasurably without this equipment, as they could not afford to obtain it from any other source.

Therefore, I wholeheartedly endorse and support the recent resolution passed by the Texas Legislature delineating the position of the entire State of Texas on this important subject. At this point, I would like to make this resolution a part of the RECORD:

SENATE CONCURRENT RESOLUTION

Whereas, The proposed general services administration rule change which would deny excess property to federal grantees has been delayed pending a study of the issue; to effect this study, the Federal Register of November 14, Page 24113, Title 41, Public Contracts and Property Management, states: "The policy on acquisition and use of excess property . . . will continue unchanged, and a study will be conducted and a determination made as to the desirability for modification of this policy"; and

Whereas, Excess property remains available to federal grantees, except in the Department of Health, Education, and Welfare, which on July 14, 1972, issued its own unilateral regulation change denying excess property to grantees under Health, Education, and Welfare programs; and

Whereas, When the federal excess property program was available, more than \$100 million for vocational-technical education programs throughout the United States received marked assistance by securing properties for the purpose of training for the job market; this represented approximately 20 percent of the total expenditures for training of the handicapped, veterans, minority groups, the disadvantaged, and others toward the development of marketable skills; and

Whereas, On January 31, 1973, the Honorable Jim Wright from Texas introduced HR 3523 in the House of Representatives, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property to all qualified federal grantees; now, therefore, be it

Resolved by the Senate of the 63rd Legislature, the House of Representatives concurring, That the Legislature of the State of Texas hereby memorialize the Congress of the United States to take favorable action on the Honorable Jim Wright's HR 3523; and, be it further

Resolved, That a copy of this resolution be forwarded to the President and Vice-President of the United States, and to each senator and representative in congress from Texas with the request that this resolution be officially entered in the Congressional Record as a memorial to the congress.

THE 1973 AMENDMENTS TO THE OCCUPATIONAL SAFETY AND HEALTH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today I am introducing a bill to amend the Occupational Safety and Health Act.

Although I was not a Member of Congress at the time of OSHA's enactment, I am now a member of the Education and Labor Committee which reported the bill, and have had the opportunity to study its legislative background and history. Clearly, State safety laws were inadequate, and statistics on industrial accidents and health hazards made a strong case for Federal intervention. For these reasons, I definitely support the broad concept of the act. However, as sometimes happens when a good piece of legislation is enacted and implemented, we find that language in the law permits or requires certain actions which may be contrary to its original purpose. The Occupational Safety and Health Act of 1970 has, I believe, certain deficiencies which require remedial action.

Employers within my district have indicated to me that the rules and regulations to which they are subjected are often unduly cumbersome, and, in some cases, totally irrelevant. I have found that employers are generally most anxious to comply with the provisions of the law, but, in particular, the small employer has difficulty in understanding and complying with the complex regulations. In spite of these problems, Occupational Safety and Health Administration representatives inspect work premises, issue citations, and fine the employer on the spot, without affording him the opportunity of compliance. These penalties are not solely applicable to cases involving a serious violation, as required by law, but in cases of lesser violation as well.

It is disturbing to me to receive correspondence from my constituents complaining—and justifiably so—about OSHA activities, which, in many cases, amount to blatant harassment. For instance, a dentist in my district recently advised me he was to be investigated by OSHA officials, despite the fact that he employs a small staff of eight individuals, none of whom has ever experienced a work-related accident.

My amendments would not in any way weaken the act, insofar as insuring a safe and wholesome working place for 60,000,000 Americans. They would simply relieve the small businessman of burdensome requirements and insure a more just and realistically applicable law.

One of my amendments would exempt employers with 25 or fewer employees from the provisions of OSHA. Although the number of employees to be exempted from these provisions has been a debatable point, twice last year, through amendments to the Labor-HEW appropriations bill, Congress expressed its support for the principle of exempting small business. Small businesses, by their very nature, cannot cope with the same regulations which are imposed upon large corporations. Thus, the burdens imposed by this act are discriminating against the small employers and curtailing expansion, which, in turn, is causing a reduction in the number of job oppor-

tunities in an already tight job market. The worker, as well as the employer, is therefore suffering.

At the present time, OSHA cannot provide technical assistance through onsite consultations. When an OSHA representative observes a violation during a worksite visit, he is obliged to issue a citation and propose a penalty. For this reason, many employers have declined to seek the advice of OSHA relative to their worksite conditions. One of the amendments which I am proposing today would allow the Department of Labor to conduct consultative visits without penalty to employers of 100 or fewer employees.

I am also proposing an amendment to remove OSHA's discretionary power to assess penalties for nonserious violations discovered on the first inspection. Under the present act, an employer can be fined up to a maximum of \$1,000 for a nonserious violation discovered on the first inspection of his premises, despite the fact that he is totally unaware of the presence of a standard violation. My amendment would not change the act regarding willful or repeated violations.

In the event that an OSHA representative visits a plant and locates a violation, he is required to post a notice indicating this violation. The notice must remain after the situation has been corrected. I consider this a pointless regulation and am therefore proposing that citations for violations need not be posted after the situation has been corrected.

I am introducing an amendment to require OSHA to consider the economic impact of proposed new standards on affected employers and to publish these in the Federal Register, along with a statement summarizing their expected economic impact. This would include an estimate of the total costs to be incurred by each affected industry in compliance with the law. This would result in an awareness by OSHA regarding the costs of proposed new standards and would enable all interested members of the public to measure benefits versus the expected costs.

As you know, guidelines established by various organizations have become inflexible rules with the effect of law—National Consensus Standards. An example of such impertinent regulations is the provision which restricts employers to a red-green switch color code, despite the fact that their employees have been trained to use an alternate system. These restrictions range from roll bars on tractors to coat hangers and toilet tissue in restrooms. This inflexibility prohibits the recognition that there is more than a single approach to the achievement of a safe working environment. A situation which may constitute a safety hazard in a crowded busy plant may not present a hazard in an alternate working environment. The amendment which I am introducing addresses the problems Standards and would require OSHA to created by the National Consensus more fully evaluate the standards to distinguish between hazardous and non-hazardous forms of business.

It is the opinion of the National Small

Business Association and many of my colleagues and constituents that this law, as administered, violates several constitutional rights. The measure is punitive in nature and omits such constitutional protection as trial by jury, proof beyond reasonable doubt, and the right to confront witnesses. We have established an administrative agency which can deem certain conduct to be criminal, which can issue citations and set penalties, and which can operate under the assumption that the accused is guilty until proven innocent.

Our colleague in the Senate, the greatly respected Senator CARL CURTIS, of Nebraska, has introduced an excellent amendment which would make a major alteration in the due process procedures of the act. I am, therefore, introducing a similar amendment in the House.

Under this measure, OSHA inspectors would no longer be compelled to issue set penalties for violations. They would not function in the questionable dual role of administrator-prosecutor. Instead, their inspections would result in the issuance of a citation to the employer, describing in detail any and all violations, prescribing a reasonable time for their abatement, and outlining the action to be taken by the employer to accomplish abatement.

If, within the prescribed period, the employer has not complied, the Secretary of Labor would be required to refer the matter, including a copy of the citation and other supportive data, to the U.S. Attorney General. Where the allegations of the inspection citation appear to warrant, the Attorney General would institute proceedings in the appropriate district court. The court would then conduct a trial de novo to determine the facts and assess the penalties. In the words of the Senator:

The threat of legal proceedings serves as the traditional deterrent to continue violation or refusal to conform with reasonable abatement requirements. On the other hand, traditional guarantees of due process are restored.

At this point, Mr. Speaker, I include the text of my bill:

H.R. 8992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Amendments of 1973."

SEC. 2(a) Section 3(5) of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"(5) The term 'employer' means a person engaged in a business affecting commerce who has employees, but does not include the United States, any State or political subdivision of a State, any nonagricultural employer who employed no more than twenty-five employees at any time during the preceding calendar year, or a small farmer.

(b) Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

(15) The term 'small farmer' means a person who owns or operates a farm who, it can be reasonably predicted on the basis of criteria prescribed by the Secretary, will not employ during the next twelve month period more than twenty-five man years of agricultural labor for which compensation is paid.

SEC. 3. Section 6(b) (2) of the Occupational Safety and Health Act of 1970 is amended by

inserting at the end of the first sentence the following: "Such proposed rule shall be accompanied by a statement summarizing its economic impact on affected employers, including an estimate of the total costs which will be incurred by employers in each affected industry in complying with such rule."

SEC. 4. Section 6 of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall evaluate as soon as practicable after the date of enactment of the Occupational Safety and Health Act Amendments of 1973 existing standards established pursuant to subsection (a) or (b) of this section in order to determine the applicability of each such standard to each class of business concern within each industry or form of business. After such evaluation, affording due notice and opportunity to interested persons to submit written data or comments, the Secretary shall determine as part of each standard, the class or classes of employers to which that standard is applicable and any class of employers to be excluded from the application of that standard, after a determination that the inclusion of any such class would be unreasonable. Such evaluation and determination shall be a part of the establishment of all standards after the effective date of the Occupational Safety and Health Act Amendments of 1973."

SEC. 5. (a) (1) Subsections (b) and (c) of Section 9 of the Occupational Safety and Health Act of 1970 are redesignated as subsections (c) and (d) respectively.

(2) Section 9 is further amended by inserting after subsection (a) a new subsection (b) as follows:

"(b) Any employer who is issued a citation and who believes that he maintains work conditions which would meet the criteria for a variance under Section 6(a) may apply to the Secretary for such a variance. Except where the Secretary finds it frivolous and submitted for the purpose of delay, such application shall result in the suspension of all obligation to abate the violation until a decision on the application has been reached. If a variance is granted, the Secretary shall enter an order vacating such citation."

(b) Section 9(c) of such Act (as redesignated by this section) is amended by adding at the end thereof the following: "Such posting shall not be required after (1) such violation has been abated, or (2) a proceeding contesting such citation has been concluded by an order under sections 9(b), 10(c) or 11 vacating or modifying such citation, whichever comes first: *Provided*, That where such order modifies such citation, the citation as modified shall not be required to be posted after the violation has been abated."

SEC. 6. Section 10 of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"PROCEDURE FOR ENFORCEMENT"

"SEC. 10. (a) If the period specified for the abatement of any violation in a citation issued under Section 9 has passed and the employer has failed to correct the violation for which the citation was issued, the Secretary shall refer the matter, together with all relevant information, to the Attorney General for the institution of proceedings under this Act.

"(b) Any civil action brought under this section shall be brought under the name of the United States in the United States district court for the district where the violation was alleged to have occurred or where the violator has his principal office. In any action brought under this section, trial in district court shall be de novo.

"(c) In assessing civil penalties in accordance with section 17 of this Act, the court

shall give due consideration to the appropriateness of the penalty with respect to the size of the employer being charged, the gravity of the violation, the good faith of the employer being charged, and the history of previous violations.

"(d) Whenever an employer has corrected a violation subject to a citation under section 9 in the period specified in that citation, no action shall be brought with respect to that violation for the enforcement of penalties under section 17 of this Act.

"(e) (1) no person shall discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

"(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he may bring action in any appropriate district court against such person. In any such action, the United States district court shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with backpay.

"(3) Within ninety days of the receipt of the complaint filed under this subsection, the Secretary shall notify the complainant of his determination under paragraph (2) of this subsection."

SEC. 7. (b) Section 21 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d) (1) In order to further carry out his responsibilities under this section, the Secretary shall visit the workplaces of employers who have one hundred or fewer employees for the purpose of affording consultation and advice to such employers. (A) may be conducted only upon a valid request by an employer for consultation and advice at the workplace on the interpretation or applicability of standards or on possible alternative ways of complying with applicable standards, and (B) shall be limited to the matters specified in the request affecting conditions, structures, machines, apparatus, devices, equipment, or materials in the workplace. Where, after evaluating a request by an employer pursuant to this subsection, the Secretary determines that an alternative means of affording consultation and advice is more appropriate and equally effective, he may provide for such alternative means rather than onsite consultation.

"(2) The Secretary shall make recommendations regarding the elimination of any hazards disclosed within the scope of the onsite consultation. No visit authorized by this subsection shall be regarded as an inspection or investigation under section 8 of the Act and no notices or citations shall be issued nor shall any civil penalties be proposed by the Secretary upon such visit, except that nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent danger.

"(3) Nothing in this subsection shall be deemed to require the Secretary to conduct an inspection under section 8 of this Act of any workplace which has been visited for consultative purposes. The failure of the Secretary to give consultation and advise re-

garding any specific matter during a consultation visit shall not preclude the issuance of appropriate citations and proposed penalties with respect to that matter.

"(4) In prescribing rules and regulations pursuant to this subsection, the Secretary shall provide for the appropriate separation of functions between officers, employees or agents who conduct visits pursuant to this subsection and officers, employees or agents who conduct inspections or investigations under this Act."

Sec. 8. The amendments made by this Act shall take effect on the first day of the first month beginning more than sixty days after the enactment of this Act.

WATERGATE

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

Mr. WILLIAMS. Mr. Speaker, in 1968, the National Republican Party nominated and elected Richard M. Nixon as President of the United States. As we approached the 1972 Presidential election, it was obvious that President Nixon's popularity had increased and reelecting him would be a comparatively easy job.

Most Members of Congress were thoroughly astonished when the Committee to Reelect the President—CRP—was set up in late 1971. This occurred at a time when we had an extremely strong National Republican Party with Senator ROBERT DOLE of Kansas as chairman. The Republican Party could easily have reelected President Nixon, and had a good chance to elect a substantial number of new Republican Congressmen and Senators as well.

Yet, the CRP was entirely separate from the Republican Party and had as its goal the election of only one man: The President. The small group of men who perpetrated Watergate and its coverup were officials of the CRP, people hired by the CRP, and some members of the President's staff. None of these people had ever run for Federal office.

The entire philosophy behind the CRP was extremely unusual as the national administration can only function effectively when the majority of the Members of Congress are of the same party as the President. The efforts of the National Republican Party and the congressional committees to elect Congressmen and Senators were hampered by the fact that the CRP collected \$46 million, which was money that would normally have gone to the National Republican Party for the election of all Republicans. Yet, \$41 million of that was spent by the CRP. Today, the President's power rests solely on vetoing bills with the hope that one branch of Congress will sustain his veto.

The Federal Election Reform Act of 1971 did not go into effect until April 7, 1972. This meant that the source of all money collected before April 7, 1972, would not have to be reported. This has never been true in Pennsylvania, as every candidate, or his finance committee, has been required for many years to file a detailed financial report 30 days after each election showing the source of all contributions and all expenditures made.

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Thus, the complete financial reports for my election campaigns are available to the public in the Delaware County Bureau of Elections in Media.

Since the court trials of the seven indicted people did not produce all of the facts concerning the burglary, bungling, and coverup of Watergate, and since some people who were granted questionable immunity are obviously guilty, the Watergate investigation must proceed until the guilty ones are determined and are properly punished under law. Archibald Cox, special prosecutor for Watergate, is completely capable of doing this although the televised Senate hearings could jeopardize Mr. Cox' cases in court.

ENERGY CRISIS

America faces a major energy crisis due to fuel shortages. The Environmental Protection Agency has banned the use of high sulfur-content oil and coal and extensive research is needed to find an efficient method of removing sulfur from crude oil, while it is being refined, and from coal after it is burned.

Large new supplies of petroleum on Alaska's North Slope, estimated to be as extensive as the Arab oilfields, have not been utilized. In-depth studies conducted by the Interior Department prove that an above-ground pipeline can be constructed across Alaska to the ice-free port of Valdez without disturbing the ecology of Alaska. Since the same report holds true of a Canadian route, we must move ahead with the construction of a pipeline as soon as possible.

I have cosponsored a bill to have Congress make a final choice between one of the two routes by January 1974. The Comptroller General will make a 6-month study to determine which route is better. I favor the Alaskan pipeline as it is shorter, less expensive, will give us oil years sooner, and is entirely within the United States.

WAGE TAX PROHIBITION

In May, I introduced a bill, H.R. 7581, to bar wage taxes on nonresidents. It was the first such bill to be introduced in the House during the 93d Congress. Thousands of residents of the Seventh Congressional District work in Philadelphia and are forced to pay a wage tax to the city of Philadelphia. Thousands of Philadelphians who work in Delaware County and other counties are prohibited from paying a wage tax to the municipalities where they work.

Wage taxes on nonresidents are not the answer to the city's problems. Most nonresidents working in the city spend large sums of money in Philadelphia. The large commercial and industrial complexes which employ both city residents and nonresidents are already paying large sums of real estate taxes to Philadelphia, as well as providing other major stimulants to the city economy, such as mercantile taxes. Residents should pay all local taxes where they reside.

Commuters are being taxed to pay for services they never use. Many residents of Delaware County have complained that the municipalities in which they live have raised taxes to provide for a quality education and excellent services where they live, while Philadelphia resi-

dents have not had a commensurate tax increase to pay for similar services. Every effort will be made to see that the bill is reported out of the Ways and Means Committee and passes the House.

NEW DRUG ENFORCEMENT ADMINISTRATION

With my help, Congress has endorsed President Nixon's plan to create a new Drug Enforcement Administration within the Department of Justice. The vote came on a Democratic effort to reject the centralization of drug enforcement activities by attempting to pass House Resolution 382, disapproving this centralization. This was defeated by 130 yeas to 281 nays. The need for a single Federal agency has been clearly established and received my strong support.

In the past few years Federal efforts for strong drug enforcement have increased sharply. At the same time, the increased activity has generated serious operational difficulties and jurisdictional conflicts. To solve these difficulties and conflicts, the President proposed the consolidation of the present functions of the Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and the Bureau of Customs activities involving drug investigations and intelligence.

Major responsibilities for the new Drug Enforcement Administration will include: Developing overall Federal drug law enforcement strategy and programs; investigations of persons suspected of violating Federal drug trafficking laws and those connected with illicit drugs seized at U.S. ports-of-entry and international borders; conducting all relations with drug law enforcement officials of foreign government; cooperating with State and local law enforcement officials on joint law enforcement efforts; and, regulating the legal manufacture of drugs and other federally controlled substances.

ADVISER TO U.S. DELEGATION

It was an honor to be the first Pennsylvania Congressman to attend the annual meeting of the Asian Development Bank. As a member of the House Committee on Banking and Currency, I was selected to advise the U.S. delegation to the sixth annual meeting which was held in Manila, Philippines, April 26-28. Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, headed the U.S. delegation.

The Bank was founded in 1966 to assist developing Asian nations and currently has over \$1 billion outstanding in 118 loans. During a single week, the U.S. delegation traveled over 18,000 miles aboard an Air Force aircraft and visited Alaska, Korea, Manila, and Hickam AFB in Honolulu before returning to Washington.

EXECUTIVE INVOLVEMENT IN WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I introduced yesterday for myself and 16 of my col-

leagues a resolution to urge the Justice Department and other investigative bodies to submit data to the Judiciary Committee relating to Executive involvement in the Watergate matter. The Judiciary Committee would then catalogue the information and determine rules of access for individual Members and any House investigative bodies.

In light of the most recent testimony before the Senate committee, I would like to bring this resolution to the attention of my colleagues. The matter of Executive and Presidential involvement, to an as yet unknown degree, is now under investigation by the Ervin committee. There is no question that the Senate committee and the special prosecutor will do a thorough job of investigating the many allegations. The truth will be uncovered.

There is, however, another aspect of the situation that has not been squarely faced. That is the duty and role of the Members of the House.

The question of Presidential culpability is ultimately one to be resolved by the House of Representatives, as provided for in the Constitution. Our Founding Fathers chose to rest in the House the sole power to impeach the President, Vice President, and all civil officers of the United States for treason, bribery, or other high crimes and misdemeanors.

I do not suggest that we institute impeachment proceedings. I believe that we all share an apprehension of the implications of such proceedings.

It is, however, incumbent upon the Members of the House to be cognizant of all available evidence. It is our constitutional duty to be prepared to examine the facts. The means of examination that I am proposing is an investigation by the House Judiciary Committee. The members of that committee must begin to review those facts that other investigative bodies have compiled. They must examine the most recent testimony relating to the role of the White House in criminal activities.

As I stated last week, there have been statements which indicate White House involvement in political espionage, burglaries, wiretapping, campaign disruption, and illegal use of donated funds under the general heading of Watergate. The most recent testimony before the Senate Select Committee indicates that the President himself was involved in the coverup.

While we cannot afford to take at face value any uncorroborated testimony, we must also keep in mind the White House habit of rendering inoperative its previous statements and denials. Thus, we will all recall that the White House initially flatly denied that Mr. Dean had met many times with the President during the early months of this year. Yet the White House later found—after the production of corroborating evidence—it necessary to render inoperative its previous denial, and declare that Mr. Dean had indeed met with the President, but not to discuss the Watergate affair. The White House has a peculiar history of supplying only that information which the American people already have. In light of this, should the House of Repre-

sentatives, in the face of its awesome responsibility to the American people, ignore all warning signs? Will we later find ourselves in the position of the President, who on May 22, 1973, declared:

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up, and less to the reassurances.

Let us heed the warnings. The activities outlined by witnesses at the Senate hearings, some of which have been admitted by the White House, make it imperative that the House begin inquiry into this matter.

In view of these allegations of offenses, I urge the support of my colleagues for this resolution. We can no longer sit still, fearing the controversial effects and political consequences of action. Our continued silence constitutes an abdication of our constitutional responsibility.

The question of whether the Members of the House will support preliminary investigation is now a matter of duty and, therefore, of conscience.

I plan to reintroduce this resolution after the recess and hope that many of my colleagues will appear as cosponsors.

THE MBFR NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, this is the year of Europe, and vital negotiations are being carried on, not only on the United States-Soviet summit level, but also at the preliminary MBFR Conference in Vienna in regard to troop levels in Europe.

We all welcome the conduct of these negotiations which are aimed at helping to maintain peace and security in Europe at a lesser cost and at increased economic and cultural relations and free exchange of persons between the two halves of Europe.

We also realize the great complexity of any East-West negotiations on security matters, both in view of mutual mistrust and the quantitatively stronger military position of the Warsaw Pact in Europe. We also realize that any MBFR conference must deal effectively with geographic realities and effect a balanced force reduction by both alliances. The withdrawal of United States and Canadian forces to this side of the Atlantic cannot be numerically equated with the withdrawal of Soviet forces to Western Russia, a distance of about 400 to 500 miles from the western edge of the German Democratic Republic.

In this connection I am concerned about the May compromise reached at the Vienna preparatory conference on MBFR. Hungary, originally universally accepted as a Central European participant in any MBFR talks, was limited to a "special observer" status, and her territory was provisionally excluded from the area of projected troop limitation. This was a result of resolute Soviet demand and the reluctant agreement of the Budapest Government in February 1973.

In the words of NATO spokesman van Ufford, Ambassador of the Netherlands,

as the compromise calls for raising the question of the status of Hungary anew before the commencing of major negotiations in October, I am joining my colleagues in urging the administration to use its diplomatic influence with the Soviet Union to have Hungary restored to the conference as a full participant so that a reduction in, and the ultimate withdrawal of, the four Soviet divisions and Soviet tactical air forces in Hungary may be negotiated at the main MBFR conference.

WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, yesterday John Dean gave his opening statement before the Ervin Committee. Its contents were sordid and upsetting—not only with regard to Watergate and the subsequent coverup, but in the overall picture they painted of what James Wechsler has described as "an authentic hysteria within Mr. Nixon's inner circle."

Mr. Wechsler and Mary McGrory, in separate articles in today's New York Post, have ably captured some of the meaning in the Dean statement. I include Ms. McGrory's item in the RECORD at this point and will include that of Mr. Wechsler in tomorrow's RECORD:

CAN NIXON ANSWER?

(By Mary McGrory)

WASHINGTON.—Possibly the President can answer John Dean's testimony. It would be a little like drafting a press release its reply to Eugene O'Neill's "Long Day's Journey Into Night."

It took Dean, slender and self-contained, about six hours to tell all he knew about the madness in the White House. He droned along in a well-bred monotone without interruption. The Senators sat like men sitting on a rooftop during a flood. The caucus room was jammed, mostly with young people wanting to see how a contemporary had handled power that came too soon.

By the time Dean read the last sentence of his 245-page indictment the room was littered with corpses. At least four lawyers seemed ripe for disbarment. White House Press Secretary Ron Ziegler had been decapitated. The reputation of Henry Peterson, the Justice Department official who ran the Watergate Grand Jury had been shredded. Watergate prosecutor Earl Silbert, still at work for the Cox Commission, was no longer "operative."

Two members of the committee, Sens. Howard Baker and Edward Gurney, had been diminished. They sat motionless and impassive as Dean recounted the White House hopes for their compliance.

Haldeman and Mitchell had been reduced to hard-breathing connivers, clumsy and futile John Mitchell, the former Attorney General came out of that landslide looking a fool. At a White House meeting, in March 22, when the demands for hush money ("support money" in Dean's chaste phrase) were rising and he was being set up as a fall guy, he was gruffing that the only problem was the President's stand on executive privilege and trying to make one last fix for a friend—F. Lee Bailey, who was trying to unload a board of gold for a client.

Charles Colson, who has been dancing around the pit these many months, was pushed into the pit by Dean, with relish.

But it was the President who was most

severely damaged. From the awful, densely detailed chronicle he emerged as a man who was as incapable of the Presidency as unworthy of it. The first vignette was of him standing at the White House window, so distraught by the sight of one anti-war picket in Lafayette Park that his underling Dwight Chapin, wanted to dispatch "thugs" to remove the man from the Presidential vision.

The President would be "forgiven," Dean piously suggested at the outset, because he did not understand the implications of his involvement.

It seemed he understood nothing. He sounded rather like a demented monarch, totally removed from reality, calling down vengeance on his enemies, surrounded by imaginary foes threatening to "get" the press for publishing Watergate stories, complaining that the IRS was not sufficiently tormenting his tormentors.

Dean, the supple courtier, who glided smoothly from intrigue to intrigue, had one friend in the lunatic court. It was Richard Moore, silver-haired White House handyman who was his father-confessor, and who agreed with him that the truth should be told.

"Not a viable option" snapped Haldeman.

Dean tried to tell the President that the coverup was coming unstuck, tried to warn him on March 21, of the criminal aspects, tried to shock him by telling him that Watergate was "a cancer on the Presidency" that required immediate surgery.

The President told Dean, who had been busy obstructing justice, "not to worry." He asked about the hush money and said if it went to a million dollars, it was "no problem." And suggested to Dean that it would be an "excellent idea" if Dean gave a briefing to the Cabinet.

He was in a good mood on St. Patrick's Day.

In one of their last conversations, the President offered Dean two letters, both of his own composition. In one, Dean asked for a leave of absence because of his involvement in Watergate. In the second, Dean resigns. The President was "annoyed," Dean reported, when he rejected them both.

Unless Dean is the greatest master of fiction since Tolstol, he must be believed. No one could have manufactured the quotes from so large and diverse a cast of characters.

Did he impeach the President?

Will the country accept the word and documents of a witness who was an accomplice, a willing, unquestioning accomplice, who put in touches of his own at critical moments?

Dean coached Ziegler in lying, rehearsed Magruder in perjury, he skimmed \$4000 off the top of one of the laundered fortunes that passed through his hands. He never rebelled at his villainous orders. He just did not want to go alone, when it all came apart.

OIL PIPELINE REGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I am introducing legislation today to deal with an important aspect of the current gasoline and fuel oil shortage. The amendment to the Interstate Commerce Act, which I am proposing, would make it unlawful for an oil pipeline company, after 1976, to ship its own oil or that of an affiliated company. The amendment is modeled on the railroad commodities clause of the Interstate Commerce Act, which prohibits railroads from dealing in the commodities they carry. This clause was enacted in 1906 to break up the railroads'

monopoly over the coal fields of eastern Pennsylvania and West Virginia. Similar legislation is needed to loosen the tight control that the oil companies exercise over the production, distribution, and marketing of oil.

Scarce petroleum supplies are currently being used to justify higher prices. This approach will not solve the underlying problem, however. It will only postpone the day of reckoning, at great cost to the consumer.

This is not the first time a crisis in the oil industry has been used to justify emergency solutions leading to higher prices and decreased competition. Since World War II, there have been several such crises, notably: the heating oil shortages on the east coast in 1948 and 1952, which were resolved by having voluntary cartels deliver oil at substantially higher prices; the Iranian crises of the early 1950's, which were handled in the same way, through cartel arrangements and higher prices; and the Suez crisis of 1956-57, which was treated in a similar fashion. Although the urgency of the 1957 Suez situation subsided through these means, a crisis atmosphere continued on into the OPEC negotiations of 1970-71, to be resolved again by a cartel arrangement and higher prices. And finally, today, we have the Environment-Alaskan Pipeline-OPEC crisis. As in the past, we are given no alternative but to establish an "allocation program" to mitigate shortages—of course, at higher prices with less competition.

Somewhere in this process we ought to pause to take a long look at a business system which so regularly produces emergencies resulting in protective government intervention and higher prices, and which at the same time continues to show higher profits and faster growth than the rest of the economy.

The petroleum industry at one time could claim at every level of operation a large number of independent operators, who acted in so vigorous a competitive effort that the industry's problem was a glut of oil and oil products, sold at prices not much above real cost. With each crisis and its solution, the effectiveness and number of the independents has waned, while the size, dominance, and market power of the giant concerns has vastly increased.

I propose that we attempt to reverse this trend. No one legislative measure can fully do so, but the pipeline bill I am introducing will go a long way toward restoring a climate in which the potential competitive forces in this industry can be released.

Pipelines have long been recognized as a major trouble spot in oil industry competition. Crude oil and refined products are low in value relative to their weight, and the expense of transportation is an important element of their cost. For land-transport of oil, no other means can compare in cheapness and efficiency to pipelines. In addition to being relatively inexpensive, pipelines are not affected by weather. Their steady rate of flow is particularly well suited to refinery operation, which must go on at a fairly constant rate for maximum efficiency. With pipelines there are not shutdowns for

late delivery of crude oil or for delays in shipping out refined product.

Of all the major industries, only this one has its own transportation system devoted exclusively to hauling its bulk commodities. Within the oil industry, the pipeline system is now wholly controlled by the large integrated companies, who are free, within broad limits, to deny access to the system to lesser competitors or permit access only on payment of penalty costs. It is as if General Motors owned the Interstate Highway System and charged a special toll for all cars that it did not manufacture itself.

The small oil producer or distributor is at the mercy of the big companies. No common warehouse facilities are available to him for input or output storage. To have his shipment accepted by a pipeline, he must provide both tanks for input and for delivery, a requirement that completely excludes occasional shippers and smaller companies. Facilities for input—pumps, valves and meters—normally are not provided for an outside shipper. He must bring his oil to the shipping point established by the pipeline owner for his own shipments and hope that a connection will be available if he pays for it. And, of course, even if a connection is offered, there is no assurance that it will be continued and no means of challenging the pipeline owner's decision to abandon it.

Concern over manipulation of pipeline operation as a means of controlling commodity markets is not new. Ida Tarbell long ago inveighed against Standard Oil's use of pipelines to bludgeon its competitors. Congress, after long argument, tried to end the abuse by the Hepburn Act of 1906 (34 Stat. 584), which declared the pipelines "common carriers," but imposed only a limited degree of regulation upon them. A proposal to apply the commodities clause to pipelines as well as to railroads was narrowly defeated. Senator Nelson of Minnesota observed prophetically during the debate of 1906 that without the commodities clause, the common carrier provision would prove ineffective:

We attempt to regulate the Standard Oil as to the rates it is to charge itself for its own goods, and we would ascertain whether it gave rebates to itself or gave discriminations to itself.

His prophecy proved correct. The Interstate Commerce Commission did not attempt to regulate oil pipelines until 1914, and then only on a limited scale. In 1916 the Federal Trade Commission reported on monopoly problems involved in pipeline operations. Demands by various congressional committees during the 1930's and by the Temporary National Economic Commission in 1940 led to the initiation of protracted hearings before the Interstate Commerce Commission in 1940, which were suspended during the war and renewed thereafter.

Efforts to handle pipeline problems under the antitrust laws have been unsuccessful. Despite the fact that pipeline abuses were among the antitrust offenses with which the Standard Oil trust was charged and found guilty, the decree did not effectively prevent the same offenses

from being committed by the individual companies created upon the trust's dissolution. The omnibus Mother Hubbard case, brought in 1940 against all the integrated oil companies, was suspended during World War II, when it was considered inappropriate to disturb the oil companies' contribution to the war effort. In the postwar period, the case was not resumed. The same problems were addressed in 1950 in United States against Standard Oil Co. of California, a suit which was settled after 9 years, without trial, by a consent decree which did not touch the pipeline problem.

After long study of pipeline problems, Attorney General Rogers in 1959 concluded that these difficulties could be dealt with effectively only through legislation. In his fourth report on the interstate oil compact, the Attorney General stated:

Antitrust litigation can perhaps deal with particular cases of pipeline abuse. But the problem is more far-reaching, covering the broad spectrum of this industry's transportation and buying operations, and singularly suited to legislative action.

I agree that corrective legislation is needed. A similar monopoly situation in the Pennsylvania and West Virginia coal fields was resolved more than 60 years ago when the railroads were prohibited from dealing in the commodities they carried. Before then, the railroads in eastern Pennsylvania would carry only the coal that they themselves owned. In those days there was no alternative to rail transport, and the railroad companies were thus able to fix prices both in the fields and in consumer markets.

The pipelines are an even greater monopoly instrument. Crude oil cannot be bought in the field unless it can be moved. Gasoline marketers cannot compete with product that costs twice as much to transport as that of an integrated competitor. A pipeline is capable of very substantial economies of scale; only small diameter changes, at little added cost, can greatly expand capacity. The Colonial Pipeline, for example, which passes a few miles west of Washington, has a 36-inch diameter and carries a million and a quarter barrels a day of petroleum products. It is owned by a consortium of nine companies, who control more than half the total refining capacity in the U.S. Gulf area and have a correspondingly heavy interest in marketing in the entire Piedmont area between Houston and New York Harbor.

Obviously, these companies are going to use their exclusive advantage in transportation to further their business interests in refining and marketing petroleum products.

Efforts to resolve these problems by antitrust litigation or by prayer have proved futile. We can and must insist, by statute, that the natural monopoly instruments of transport—the pipelines—stand on their own feet. The business of transportation of petroleum, like the distribution of other commodities, should be a separate business and not a means of controlling the commodity market.

The bill I am introducing today, by amending the Interstate Commerce Act, provides a simple and direct way of en-

couraging more competition in an industry that is clearly using the current energy crisis to further its own economic self interests.

The text of the bill follows:

H.R. 8975

A bill to amend the Interstate Commerce Act to provide that no pipe-line company engaged in the transportation of oil may transport oil through its pipe-lines if that company has an interest in such oil

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (8) of section 1 of the Interstate Commerce Act (49 U.S.C. 1(8)) is amended—

(1) by adding "(a)" immediately after "(8)" in such paragraph; and

(2) by adding at the end of such paragraph the following subparagraph to read as follows:

"(b)(1) It shall be unlawful for any pipe-line company subject to the provisions of this chapter to transport to, from, or within any State, Territory or the District of Columbia, any crude oil, or any oil product manufactured from crude oil, which is produced or manufactured by such pipe-line company or by any affiliate thereof.

"(2) For the purposes of this paragraph, the term 'affiliate' includes—

"(A) any person or corporation owned or controlled by such pipe-line company

"(B) any person or corporation which owns a substantial interest in or controls such pipe-line company by—

"(i) stock interest,

"(ii) representation on a board of directors or similar body,

"(iii) contract or agreement with other stockholders, or

"(iv) otherwise; or

"(C) any person or corporation which is under common ownership or control with such pipe-line company.

SEC. 2. This Act shall take effect upon the expiration of the 30-month period which begins on the date of the enactment of this Act.

AGRICULTURE NEEDS PRICE FREEZE RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, American farmers face a crisis.

President Nixon has attempted to meet the growing specter of inflation by declaring a 60-day freeze on all prices, except unprocessed food products at the farm level.

The President has promised to devise new and effective systems of control during this period to control the forces that have accelerated prices in the past few months.

It sounded good that unprocessed food products were left uncontrolled at first glance. But in actuality, it has placed the farmer in a situation approaching disaster in many instances.

I call attention to the oft noted situation where poultrymen are drowning and gassing young chickens because there is no way to recover the money it would cost to feed them. Eggs are being destroyed because they cannot expect, under present circumstances, to provide fryers and broilers to the Nation's market at a break-even point.

Watermelon growers are going to be

severely affected. The buyers cannot pay the prices that were prevailing at the time of the freeze announcement and sell the product at retail at a loss. We all lose in a situation such as this.

Some relief must be given agriculture. Processors have to be given some flexibility in their price structure if we are to prevent many farmers from facing financial ruin during this period.

Mr. Speaker, I am not opposed to the freeze. I applaud the efforts of the President in his determination to do something. It will do little good to criticize blindly.

I urge the Cost of Living Council to make some allowance for agricultural products other than those announced in the freeze. This is a unique situation and becomes even more obvious with every passing day.

Many processors simply cannot pay higher prices for their raw products and sell at depressed prices at the time of the freeze announcement. There has to be some reason to what we do.

If we do not receive some relief, tens of thousands of small businessmen are going to suffer. Thousands of farms are going to come to a virtual standstill, facing financial ruin because they cannot keep up with their continuing obligation.

I urge the strongest possible terms that all persons involved and agencies affected take immediate steps to relieve this situation. It is imperative.

The Cost of Living Council has a difficult task. It has, however, no more urgent task than some relief for agriculture immediately.

LITTLE LEAGUE BASEBALL SHOULD BE OPEN TO GIRLS AS WELL AS BOYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts, Mr. HARRINGTON is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, almost 2 years ago, 12-year-old Sharon Poole of Haverhill, Mass., found that the Little League would not let her play baseball. Not because she could not hit, field, throw, or run, but because she was a girl. It seemed to me at the time to be a clear case of sex discrimination, but I was frustrated in that Congress seemed both powerless and not disposed to correct this inequity. Under the circumstances, I extended my regrets to Sharon at her plight and offered her a much less desirable alternative: A position on my Washington softball team.

Since that time, some Members of Congress have also felt discriminated against by a baseball league, with the departure of the Washington Senators. And since that time, Congress has approved an equal rights amendment to the Constitution guaranteeing the rights of women.

But it took the efforts of Congresswoman MARTHA GRIFFITHS to reveal the connection between baseball and sex discrimination. She has discovered that the Little League is chartered by Congress—Public Law 88-378—and we have simply given it a mandate to exclude girls from their teams. The legislation creating Little League Baseball, Inc., declared as

one of the purposes to promote "citizenship, sportsmanship, and manhood" and "the interest of boys who will participate in Little League baseball." Public resources, in the form of municipal fields and other funds, are being used to partially support an activity which has been mandated by Congress to exclude girls from participation.

It is no wonder that girls like Sharon Poole have found the diamonds of the Little League closed to them. It is time for Congress to correct this inequity, which allows the league to judge ball-players not by their ability to play but by their sex. Thus, I support the efforts of Congresswoman GRIFFITHS, and have today introduced an identical bill revising the Little League charter to foster citizenship and sportsmanship for both boys and girls.

Sharon is now too old to play Little League baseball, but she still wishes she had had the chance. By neglect over the years, Congress has implicitly told the Little League to go ahead and exclude Sharon and other girls from their baseball teams. It is time we disassociate ourselves from that policy, and pass legislation opening up the Little League, along with the rest of our society, to women as well as men on an equal basis.

NEWSLETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, this week I will be sending my second newsletter of this Congress to my constituents. The report covers a number of issues before the Congress, legislation I have introduced, and federally related local issues in which I have been involved. The newsletter also includes a questionnaire polling the opinions of my constituents.

At this time I would like to insert in the CONGRESSIONAL RECORD the full text of the newsletter. It follows:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON, JUNE 1973

DEAR CONSTITUENT AND FELLOW NEW YORKER: As I think many of you may know, on Fridays when Congress is not in session, I am in New York and at 8:00 a.m. I go to a different subway or bus stop in our district for an hour. My purpose is two-fold: constituents tell me what's on their minds and I usually hand out a statement on something I think is important. Recently, I stood at Lexington Avenue and E. 77th Street and a young man in his mid-30's stopped and said, "Congressman, keep protecting us from our government." He was referring, of course, to Watergate.

While I believe our government's institutions have responded well to the Watergate challenge, I share the concern of most over what Watergate says about the values and integrity of the present Administration and its implications for the course of future campaigns if allowed to go unchecked.

Not too long ago I was at home watching the rerun on television of the day's Senate hearings, when I heard the witness, Alfred Baldwin, say he had placed my office along with those of four Senators and three other Representatives under surveillance in May 1972. The others were Senators Javits, Proxmire, Kennedy, and Gravel and Representatives Chisholm, McCloskey, and Abzug. Mr. Baldwin told the Ervin Committee that the

objective of the surveillance was to determine who was going in and out of our offices.

The revelations that the scope of surveillance activities had extended to the visitors of a Congressional office reinforced my feeling that we must seek, as a major priority, to reduce the government's opportunities to engage in such invasions of personal privacy. I take pride in the fact that it was in 1969, long before Watergate, that I first introduced my Federal Privacy Act to permit every citizen, subject to reasonable limitations to see the files the government holds on him. My bill would permit an individual to appeal to a Federal Privacy Board to remove erroneous material and add explanatory statements. The Privacy Board would also be responsible for supervising and limiting the government's collection, maintenance, and dissemination of information on individuals. The opening of files to persons would necessarily reveal any abusive patterns of government activity and better enable the public to monitor potential invasions of privacy.

Recently, I have introduced a bill, H.R. 8432, to bar the CIA from engaging in domestic intelligence activities. Because of the CIA's alleged involvement in the Ellsberg case, it is now being investigated for the first time by a subcommittee of the House Armed Services Committee.

Because of the Watergate scandal some people are calling for immediate impeachment proceedings against the President. I believe, however, that this would be a premature and counter-productive step at this time. The Ervin Committee and the federal grand jury investigating Watergate appear to be doing an effective job in uncovering the facts; necessarily their investigations include an examination of any involvement by the President.

Perhaps most importantly, these inquiries are supported by Republicans and conservative Democrats. What we must avoid is a situation in which liberal Democrats like myself, who have opposed Nixon's policies all along, are alone in pressing for impeachment. This, I fear, would only polarize the country, making our inquiries seem a partisan affair. We would lose the support of persons like Senators Goldwater, Saxbe, and Baker—support that will be needed if impeachment is deemed necessary.

Further, it is important that we seek to uncover all improper activities by government officials, whether or not engaged in by the President, so that we may take steps to prevent their recurrence.

This issue is covered in the questionnaire which starts on page 3. I hope you will share your opinions with me by answering the questions.

All the best for a good summer.

RECENT KOCH BILLS PASSED

H.R. 677: Mandating treatment for drug addicts, in prison or on parole; passed by the House, as part of a package of LEAA amendments, June 18, 1973.

H.R. 689: Prohibiting persons attempting to collect their own debts from misusing the name or symbol of the federal government to convey the false impression that a federal agency is involved; passed by the House June 19, 1973.

H.R. 692: Authorizing the use of Highway Trust Fund moneys for the construction of bicycle lanes and shelters; the provisions of this bill were included in the Senate and House passed highway bills and accepted by the Conference Committee. Conference Committee commented on May 9, 1973.

VETERANS

In an effort to alert the Congress to the problems of veterans of previous wars and the Vietnam era, I have joined with Senator George McGovern in introducing a package of bills to update our veterans programs.

We have proposed the establishment of a

Vietnam Era Veterans Assistance and Opportunity Task Force to coordinate all federal assistance programs available to veterans. Complementary bills increase educational assistance currently available to veterans to provide up to \$1,000 a year for tuition costs, as well as allow an option of \$440 a month in educational subsistence payments for 18 months in lieu of the present \$220 monthly benefits for 36 months. This would merely provide Vietnam veterans with comparable benefits the government provided GIs (such as myself) after World War II.

Some veterans encounter problems in seeking employment because of the hidden code—Separation Program Numbers (SPNs) and re-enlistment numbers—listed on their discharge papers. These numbers can indicate personal characteristics, not necessarily substantiated, such as homosexual tendencies, alcoholism, drug use, and bed wetting. The Department of Defense claims that these numbers are for internal use only, but their meaning has become easily available to employers. We have introduced legislation to ban the use of these numbers on discharge papers.

Senator Walter Mondale has joined with me in introducing yet another bill to allow a veteran to take his case to court on claims disputing a Veterans Administration decision. The bill also raises the limit for attorney fees in veterans' cases from today's unrealistic level of \$10 to \$100. To continue the present fee limitation effectively denies veterans counsel. We believe it is necessary to extend the right of judicial review, enjoyed by everyone else, to veterans. Today, the Veterans Administration is both a party to a dispute and the judge.

WOMEN AND CREDIT

As a member of the Consumer Affairs Subcommittee of the Banking and Currency Committee, I have become particularly concerned about the widespread discrimination that women experience in applying for credit. Last summer it was established in hearings before the National Commission on Consumer Finance that:

1. single women have more trouble obtaining credit, especially mortgage credit, than single men;
2. creditors are often unwilling to extend credit to a married woman in her own name;
3. creditors are often unwilling to count the wife's income when a married couple applies for credit;
4. women are often required to reapply for credit in their husbands' names upon marriage; and
5. women who are divorced or widowed have trouble reestablishing credit.

I first looked into this matter when a colleague complained in Committee about a department store's stopping credit, at her husband's request, which she had authorized for her daughter. Like all other Members of Congress, she has an annual salary of \$42,500.

On May 30, I introduced what I believe to be strong and comprehensive legislation prohibiting discrimination on account of sex or marital status against individuals applying for credit. This bill, The Equal Credit Act (HR 8246), would apply directly to all credit transactions—i.e., to all forms of deferred payment of debt, whether they involve retail credit, mortgages, bank loans or credit cards.

The Equal Credit Act is the first legislative proposal facing squarely the problem of determining the individual's credit worthiness. All too often women are denied credit because "statistical tables" may indicate they are less likely than men to remain continually employed over a period of time. But fundamental changes are now taking place in women's employment patterns. More and more women these days are striving to maintain professional careers. To continue to rely on statistical tables, in a sense, locks women

into the past and fails to take into account the full potential of the changes in the position of women today. For this reason, I have specified in my bill that creditors may not rely on the probability or assumption that an applicant's income may be diminished because of the sex or marital status of the applicant.

Last summer's hearings demonstrated that it was prejudice, rather than business or economic consideration, that constituted the basis of discrimination in credit against women.

QUESTIONNAIRE

(NOTE.—Each choice provided with No. 1 and No. 2 boxes.) (Not shown here.)

The following questions relate to issues of current or prospective consideration by the House. I realize that the matters covered are complex and the alternatives provided are limited. But, such limitations are necessary in a survey of a quarter of a million people. Of course I welcome your additional comments.

A. Do you feel at this time (check one)—

The House should allow the Ervin Committee to continue its investigation and take further testimony before determining whether a formal House inquiry on impeachment is needed?

There is sufficient evidence for the House to appoint a committee of inquiry to consider impeachment proceedings?

The evidence currently available justifies the impeachment of the President and his removal from office?

President Nixon, on his own initiative, should resign from office?

The evidence necessary for impeachment will never be forthcoming?

Impeachment is not warranted even if it is shown that the President gave his consent to the Watergate activities and coverup?

B. In 1972, the Supreme Court ruled that the present discretionary system of imposing the death penalty is unconstitutional. Would you favor a mandatory death penalty, without regard to extenuating circumstances in individual cases, for any of the following crimes:

Kidnapping and consequent death of a child.

Skyjacking of a commercial airplane.

Killing of a police officer or jail guard.

Assassination of a public official or candidate for public office.

(Other):

No death penalty under any circumstance.

C. Assuming we are not successful in sharply reducing defense spending or achieving significant tax reform, would you favor any of the following as part of an over-all fiscal and monetary program to bring inflation under control? (Select one or more)

Surtax on federal income tax (personal & corporate).

Enactment of a value added tax (national sales tax).

Increase in interest rates.

Mandatory system of wage and price controls.

Voluntary system of wage and price controls.

(Other):

Would you favor the enactment of any of the above tax measures to finance expanded social programs? Yes. No.

D. New York City has been threatened by a transit fare increase to 60 cents on January 1, 1974. Assuming that all of the additional revenues needed to stop a fare hike cannot be obtained from the state and federal government alone, would you favor any of the following to keep the fare at 35 cents?

Regional payroll tax.

Surcharge on city income tax.

An increase in operating subsidies from the City treasury.

Tolls on all bridges coming into Manhattan.

(Other):

Accept a fare increase.

Name(s).

Address.

Date.

Please return to: Rep. Edward I. Koch, 1134 Longworth HOB, Washington, D.C. 20515.

THE THIRD AVE. TERMINAL

During the past several months a controversy has arisen over the MTA's plans to construct a new mid-town terminal at Third Ave. and 48th Street for the Long Island Railroad. In formulating its proposal to construct this new terminal at a cost of some \$342 million, the MTA brushed aside the possibility of using Grand Central Station just a few blocks away. Grand Central is now underutilized and provides a convenient nexus for both East and West Side subways and other suburban railroads.

The MTA has requested federal assistance for the project. For federal funds to be granted, all alternative locations must be evaluated. In March, I wrote to Frank C. Herringer, Administrator of the federal Urban Mass Transportation Administration (UMTA), expressing my concern over the inadequacy of the consideration given by the MTA to Grand Central. I urged that a study be commissioned on the feasibility of utilizing Grand Central as the terminus for the LIRR. By letter of April 16, Mr. Herringer assured me that Grand Central would have to be "fully explored" before any federal funds were committed to a mid-town terminal project. I expect that this study of Grand Central Station will commence soon.

The magnitude of funds needed for the proposed terminal is not presently available from the federal government; construction funds are being committed to the Second Avenue subway, the 63rd Street line and rapid transit in Queens.

AVENUE C LOOP

In connection with the Second Avenue subway's construction, I am working with Borough President Percy Sutton and Community Board 3 to get planning and construction underway for the Avenue C Loop. When the Board of Estimate approved the Second Avenue Subway Southern Extension in 1970, it was the community's understanding that the Loop would be built concurrently with the trunkline. Since 1970, the Loop has slipped to a sub-priority position and City funds have been provided for only the trunkline. Construction economics and fairness to the people of the Lower East Side require that the Loop be built at the same time as the southern portion of the Second Avenue subway.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me care of House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 264-1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

The newsletter also includes two pictures. The captions of these pictures read as follows:

This ground breaking on May 17 was the culmination of six years of effort by a community to obtain the reconstruction of St. Catherine's Park at 67th Street and First Ave. The new park will provide areas for handball, tennis, baseball, swinging and sliding, climbing, and quiet sitting. A separate area will be provided for every age group. Reconstruction is being financed by a grant of \$250,000 from the federal government and an equal amount from the City.

At our meeting when we announced the introduction of our Veterans legislation, Senator George McGovern and I were joined by representatives of the Disabled American

Veterans, Jewish War Veterans, American Veterans Committee, National Association of Concerned Veterans, Veterans of Foreign Wars of the United States, and the American Legion.

PLURALISM, FREEDOM, AND THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, not even the latest turn of events in the Watergate hearings was able to crowd yesterday's Supreme Court decision with regard to the constitutionality of private or parochial school tax aid off the front pages. As one of the leading congressional sponsors of this approach to preserving this aspect of our pluralistic society, as the Burke-Ribicoff bill would suggest, needless to say I am deeply disappointed in the decision and can only say that the American taxpayer, and in the final analysis the quality of American life, will be the ones to suffer.

There is nothing new in this Supreme Court decision. The Court based its majority decision on a strict construction of the first amendment to the bill of rights—nothing more, nothing less. I emphasize that a majority of six chose to interpret the first amendment in this manner and it should not be lost sight of that three Justices viewing the same Constitution the same Bill of Rights, the same first amendment, came to a different conclusion and placed a different interpretation on the same first amendment. This has always been the case with Supreme Court decisions. Today's dissenting views often become tomorrow's majority views.

To read Justice Powell, majority decision, one is left with the inescapable impression that the Justice is placing an absolutist interpretation on the first amendment—in other words is taking the language of the first amendment in its strictest, narrowest sense as a virtual and total prohibition of any Government financial relief or assistance to denominational or even nondenominational private education, however indirect.

In other words Powell comes down, at this moment in Supreme Court history, on the side of those who, since the beginning of the republic, have argued that the Bill of Rights is a set of absolute principles which permit no modification or updating to fit the social needs of the moment or the historical evolution of American society. The point I am making is that there have always been two schools of thought about how strictly the Bill of Rights can be interpreted without detriment to the rest of the Constitution and the ability of the country to govern itself—about how far and to what extent the Constitution can protect minority rights without endangering majority rights. For enshrined in our Constitution from the outset—especially with the addition of the Bill of Rights—has been the perpetual dichotomy between the interest of the founding fathers in providing a blueprint or framework for democratic government by majority rule, while at the same time

placing limitations on the same majority rule in order to protect minority rights. As a result, throughout the years the court has been forced to walk a tightrope between these built-in, conflicting concerns which at root are irreconcilable.

Yesterday's opinion would seem to be a declaration that whatever the present realities of life in America of the 1970's may be, whatever the needs of our citizens may be, whatever the increasing burdens on our taxpayers may be, the first amendment means the Government's hands are tied from being of assistance and salvaging what is left of the pluralistic education system in our society.

The irony of the Court's decision yesterday, of course, is that in discouraging indirect Federal assistance to parents of school-age children in this country, in order to prevent the financial collapse of a school system which serves as an alternative to the State-supported public school system, the Court is in effect indicating it has no objection to further erosion of pluralism in our society. Nowhere in our Constitution is it stated that our Government is committed to either a national or local State-operated system or public school education. In fact, education is left to the individual States and there is plenty of evidence to support the contention that this was no accident, but in fact reflected a genuine concern over the danger inherent in a universal system of public education. There was a genuine concern that the State end up controlling the minds of men. In other words, in political theory terms, they rejected Rousseau's plan of government as excessively statist and opted for the more limited government of Locke. In the historical context of the day, their faith in the wisdom of their decision could only have been reinforced by the excesses of the French Revolution and the Bonapartist results of the establishment of a system of State schools in France and the dismantling of the system of church-operated schools. Now apparently the Court is prepared to preside over the dismantling of our dual school system in this country and is accepting with calm and resignation the inevitable triumph of a single system of public education.

In sharp contrast as a principal author of the Burke-Ribicoff bill, I can state categorically that it was never our intent to favor private education over public education, much less to establish a system of church-related schools in place of State-operated schools.

From the outset it was a plan to save what choice there still remains in our society today in the field of primary and secondary education. The same problem is already apparent on the college level; however, my bill is directed only to the primary and secondary school level. Last year's higher education bill permits massive Federal aid to private colleges. In a matter of months, or a couple of years, there will be nothing to fight for. Hundreds of schools will have closed their doors and the local school boards will be hard-pressed to find the means to pick up where our private schools leave off. But I emphasize it is not just a matter of dollars and cents we are fighting for

here, but rather the American freedom of choice, those who feel that the only things standing between this country and tyranny is the Bill of Rights, are ignoring what I feel to be a major safeguard which, while not spelled out specifically in the Bill of Rights, runs throughout the whole Constitution and influenced the drafting of one section of the Constitution after another and that is a heavy bias on the part of the founding fathers for a healthy pluralism whether it be in the form of States, churches, or civic or social organizations and an abhorrence of a monolithic super state. The succeeding waves of immigrants with all their diverse cultures and ethnic backgrounds reinforced this original bias a hundred years later. The uniqueness of the American experiment has always been the ability of our institutions to function and to govern with a diversity of peoples and viewpoints and not at the expense of such diversity. To those who rush today to cheer the court's opinion as a blow for freedom and a reaffirmation of liberty I would caution that this may well have been accomplished at the cost of one of the most valued assets our society has possessed since its earliest days, namely its diversity.

Our Constitution's success has always stemmed from the fact that it is a living document, not a static one. It will only continue to be viable, so long as there is preserved a delicate balance between all its conflicting and competing elements. No feature can be enshrined at the expense of another. Federal or State financial aid is a fact of life today. It need not lead to control or establishment. What we need is more safeguards against such dangers, not flat, outright prohibition.

Consequently because it is so very important to the quality of life in our society today, I serve notice to my colleagues today that I will continue to search for other constitutional means and methods of preserving this country's time-honored freedom of choice in education. I for one was not elected to Congress to preside over the dissolution of the American system of education that has served this country so well and so long and I welcome the support and assistance of men of goodwill in all three branches of Government.

ALTERNATIVE TO WAR POWERS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 10 minutes.

Mr. ECKHARDT. Mr. Speaker, yesterday the House of Representatives began consideration of the war powers resolution. This legislation was drafted by the House Foreign Affairs Committee with the specific intent of restoring the power balance between the Congress and the Presidency in the area of warmaking. The war powers resolution is a response to the growing feeling that in recent years the balance of warmaking power has swung too heavily to the Presidency.

While I share the concern that the President has been permitted to accrue

to the Executive warmaking powers far beyond those envisaged by the Framers of the Constitution, I do not think that House Joint Resolution 542 will accomplish the objective intended. Of course, currently the President's action in committing any U.S. troops to hostilities either at home or abroad must be predicated on his constitutional authority as Commander in Chief and Chief Executive.

Article II, section 2, of the Constitution provides:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; . . .

Though section 8 of House Joint Resolution 542 provides that nothing in the resolution is to be "construed as granting any authority to the President with respect to the commitment of United States Armed Forces to hostilities," et cetera, section 3 of the act is specifically directed toward situations where "the President without a declaration of war by the Congress commits the United States Armed Forces to hostilities."

In my colloquy with the distinguished author of the resolution, the gentleman from Wisconsin (Mr. ZABLOCKI), he confirmed that such a situation as the seizure by U.S. troops of the Port of Vera Cruz—in order to prevent a German merchantman from bringing arms to Huerta—would constitute just such a commitment of U.S. Armed Forces to hostilities as is described in section 3. Clearly, then, if the President could have thus relied on the provisions of House Joint Resolution 542 as authority for such action, at least for the 120 days during which procedures of the statute are to be followed, the resolution does purport to expand the authority of the President, I think, unconstitutionally.

I do not wish in any way in my substitute to thus imply an enlargement of the constitutional authority of the President in the area of warmaking. The substitute, while requiring substantially the same reports as House Joint Resolution 542, avoids such implication.

The distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN) raised another constitutional issue, with which I must disagree in part—see page 21214 of the CONGRESSIONAL RECORD of June 25, 1973. It concerned a situation which would occur when acts referred to in section 3, some of which may be constitutionally exercised by the President without congressional authorization or declaration, have occurred and Congress has not within 120 calendar days enacted a declaration of war or a specific authorization for the use of U.S. Armed Forces. In such event the President is commanded to "terminate any commitment and remove any enlargement of U.S. Armed Forces with respect to which such report was submitted." His constitutional objection is, as I understand it, that Congress has no authority to interfere with certain Presidential prerogatives to command the military and naval forces where such action does not infringe on Congress exclusive preroga-

tives of declaring war and raising and regulating fleets and armies.

I agree with him with respect to his practical objections to the automatic withdrawal of Presidential authority after 120 days.

Such might deprive the President of necessary authority to protect troops exposed to danger by Presidential action which had occurred within the 120 days. But I do not recognize any inherent Presidential authority to commit or enlarge U.S. Armed Forces in direct contravention of congressional policy expressed in an act of Congress. Therefore, the substitute specifically recognizes congressional authority to direct disengagement of such forces.

A further troubling provision of House Joint Resolution 542, one which bristles with constitutional problems, is that contained in section 4(c) on page 4. It provides that:

At any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of Congress, such forces shall be disengaged by the President if the Congress so directs by concurrent resolution.

The reference to "concurrent resolution" rather than "joint resolution" or "act" has come to refer to a type of action which is thought to be immune from Presidential veto. I do not believe that such a "concurrent resolution" could possibly escape the provisions of the third paragraph of section 7, article I, which provides that:

Every Order, Resolution, or Vote to which Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States—

And shall be subject to veto.

The concurrent resolution would be the most typical form of policy action, directed at specific events which would occur long after the enactment of this resolution. It would be conditional solely upon what Congress might deem appropriate then.

In my substitute I have not attempted any legislative sleight of hand to attempt avoidance of the provisions of article I, section 7. I have provided in section 4 that action of the type described in House Joint Resolution 542, section 4(c), be taken by ordinary legislative action. I think that this is as far as we may constitutionally reach to curb Presidential action which can validly be taken without congressional approval. But such is not as limiting as might appear. The passage by the Congress of a joint resolution disapproving Presidential activity would put a President who desired to continue such activity in the position of vetoing and disregarding the will of a majority of both Houses of the Congress—an exceedingly difficult position in regard to matters of war—and veto could moreover be overridden by a two-thirds majority of both Houses in a case of obvious merit.

If it were not overridden it would quite likely prestage congressional withholding of appropriations.

A further objection which I have to the

resolution, though not constitutional, is that it unnecessarily establishes restrictive procedures which Congress must follow if Congress is to assert that there exists no condition of war and that forces should be disengaged because they have been committed without constitutional authority by the President. Congress has such authority now, without enacting a specific statute. Thus, without the statute, Congress could act as peremptorily as its general rules would permit. The situation envisioned would probably require very prompt action, and it would be a grave mistake for Congress to create impediments to a rapid response to presidential overreaching.

The amendment in the nature of a substitute which I shall offer tomorrow avoids all the objectionable features in House Joint Resolution 542 pointed out here. It also meets certain practical objections to the provisions of the resolution. For instance, the resolution would call upon the President to estimate the scope of his commitment or enlargement and to estimate its financial cost within 72 hours after the action was taken. The substitute would remove these features from the time limitation but, on the other hand, would call upon the President to set forth the circumstances necessary for his action and his constitutional and legislative authority immediately upon taking the action.

The substitute also recognizes the President's duty that this law be faithfully executed, and his duty not to trench upon congressional authority under the 11th clause of article I, section 8, of the Constitution is deemed a matter of the highest public trust. A violation of such trust could well constitute a misdemeanor of the highest magnitude.

The provisions of the amendment in the form of a substitute follow:

Amend H.J. Res. 542 by striking all of Section 2, beginning on page 1, line 6, and all thereafter and substituting in lieu thereof the following:

"Sec. 2. The President shall not commit United States Armed Forces to situations in which hostilities are inherent or imminent, or substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation, unless

(1) there has been a declaration of war by Congress, or

(2) there has been action by Congress specifically authorizing such commitment or enlargement of forces, or

(3) in the event that the act of the President is within such constitutional authority as he may possess without any authorizing or declaratory action by Congress, he shall, contemporaneously with such act, inform the Speaker of the House of Representatives and the President Pro Tempore of the Senate the circumstances necessitating his action and the constitutional and legislative provisions under the authority of which he took such action.

"Sec. 3. Within 72 hours after the action referred to in section 2, the President shall submit to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate a report in writing setting forth—

(1) the circumstances necessitating his action;

(2) the constitutional and legislative provisions under the authority of which he took such action; and

(3) such other information as the Presi-

dent may deem useful to the Congress respecting such action.

(b) The President shall promptly respond, in person, through the personal appearance and testimony of the Secretary of State, or in writing, to the request of either House or the Committees of either House respecting

(1) the estimated scope of activities embraced within such commitment or such enlargement of forces;

(2) the estimated financial cost of such commitment or such enlargement of forces; and

(3) such other information as the appropriate agencies of Congress may deem useful in the fulfillment of their respective constitutional responsibilities.

Nothing in this subsection shall lessen the authority of Congress, or of either House, or of the committees of either House to call such witnesses and conduct such hearings and inquiries as they might do were this subsection not in effect.

"Sec. 4. Nothing in this Act—

(1) Shall be construed to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties;

(2) Shall be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party; or

(3) Shall be construed as granting any authority to the President with respect to the commitment of United States Armed Forces to hostilities or to the territory, airspace, or waters of a foreign nation which he would not have had in the absence of this Act.

(4) shall be construed as recognizing the existence of any inherent power of the Presidency to take any act referred to in section 2(3) which is immune from a contrary direction by Congress.

"Sec. 5. (a) Congress declares that care that this law be faithfully executed and that no Executive action circumvent Congress powers under the eleventh clause of article I, section 8 of the Constitution is deemed a matter of highest public trust.

(b) It is the sense of Congress that the President does not inherently possess, in the absence of prior congressional declaration of war or other specific authorization, any power whatever to commit forces or to conduct hostilities, other than the power to take such action as may be required by strict necessity, under circumstances making impossible a congressional determination of the requisite timeliness.

VIENNA NEGOTIATIONS ON MBFR

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, several of my colleagues led by the gentleman from New Jersey (Mr. PATTEN) today are discussing the Vienna negotiations on MBFR.

We are heartened by the fact that the Soviet Union and its allies have accepted the general framework for such talks, and we are pushing ahead toward a mutual balanced reduction of the forces of the Warsaw Pact and NATO in Europe. Agreement will not only strengthen detente and peace and security in Europe but also reduce the arms burden on members of both alliances. It will allow us to reduce the number of our troops in Europe without interfering with NATO strategy and strength.

We are aware of the obstacles still in the way, among them the question of

what a balanced withdrawal means and also the dispute involving participation in the conference and the area to be included. NATO strenuously objected to the Soviet proposal to exclude Hungary and her territory from the MBFR zone. Finally, a compromise was reached not to treat Hungary as a direct participant but as a special participant in the preliminary talks. This compromise was made without prejudice to the status of Hungary at the future main conference or in any MBFR agreements. The West also retained the right to raise the issue at the fall conference.

In my opinion, we should continue along the lines set forth in the compromise and seek to have Hungary admitted to the main conference as a full participant.

FOREIGN INVESTORS LIMITATION ACT

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

Mr. DENT. Mr. Speaker, I rise today to introduce the Foreign Investors Limitation Act, on behalf of myself and Mr. GAYDOS of Pennsylvania; a copy of which will follow my remarks. The purpose of this legislation is to recognize the immediate need for a measure that will address itself to the problem of growing attempts by foreign nationals and corporations to own and control American corporations and American jobs.

Recent monetary developments have created a new climate for substantial investment by foreign investors and it strikes me that excessive investment by foreign nationals or corporations is not in the best interest of this country, and is, in fact, detrimental to its economic well-being. Dollar devaluations of 8.58 percent in December 1971 and 10 percent in February 1973 have given foreign currencies more buying power in the United States. A direct result of those devaluations has been a recent wave of takeover bids by foreign nationals. The June 22, 1973, edition of the Wall Street Journal litanized recent attempts:

A \$195-million bid by an American subsidiary of British-American Tobacco Co. for all 8.5 million shares of Gimbel Brothers Inc., the department-store chain. The British swooped in with a \$23-a-share offer that halted a tender offer by Lowes Corp. for 20 percent of Gimbel's shares at \$16 each.

An Agreement announced yesterday by Uris Buildings Corp. and British Land Co., a London-based property and development concern whereby British Land will offer to buy all eight million shares of Uris for \$14.50 a share. The pact resolved snags that had developed over certain conditions after British Land first proposed on April 23 to seek a tender offer at \$17.50 a share.

An apparently successful bid by Slater-Walker of America Ltd., the merchant-banking arm in the U.S. London's Slater, Walker Securities Ltd., for control of Franklin Stores Corp., a discount-and-apparel-store chain, for nearly \$22 million.

A \$105-million cash acquisition by Nestle Alimentana S.A., the Swiss-based multinational food-products concern, of the Stouffer Corp. division of Litton Industries.

A sharply contested tender offer by Liquifin AG, a unit of Liquigas S.p.A., the Italian industrial and petrochemicals giant, for 2.2

million shares, or 52%, of Ronson Corp. at \$9.50 a share.

The list could also include Zapata Corp.'s court battle to stave off a Norwegian shipowner's tender offer. Or an agreement in principle on the sale of First Western Bank & Trust Co. of Los Angeles, California's eighth largest bank, to Lloyds Bank Ltd. of London. Or the \$21.8 million agreement whereby United Dominions Trust Ltd., Britain's biggest financial house, acquired 90% of Commercial Trading Corp., a privately owned, New York-based commercial financing firm.

The Foreign Investors Limitation Act restricts persons who are not citizens of the United States, foreign nationals, and foreign corporations from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any business in the United States. The act additionally requires the registration of non-U.S. citizens before they can acquire any securities in the businesses of this country.

The bill is not devised to stop foreign investment—35 percent of any corporation is a good investment. It is designed instead to encourage diversification of foreign investment, as well as to more specifically prevent control of American businesses by foreign investors.

It is no less than imperative that we in this body responsibly deal with this very potentially grave problem before it is beyond our control. We must regulate foreign investment in this country so that it works to this Nation's very best advantage and not, as is possible, to our industrial demise.

H.R. —

A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such Act, and for other purposes

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

SEC. 2. The Congress declares that inasmuch as recent international monetary changes have created a new climate for substantial investment by foreign investors in business activity in the United States and inasmuch as excessive foreign investment in American businesses may present dangers to the domestic control of our own industry, it is the purpose of this Act to protect American corporations and workers from foreign control and encourage the diversification of foreign investment in domestic industry by placing certain limitations on such investment as shall be prescribed by this Act.

SEC. 3. The Securities Exchange Act of 1934 is amended by adding after section 12 of such Act the following new section:

"LIMITATIONS ON ACQUISITION OF SECURITIES BY FOREIGNERS"

"SEC. 12A. (a) The Commission shall prohibit, by rule, any person—

"(1) who is not a citizen of the United States; or

"(2) who is owned or controlled by a person who is not a citizen of the United States;

from acquiring, directly or indirectly, more than 5 percent of the voting securities, or more than 35 percent of the nonvoting securities, of any issuer whose securities are registered under section 12 of this Act.

"(b) The Commission shall enforce sub-

section (a) of this section by appropriate rules, prescribed within ninety days of the date of enactment of this section.

"(c) Any person who is not a citizen of the United States, or who is owned or controlled by a person who is not a citizen of the United States, which owns more than the percentages specified in subsection (a) of this section, as of the date of enactment of this section, of such voting or nonvoting securities of any issuer whose securities are registered under section 12 of this Act, may not acquire any more of such securities.

"(d) The Commission shall provide, by rule, for the registration with the Commission of any person who is not a citizen of the United States or is owned or controlled by a person who is not a citizen of the United States before such person acquires any securities of any issuer registered under section 12 of this Act."

SEC. 4. The amendments made by this Act shall take effect immediately, except that section 12A(a) of the Securities Exchange Act of 1934 (as amended by this Act) shall take effect on the earlier of (1) the expiration of the ninety-day period which begins on the date of enactment of this Act or (2) the date on which rules prescribed under section 12A(b) of such Act become effective.

NATIONAL BLOOD BANKING PROGRAM

(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, I am proud to join my friend the distinguished gentleman from California (Mr. VEYSEY) as a cosponsor of his bill to set up a national blood banking program within the Department of Health, Education, and Welfare.

Mr. Speaker, the problem of serum hepatitis is a most serious national problem and I am very much alarmed that 7,500 Americans have died as a result of being infected with diseased blood during the 18-month period just ended. This is a shocking situation which ought not to be allowed to exist. There is no justification for permitting this condition to continue.

Mr. Speaker, this bill has five main goals. They are as follows:

First. To eliminate the buying and selling of blood for profit by establishing an all volunteer blood collection system on a nationwide basis;

Second. To establish a national registry of blood donors to provide a convenient supply of blood in all parts of the United States;

Third. To require that all blood be labeled to indicate whether it was provided by voluntary donors or paid donors;

Fourth. To effect a uniform and well-informed system of blood bank inspection and regulation nationwide;

Fifth. To establish an advisory council to maintain long-term policy, goals and innovations to assure a lasting, volunteer, disease-free blood system;

Mr. Speaker, I know our good friend the very able gentleman from Florida (Mr. ROGERS) who serves with great distinction as chairman of the Subcommittee on Public Health and Environment of the House Interstate and Commerce Committee has a great sense of concern about ending this terrible situation. I

know he will give this bill which I have cosponsored prompt attention.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of South Carolina (at the request of Mr. GERALD R. FORD) for today on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD) for today on account of official business.

Mr. CAMP (at the request of Mr. GERALD R. FORD) for today 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:

Mr. PATMAN, for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. VEYSEY) to revise and extend their remarks and include extraneous material:)

Mr. KEMP for 15 minutes, today.

Mr. WILLIAMS, for 15 minutes, today.

(The following Members (at the request of Mr. STUDDS) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ADDABBO, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. ALEXANDER, for 15 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. ECKHARDT, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 15 minutes, June 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEHMAN and to include extraneous material during debate on H.R. 3877.

Mr. PERKINS and to include extraneous matter.

Mr. STOKES 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 \$382.50.

(The following Members (at the request of Mr. VEYSEY) and to include extraneous matter:)

Mr. ROBINSON of Virginia.

Mr. WYMAN in two instances.

Mr. NELSEN.

Mr. McCLOSKEY.

Mr. KEATING in two instances.

Mr. CONTE.

Mr. WHALEN.

Mr. KEMP in two instances.

Mr. SCHNEEBELI.

Mr. VEYSEY in five instances.

Mr. YOUNG of Florida.

Mr. STEELE.

Mr. BUCHANAN.

Mr. MINSHALL of Ohio.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mrs. GRIFFITHS.

Mr. O'NEILL.

Mr. HANLEY.

Mr. HARRINGTON in two instances.

Mr. EVINS of Tennessee in three instances.

Mr. NIX.

Mr. KARTH in two instances.

Ms. ABZUG in five instances.

Mr. DINGELL in four instances.

Mr. ANNUNZIO in six instances.

Mr. CORMAN.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. STOKES.

Mr. STEPHENS.

Mr. ROY.

Mr. GAYDOS in two instances.

Mr. ROUSH in five instances.

Mr. RIEGLE.

Mr. HAWKINS.

Mrs. SCHROEDER.

Mr. KOCH in two instances.

Mr. ST GERMAIN in two instances.

Mr. WILLIAM D. FORD in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 37. An act to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the office of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the committee on Government Operations.

S. 896. An act to amend the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

S. 2045. An act to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate; to the Committee on Government Operations.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7447. An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1994. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the

President, for his approval, a bill of the House of the following title:

H.R. 7447. An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight) the House adjourned until tomorrow, Wednesday, June 27, 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:

1074. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 8376 of title 10, United States Code, to authorize promotion of a Reserve commissioned officer to a Reserve grade equivalent to the highest grade satisfactorily held while on Active duty upon transfer from Active duty to a Reserve status; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

1075. A letter from the Comptroller General of the United States, transmitting a report of industrial management reviews of defense contractors' operations; Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Select Committee on Crime. Report on reform of our correctional systems; (Rept. No. 93-329). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 466. Resolution providing for the consideration of H.R. 2096. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes (Rept. No. 93-330). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 467. Resolution providing for the consideration of H.R. 8538. A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes (Rept. No. 93-331). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 468. Resolution providing for the consideration of H.R. 8548. A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council of International Economic Policy, and for other purposes (Rept. No. 93-332). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 469. Resolution waiving points of order against the bill H.R. 8916. A bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-333). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 470. Resolution waiving points of order against the bill H.R. 8917. A bill making appropriations for the

Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-334). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 471. Resolution waiving points of order against the bill H.R. 8947. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93-335). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 8971. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 8972. A bill to repeal section 3306 of title 5, United States Code, to eliminate the requirement of apportionment of appointments in the departmental service in the District of Columbia; to the Committee on Post Office and Civil Service.

By Mr. CRONIN:

H.R. 8973. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for young people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 8974. A bill to amend the Commodity Exchange Act, as amended; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 8975. A bill to amend the Interstate Commerce Act to provide that no pipeline company engaged in the transportation of oil may transport oil through its pipelines if that company has an interest in such oil; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 8976. A bill to exempt certain property from taxation in the District of Columbia; to the Committee on District of Columbia.

By Mr. GIBBONS (for himself, Mr. HALEY, Mr. SIKES, Mr. YOUNG of Florida, Mr. BENNETT, Mr. BAPALIS, Mr. BURKE of Florida, Mr. CHAPPELL, Mr. FASCELL, Mr. FUQUA, Mr. GUNTER, Mr. LEHMAN, Mr. PEPPER, Mr. ROGERS, and Mr. FREY):

H.R. 8977. A bill to establish in the State of Florida the Egmont Key National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON:

H.R. 8978. A bill to amend the act to incorporate Little League Baseball to provide that the league shall be open to girls as well as to boys; to the Committee on the Judiciary.

By Mr. HOSMER (for himself and Mr. KEATING):

H.R. 8979. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Oklahoma:

H.R. 8980. A bill to amend the National

Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 8981. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

By Mr. MCKINNEY:

H.R. 8982. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 8983. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. VEYSEY (for himself, Mr. ADAMO, Mr. BINGHAM, Mr. BRASCO, Mr. BROYHILL of North Carolina, Mr. CLEVELAND, Mr. DOMINICK V. DANIELS, Mr. DAVIS of Georgia, Mr. DERWINSKI, Mr. EILBERG, Mr. ESCH, Mr. ESHLEMAN, Mr. GERALD R. FORD, Mr. FRASER, Mr. GUBSER, Mr. GUDE, Mr. HELSTOSKI, Mr. HARRINGTON, Mr. HINSHAW, Mr. HORTON, Mr. KEATING, Mr. KEMP, Mr. K. TCHUM, Mr. KING, and Mr. KOCH):

H.R. 8984. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. ABZUG, Mr. BLACKBURN, Mr. BROTZMAN, Mr. BURGNER, Mr. COUGHLIN, Mr. GILMAN, Mrs. GRASSO, Mr. HANNA, Mr. MINSHALL of Ohio, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. QUITE, Mr. REES, Mr. RINALDO, Mr. ROSENTHAL, Mr. WHITEHURST, Mr. YATRON, and Mr. MURPHY of Illinois):

H.R. 8985. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSY (for himself, Mr. BAKER, Mrs. GREEN of Oregon, Mr. FRENZEL, Mr. HARSHA, Mr. HOSMER, Mr. LENT, Mr. McDADA, Mr. MCFALL, Mr. MAZZOLI, Mr. O'HARA, Mr. PETTIS, Mr. RODINO, Mr. ROE, Mr. SEIBERLING, Mr. STEELE, Mr. TIERNAN, Mr. WARE, Mr. BOB WILSON, Mr. CHARLES H. WILSON of California, Mr. WINN, Mr. WRIGHT, Mr. YATES, Mr. WON PAT, and Mr. COHEN):

H.R. 8986. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself, Mrs. BOGGS, Mr. DAVIS of Georgia, Mr. GUDE, Mr. JOHNSON of Pennsylvania, Mr. McDADA, Mr. PEPPER, and Mr. SARBANES):

H.R. 8987. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

By Mr. ZWACH:

H.R. 8988. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating

to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 8989. A bill to provide for the promotion and supervision of interscholastic and other organized amateur athletic competition and of the participation of American athletes in international amateur athletic competition; to the Committee on Education and Labor.

By Mr. FROELICH:

H.R. 8990. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 8991. A bill to exempt from taxation certain property in the District of Columbia owned by the Washington Theater Club, Inc., and for other purposes; to the Committee on the District of Columbia.

By Mr. KEMP:

H.R. 8992. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. RIEGLE:

H.R. 8993. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohibit unfair and deceptive sales and other anticompetitive practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia (for himself and Mr. MCCOLLISTER):

H.J. Res. 639. Joint resolution authorizing the President to proclaim the last complete calendar week in April of each year as "National Secretaries' Week" and to proclaim Wednesday of such week as "National Secretaries' Day"; to the Committee on the Judiciary.

By Mr. CRONIN:

H.J. Res. 640. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by three-fourths vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 641. Joint resolution proposing an amendment to the Constitution permitting the States to regulate nondenominational prayer in their public buildings; to the Committee on the Judiciary.

By Mr. GUBSER (for himself, Mr. ASPIN, and Mr. COLLINS of Texas):

H.J. Res. 642. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

By Mr. CRONIN:

H. Con. Res. 259. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. HALEY:

H. Con. Res. 260. Concurrent resolution to encourage national consumer effort to save gas and arrive alive; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 8994. A bill for the relief of Knickerbocker Hospital, New York City; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 8995. A bill to authorize the Carnegie

Endowment for International Peace to use certain real estate in the District of Columbia as the Endowment's Washington offices; to the Committee on the District of Columbia.

By Mr. JONES of Alabama:
H.R. 8996. A bill for the relief of the estate of Clarence Schrimsher; to the Committee on the Judiciary.

By Mr. ROY:
H.R. 8997. A bill for the relief of Rev. Ernest E. Thompson; to the Committee on the Judiciary.

SENATE—Tuesday, June 26, 1973

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. RUSSELL B. LONG, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, we thank Thee for the gift of this good land, and for the hosts of good people who walk not in the ways of the evil but in paths of righteousness and truth. Hasten the day when all men live according to Thy precepts, when none shall prey on others, where vice and poverty shall cease to fester, where success is founded on service, where honor is given to worth alone, where order need no longer rest on force but on the love of all for their land. Confirm and strengthen those who live by Thy word. Redeem those who sin against Thee and their fellow man. Make us a nation cleansed and renewed for Thy service. And here offer to Thee our time and strength and thought to advance the coming of Thy kingdom of peace and goodwill.

Through Jesus Christ, our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RUSSELL B. LONG, a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LONG thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 25, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. LONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ORDER OF BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

THE F-14: TIME FOR A THOROUGH REASSESSMENT

Mr. PROXMIRE. Mr. President, for a number of years I have been following the F-14 program, and I have become highly skeptical that the F-14 will provide any significant return on the dollar.

Again this year I would like to discuss the F-14 with regard to certain specific points for only by a full understanding of the ancillary arguments can the F-14 be properly evaluated.

I offer the following remarks in the hope that these issues will be extensively examined by the relevant committees of the Senate.

There are four issues that cast doubt on the wisdom of proceeding with the F-14. The first of these is the question of mission.

MISSION: HIGH-THREAT CARRIER PROTECTION

The F-14 with its weapon system, the Phoenix standoff missile, is a sophisticated fleet air defense system. About that there is no argument. In terms of com-

plexity, there is no comparison with any other fighter in the world. The F-14 and Phoenix have been designed to provide protection against a coordinated, advanced attack from standoff ranges both in the air and off the surface. Leaving aside for a moment the question of actual capability, it is clear that the F-14 is intended to face the most determined threat on the seas. If it were not, it simply would not require the complex fire-control system and multishot capability of the Phoenix. For years now the F-14 has been described to Congress as the only aircraft capable of defending against a sophisticated attack.

Now this raises an often overlooked but critical point. If the F-14 is designed for this advanced threat, under what conditions would this capability be utilized?

Certainly it would not be necessary around South America or Africa. Much of the Pacific likewise is free from the threat of attack by a technologically advanced power. The same goes for off the China coast and for Southeast Asia. The Indian Ocean contains no threat of this nature.

In fact, the F-14 with its highly complex defensive system is intended only for use against a massive Soviet attack on our carriers. This is likely to materialize only in two specific regions: In the eastern Mediterranean and in the Baltic area. The F-14 then is a highly specialized weapon system whose capabilities, on paper at least, are tailored for operation in limited circumstances.

I would inquire of the Pentagon just how the F-14 could be used cost-effectively in the developing world. Is the F-14 the best plane for carrier defense against the low-threat areas of Africa or South America. Is it necessary there? If not, just where is it expected to be employed with maximum effectiveness? How plausible are those assumptions? Is carrier defense in a high-threat area possible under any conditions?

It is quite likely that the entire fleet need not be equipped with F-14's. Since we already have 134 planes on order, it will be possible to deploy this number on the few carriers we operate in high-threat zones.

Surely we do not need a \$19.2 million plane to influence the developing nations or show the flag or create an American presence. We would only need it to fight the Soviet Union at sea and that contingency is not very plausible in itself.

Too often the F-14 program is justified without suitable reference to the primary mission of carrier defense and analysis of the overall carrier vulnerability problem.

The U.S. carrier fleet is faced with a military dilemma. In time of crisis and